

FINAL ENVIRONMENTAL IMPACT REPORT JANUS SOLAR AND BATTERY STORAGE PROJECT



**COUNTY OF COLUSA
COMMUNITY DEVELOPMENT DEPARTMENT
220 12th Street
Colusa, California 95932
State Clearinghouse No. 2024061043
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**JANUS SOLAR AND BATTERY STORAGE PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT
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1 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Report (Final EIR) (State Clearinghouse No. 2024061043) is an informational document which examines and discloses the potential impacts of the Janus Solar and Battery Storage Project (Project), as proposed by Janus Solar PV, LLC (Applicant), a subsidiary of RWE Solar Development, LLC. Colusa County (County) will rely on the findings of this EIR, along with all other information in the formal record, to decide whether to approve, approve with modifications, or disapprove the application for the Conditional Use Permit as requested for the Project (UP PD-24-24).

The Final EIR consists of the Draft Environmental Impact Report (Draft EIR) published September 27, 2024, and responses to comments, as provided in Chapter 2. The Draft EIR and a digital copy of this Final EIR are contained on a flash drive on the cover of printed copies of this Final EIR and are available for viewing at the Community Development Department and local public libraries. An electronic version is available at the Colusa County's Community Development Department's website.

The County is the lead agency for reviewing the potential environmental impacts of the Project pursuant to the California Environmental Quality Act (CEQA) and directed the preparation of this Final EIR. The County will use this Final EIR, along with any other information developed in the County's formal record, when considering whether to certify the Final EIR and whether to approve the Applicant's CUP application to the County Development Department.

The Draft EIR detailed the Project; evaluated and described the potential environmental impacts associated with Project construction, and operation and maintenance; identified those impacts that have the potential to be significant; and presented mitigation measures that would avoid or minimize impacts, if adopted. The Draft EIR also evaluated alternatives to the Project, including the Distributed Solar Alternative, Solar Only, Undergrounded Gen-Tie Line, Northeast Site Alternative, and the CEQA-required No Project Alternative.

1.2 INTENDED USE OF THE EIR

The EIR is intended to evaluate the potential environmental impacts that a proposed project may have to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to analyze all planning and permitting actions associated with the proposed Project. For detailed information on the proposed project, please refer to Chapter 2, Project Description of the Draft EIR, which provides a discussion of the proposed Project.

1.3 ORGANIZATION OF THE FINAL EIR

As required by CEQA Guidelines 15132, this Final EIR consists of the following elements:

1. The Draft EIR;
2. Comments received on the Draft EIR;

3. A list of persons, organizations, and public agencies that commented on the Draft EIR;
4. The County's responses to significant environmental points raised in the review and consultation process;
5. Other information added by the County; and
6. Minor revisions to the Draft EIR.

2 COMMENTS AND RESPONSES TO COMMENTS

2.1 COMMENTS RECEIVED

2.1.1 Hearing Comments

On October 30, 2024, the Planning Commission conducted a public hearing to receive public verbal comments on the Project's Draft Environmental Impact Report (Draft EIR) (SCH #2024061043), and provide any Commission verbal comments on the Draft EIR. This Final EIR includes the official transcript from the October 30, 2024, hearing and responses to the verbal comments provided by the public and Commission at the hearing.

2.1.2 Comment Letters

The following individuals and agencies provided comments on the Draft EIR:

Letter	Agency/Interested Party	Date Received
A	California Department of Fish and Wildlife	11/08/24
B	Antoinette Marsh	11/12/24
C	Stephen & Karan Marsh	11/12/24
D	Myers-Marsh Mutual Water Company	11/12/24
E	Clark & Nelson (David R. Nelson, representing Jean Terkildsen, Elizabeth Katsaris, and Matthew Ferrini)	11/12/24
F	Adam Borchard	11/13/24
G	Annamarie Marsh Louie	11/13/24
H	Bernadette Marsh	11/13/24
I	Jean Terkildsen	11/12/24
J	David Fong	11/13/24
K	Central Valley Regional Water Quality Control Board	11/13/24

2.2 COMPREHENSIVE RESPONSES TO COMMON COMMENTS

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

1. CR-1: Overview of Project Equipment and Technology

2. CR-2: Fire Modeling and Mitigation Plans
3. CR-3: Risks Associated with Project Equipment
4. CR-4: Hydrology and Drainage
5. CR-5: Water Consumption
6. CR-6: Project Alternatives Analysis
7. CR-7: Decommissioning
8. CR-8: Traffic and Road Impacts
9. CR-9: Dust Control
10. CR-10: [Reserved]
11. CR-11: [Reserved]
12. CR-12: Viewshed
13. CR-13: Noise and Vibration
14. CR-14: General Plan and Zoning
15. CR-15: Williamson Act
16. CR-16: Labor
17. CR-17: Other

Under CEQA, the adequacy of the findings and conclusions in an EIR are governed by the substantial evidence standard. “Substantial evidence” means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” 14 Cal. Code Regs., § 15384(a). Substantial evidence includes facts, reasonable assumptions based on facts, and expert opinion supported by facts. 14 Cal. Code Regs., § 15064(f)(5)(6). It does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, evidence that is not credible, or evidence of economic or social impacts that do not contribute to or are not caused by physical impacts. *Ibid.* The EIR is supported by substantial evidence in the record, and specific and supported comments alleging otherwise are addressed either individually or in these Comprehensive Responses.

Comprehensive Response 1: Overview of Project Equipment and Technology

R1.1 Hazardous Materials in Project Equipment

As discussed in Impact 4.9-1, *Operations*, hazardous materials typically found with a solar facility include hydraulic fluid, diesel fuel, insulation oil for transformers, grease, lubricants, paints, solvents, adhesives. The specific technology used for the Project's PV modules would be CdTe thin film. CdTe is typically bound to a glass sheet by a vapor transport deposition during the manufacturing process, which is then followed by sealing the CdTe layer with a laminate material and then encapsulating it in a second glass sheet. The Project would include annual inspections to remove any faulty or damaged modules. CdTe PV modules have passed federal TCLP leaching criteria for non-hazardous waste which allows the modules to be disposed of in landfills or recycled in compliance with applicable laws and regulations (Fthenakis 2003b).

The potential effects of damaged CdTe modules are discussed further in Impact 4.9-2, *Operations*. In the case of fire, the CdTe Solar modules would dissolve into molten glass rather than releasing vapor (Fthenakis 2003a). CdTe solar modules have a melting point at higher than 1,800 degrees F compared to the measured soil surface temperatures during an annual grassland fire at 200 degrees F (Bentley and Fenner 1958). Impacts to health risks would be below the human health screening levels should CdTe PV modules break (Sinha et al. 2012).

Lithium-ion batteries such as the Tesla Megapack 2XL proposed for the Project have the potential to release hazardous gases such as hydrogen chloride (HCl), hydrogen fluoride (HF), hydrogen cyanide (HCN), methanol, styrene, toluene, and carbon monoxide (CO). However, should these gases be released into the atmosphere, they would be below the National Institute for Occupational Safety and Health (NIOSH) Immediately Dangerous to Life or Health (IDLH). Tests conducted on the Tesla Megapacks showed that in the event of a fire, hydrogen fluoride that was released was detected between 0.10 and 0.12 parts per million (ppm), whereas the NIOSH IDLH standard threshold was 30 ppm (see the Hazard Mitigation Analysis included as Appendix G). Additionally, battery energy storage system (BESS) fires are generally considered to be Class A (plastics fires, from materials such as the separator) and Class B (flammable liquids, from materials such as the electrolyte) but may also have characteristics of Class C (electrical fires) as well. The pollutants from such fires are similar to those of residential and commercial fires. In the unlikely event of a fire, the main pollutants would be carbon dioxide (CO₂) and carbon monoxide (CO).

All batteries within the BESS would be contained within specifications that adhere to applicable federal, state, and local requirements, including the inclusion of appropriate ventilation, acid-resistant materials, and the presence of spill protection supplies.

R1.2 Overview of BESS Technology and Safety

The BESS technology proposed for the Project is the Tesla Megapack 2XL, a lithium-ion battery with a lithium-iron-phosphate (LFP) sub-chemistry which, compared to other technologies such as nickel-manganese-cobalt found in electric vehicles and other types of BESS technology, has a higher ignition point and is less prone to fire, including due to a thermal runaway event. Each Tesla Megapack 2XL contains four battery bays on either side of the Megapack. These battery bays house the actual batteries or modules, and there are 24 of them in one enclosure. Each battery module is equipped with electrical fuses for protection. There is a customer interface bay,

which houses all of the communications and the controls of the Megapack enclosure. Each battery module inside the Megapack is equipped with a battery management system that continuously monitors the health and performance of the batteries and immediately detects if there is an abnormal condition. The Tesla Megapack 2XL also includes a thermal management system consisting of a liquid coolant mix which ensures that the temperature inside the enclosure is regulated to safe operating limits at all times. All enclosures are designed for 24 hour/7 days a week remote monitoring. All enclosures are capable of being remotely shut down, such that there is no need to go near the enclosure for purposes of disconnection. There will be two layers of remote monitoring. The BESS would be monitored remotely by the Battery Management System (BMS), as well as by the Tesla Site Controller (TSC) which is the single point of interface for the utility and the operator and will include a NFPA-72 compliant fire alarm control panel, which will be accessible by the fire department. There will be two layers of remote monitoring. Tesla will remotely monitor the BESS through a local operations center and, through the Tesla Site Controller, will be able to provide diagnostics and troubleshooting and can shut down modules and/or enclosures remotely. The Applicant will also remotely monitor the system through the Supervisory Control and Data Acquisition (SCADA) system which communicates with the company's Remote Operations Center located in Austin, Texas which also has remote shutdown capabilities.

The BESS will be configured to charge from both the onsite solar facilities and the electrical grid to ensure reliability and flexibility. This hybrid approach allows for charging even during low sunlight hours and ensures the system is fully charged when needed.

80 MW is the Project's power capacity and 320 MWh is the Project's energy storage capacity. Once charged, the BESS is capable of delivering 80 MW of peak power output continuously for 4 hours (i.e., delivering 320 MWh) before needing to be charged again.

R1.3 [Reserved]

R1.4 [Reserved]

R1.5 Composition of BESS Enclosures

The enclosure used for housing a BESS (i.e. the Tesla Megapack 2XL) is a metal container about 28 feet in length and 9.5 feet tall. These enclosures accommodate battery modules, cooling equipment and safety monitoring systems. The design is similar to a shipping container because they are durable, easy to transport and weather-resistant.

All enclosures have an IP-66 level of waterproof and dustproof protection inside and out, which means that it prevents water from entering but also prevents any potential leak from exiting the enclosure. The enclosure roofs have thermal vents on the top. These vents open if there are any gases released in the event of an abnormal operation of the batteries, avoiding any buildup of pressure inside the enclosure itself and eliminating the risk of explosion.

Megapack 2 XL is listed to the following standards by OSHA-recognized Nationally Recognized Testing Laboratories:

- UL 1642 (cell-level certification);

- UL 1973 and IEC 62619 (battery module-level certification);
- UL 9540, IEC 62933-5-2, IEC 62109-1 (system-level certification);
- UL 1741, CSA C22.2 #107.1 (power electronics);
- UL 1998 and IEC 60730 Annex H (functional safety of software);
- IEC 61000-6-2, and EN 55011 (EMC);
- UN 38.3 (transportation, self-certified);
- IEEE 693 (seismic safety); and
- UL 9540A (large-scale fire testing): Tested at the cell, module, and unit level.

The Megapack 2 XL is designed to comply with major installation codes for energy storage systems, including NFPA 855, IFC 2018 and 2021, and NEC 2020. It has been reviewed and validated by an independent engineer, both at the product level and for the results of large-scale fire testing. At the cell level, the Megapack 2 XL leverages the lithium iron phosphate (LFP) chemistry and a new industry-leading cell design. Testing has demonstrated a strong ability to resist thermal runaway, and has shown controlled venting in worst-case events, without explosive bursts or fire (see e.g., the Hazard Mitigation Analysis included as Appendix G). All Tesla products also undergo rigorous testing at the module level. While standards such as UL 1973 and IEC 62619 ensure propagation resistance to single-cell thermal runaway, testing has shown that Megapack battery modules are resistant to multiple co-located cells sent into runaway at the same time. This greatly mitigates the risk of a thermal event. At the system level, the Megapack 2XL is designed with a combination of dedicated runaway gas igniters and overpressure vents built into the roof that passively mitigate the risk of deflagration hazards in case of unlikely accumulation of flammable gases due to arc flash events or thermal runaways. In the unlikely event of a fire, full-scale fire testing has shown that Megapack performs in a safe and controlled manner, consuming itself slowly and without explosive bursts, projectiles, or unexpected hazards (see e.g., the Hazard Mitigation Analysis included as Appendix G). The vents are designed to direct all gases, smoke, and flame out of the top of the Megapack (2 XL), minimizing risk to nearby response personnel and exposures. The cells used in the Megapack 2XL do not contain solid metallic lithium and thus do not react with water.

Comprehensive Response 2: Fire Modeling and Mitigation Plans

R2.1 Risk Associated with Project Location in a CAL FIRE Fire Hazard Severity Zone

The CAL FIRE Fire Hazard Severity Zones maps designate the areas where there is the potential for wildfire to occur based on vegetation/fuel, slope, weather, and other relevant factors such as fire history. These maps are a useful tool to designate areas based on a 30–50 year fire hazard.

While the Project is in a designated High Fire Hazard Severity Zone (FHSZ), such designations do not reflect a site-specific fire risk assessment and do not include an assessment of the potential for extreme fire behavior that could threaten nearby residents or the difficulty to control a fire on

the Project site. The CAL FIRE maps also do not take into account site-specific modifications such as fuel reduction, defensible space, or use of ignition-resistant building materials (CAL FIRE 2024a). Such site-specific modifications can reduce fire risk substantially.

A site-specific Fire Hazard Analysis Technical Memorandum has been prepared (Appendix K) which shows that there is a low probability of wildfire based on the availability of vegetation and terrain on the site and adjacent properties that can sustain a wildfire. In addition, the Project would include mitigation measure **FIRE-1**, which requires the development of a Vegetation Management and Wildfire Prevention Plan and an Emergency Services Response Plan as well as a Vegetation Management and Wildfire Prevention Plan which will implement three fuel modification zones, as outlined below and further described in Appendix K.

- Zone 1: Non-combustible, pervious surface (gravel, DG, or similar).
 - 0-30 feet from BESS and Substation.
 - Zone 1 will be free of vegetation and all combustible materials. Zone 1 will occur surrounding the onsite BESS facility and substation. This Zone will be created to 30 feet from all electrical equipment and battery storage systems.
- Zone 2: Grass maintained at stubble height (~ 2 inches).
 - 0-20 feet from the Project's perimeter.
 - Zone 2 will consist of mowed grass to stubble height within 20 feet of the Project's perimeter edge. It is expected that mowing will occur late spring prior to fire season as directed by the WFPA and will continue as necessary to maintain the Zone 2 grass at stubble height.
- Zone 3: Grass maintained at 4 inches in height.
 - 0-20 feet from all PV arrays, 30-100 feet from BESS and Substation.

Implementation of these plans would mitigate fire risk from Project components by developing protocols and best management practices for the Project as related to wildfire prevention, vegetation management, and emergency response. Furthermore, these plans would be developed with input from the County and the WFPA, and building permits would not be approved for the Project until these mitigation plans are approved by these authorities. With implementation of mitigation measure **FIRE-1**, the Project would have a less than significant impact related to the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

R2.2 Difference Between CAL FIRE and CPUC Designations

The CPUC maps (HFTD maps) are statewide maps designed specifically to show areas where there is an increased risk for utility-associated wildfires. The CAL FIRE maps (FHSZ maps) are statewide maps, where lands are described in terms of the probability level of a particular area burning and the expected fire behavior.

CPUC fire designations are based on the risk for ignition and rapid spread of powerline fire due to strong winds, abundant dry vegetation, and other environmental conditions. The three tiers of fire risk are based on the likelihood and potential impacts on people and property from utility-related fires (CPUC 2024). The CAL FIRE designations are evaluated on hazard rather than

utility-related risk. Hazards are based on the physical conditions which factor into the likelihood of fire ignition and the expected fire behavior over a 30–50-year period without considering potential mitigation measures (CAL FIRE 2024). The Project site is currently designated within a High Fire Hazard Severity Zone, and changes to the CAL FIRE designation would be addressed in the State's Strategic Fire Plan for California updates. Mitigation measure **FIRE-1** requires the development and implementation of a Vegetation Management and Wildfire Prevention Plan.

R2.3 Wildfire Mitigation Measures

The installation of the Project's facilities, roads, and vegetation management areas will replace the large swaths of tall grass that occur on most of the property with large areas where the grass has been mowed or where the grass has been replaced with a non-flammable surface such as a road. These managed areas will help reduce fire risk around the Project and provide fire breaks that will help slow down the progress of wildfires that start off-site.

Specifically, the proposed Project would implement mitigation measure, **FIRE-1**, that would ensure the safety of the community in the unlikely instance of an emergency and a plan focused on the prevention of wildfires. One of the primary requirements of **FIRE-1** is the preparation of a Vegetation Management and Wildfire Prevention Plan, which would be submitted to the WFPA, CAL FIRE, and the County for review and approval prior to the issuance of building permits. The Plan will detail the implementation measures to control and maintain the vegetation throughout the Project site to eliminate the wildland fire hazards to a level determined satisfactory by the WFPA Fire Chief. The Vegetation Management and Wildfire Prevention Plan will implement mechanical cutting (mowing and trimming) as well as require the installation and proper maintenance of access roads/fire breaks throughout the Project site, regularly conducting inspections of the Project components, properly storing flammable materials, requiring that UL Listed Portable Fire Extinguishers of the appropriate type be located throughout the Project site, and/or the installation of sprinkler heads where determined necessary. The Vegetation Management and Wildfire Prevention Plan shall include three Fuel Modification Zones:

- Zone 1: Non-combustible, pervious surface (gravel, DG, or similar).
 - 0-30 feet from BESS and Substation.
 - Zone 1 will be free of vegetation and all combustible materials. Zone 1 will occur surrounding the onsite BESS facility and substation. This Zone will be created to 30 feet from all electrical equipment and battery storage systems.
- Zone 2: Grass maintained at stubble height (~ 2 inches).
 - 0-20 feet from the Project's perimeter.
 - Zone 2 will consist of mowed grass to stubble height within 20 feet of the Project's perimeter edge. It is expected that mowing will occur late spring prior to fire season as directed by the WFPA and will continue as necessary to maintain the Zone 2 grass at stubble height.
- Zone 3: Grass maintained at 4 inches in height.
 - 0-20 feet from all PV arrays, 30-100 feet from BESS and Substation

Zone 3 will result in the mowing of grasses to 4 inches in height within 20 feet of PV arrays and within 30-70 feet from the BESS and Substation to reduce wildfire behavior in the Project site's

grasslands to an acceptable level. It is expected that mowing will occur late spring prior to fire season as directed by the WFPA and will continue as necessary to maintain the Zone 3 grass to a mowed height of 4 inches or less. No vegetation management will be conducted within Crotch's bumble bee avoidance areas.

The second key component of **FIRE-1** is the creation and implementation of an Emergency Services Response Plan (ESRP). This plan will be prepared in conjunction with the WFPA and would be reviewed and approved by the WFPA and the County prior to issuance of a building permit. This ESRP will describe the Project design and layout according to as-built drawings, and detail specific fire suppression and protection measures that will be implemented in the entire facility, including the BESS, to eliminate fire hazards, as well as detailed information about the emergency response strategy so that first responders are well equipped to effectively respond to a call for service, in the unlikely case there are any. The ESRP will also take into account recommendations provided by the BESS supplier and include defined roles and responsibilities. Measures could include but would not be limited to, coordination and communication procedures with the fire department and other first responders, shutdown procedures, site personnel training, identification of evacuation routes, traffic control, and maintenance of Safety Data Sheets. The ESRP will be made to the satisfaction of, and require approval from, the WFPA Fire Chief. The ESRP will address the following, among other requirements:

- On-site water storage of 50,000 gallons of water with hose and truck hook-ups connections compatible with responding fire apparatus will be installed and maintained.
- Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations.
- The battery containers will receive a UL 9540 certification.
- The Project will comply with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.
- As part of the siting and design of the BESS, the Project will have a setback of more than 500 feet to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the WFPA Fire Chief.

The ESRP would also include coordination and communication with local fire departments and other first responders to identify shut down procedures, site personnel training, identification of evacuation routes, and traffic control. This would include substantial training to the WFPA and any relevant mutual aid entities, including but not limited to the Maxwell and Arbuckle Fire Departments. This training will include information about the onsite monitoring devices and alarms, and the WFPA will have an opportunity to provide input on how best to design the alarm system to reduce overall fire risk. The training will be provided prior to the start of construction—again, prior to the Project becoming operational—and continue on a regular basis throughout the Project's operating lifetime to ensure that local fire personnel have the most up-to-date information on the most effective ways to respond to any incident at the Project. Information about the Project's design specifications, call lists, safety data sheets, and other documentation will be stored on site as well as provided electronically to the WFPA and its mutual aid agencies.

In sum, mitigation measure **FIRE-1** will reduce the risk of wildfire to less than significant levels and provide key tools for local fire agencies to reduce the impacts of wildfire in this portion of the County.

R2.4 Comparison with PG&E Practices

PG&E is undergrounding less than 10% of their system (PG&E pledged to underground 10,000 miles of overhead lines; PG&E's total system size is more than 125,000 miles of distribution and transmission wires (PG&E 2024)). PG&E has plans to underground less than 1 mile of overhead lines in Colusa County and none within the Project area. Generally, the undergrounding of power lines is implemented where the wildfire risk is so great that the less intensive methods for preventing an ignition event are not effective. As an example, the nearest PG&E undergrounding project is located approximately 16 miles to the west in Lake County in the mountainous terrain near Clear Lake, CA. These lines pass through steep, hilly terrain covered with a mix of brush and timber.

R2.5 Fire Risks Associated with Gen-Tie Line

Historically, utility infrastructure has been responsible for less than 10% of reported wildfires.¹ Literature points to estimates that, per mile of power line, distribution lines are three times more likely to cause ignitions compared with transmission lines (Taylor, S. and Roald, L., 2024). This is in part because distribution-level power lines are closer to the ground and more likely to come into contact with vegetation or be impacted by other factors such as vehicular accidents. The Project's gen-tie line is a 60 kV transmission (i.e., not distribution-level) line. Transmission lines operate at higher voltages are often engineered to higher standards and are made from materials that are less susceptible to fire in the event of a failure. Further, in most cases, fires associated with transmission infrastructure are mostly due to failures in old equipment that has not been properly maintained. In addition to CAL FIRE Fire Hazard Severity Zones, the CPUC identifies and maps High Fire Threat Districts (HFTD) (see R2.2). The HFTD maps are designed specifically to show areas where there is an increased risk for utility-associated wildfires. CPUC fire designations are based on the risk for ignition and rapid spread of powerline fire due to strong winds, abundant dry vegetation and other environmental conditions. The three tiers of fire risk are based on the likelihood and potential impacts on people and property from utility related fires (CPUC, 2024). The Project's gen-tie line route along the public right-of-way on Spring Valley Road and Walnut Drive is not located within any of the tiers associated with a High Fire Threat District per the CPUC.²

R2.6 Maximum Spotting Distance

According to the fire behavior modeling performed for the Project as part of the Fire Hazard Analysis Technical Memorandum (Appendix K), under current conditions, the maximum spotting distance would be between 0.5 and 0.8 miles. With the implementation of mitigation measure **FIRE-1**, specifically through the Fuel Modifications Zones, fire behavior on the site would be

¹ California Public Utilities Commission (CPUC) Undergrounding Program Description, <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/infrastructure/electric-reliability/undergrounding-program-description>

² California Public Utilities Commission (CPUC) High Fire Threat District (HFTD) maps, <https://capuc.maps.arcgis.com/apps/webappviewer/index.html?id=5bdb921d747a46929d9f00dbdb6d0fa2>

greatly reduced, with spotting distances decreasing to 0.3 miles or less and flame lengths would be reduced to a maximum of 3 feet.

R2.7 Fuel Behavior Modeling Software

The Fire Behavior predictions for the Project were modeled using the BehavePlus (v.6) software, a Windows®-based computer program that can be used for any fire management application that needs to calculate fire behavior. It uses specified fuel and moisture conditions to simulate surface and crown fire rate of fire spread and intensity, probability of ignition, fire size, spotting distance, and tree mortality. The BehavePlus software was built and is maintained by the US Forest Service and the Joint Fire Science Program. BehavePlus software is widely used by fire planners and fire managers and has been repeatedly shown to produce accurate predictions of fire behavior.

R2.8 Regional Fire Potential

Annual California Grasslands currently cover the site, and these are capable of sustaining the spread of a relatively fast-moving, low-intensity, and low-duration fire. While the Project site does have wildfire potential in its current state, its conditions—including vegetation consisting primarily of grassland, low slope relative to the hills—and the fact that it is surrounded by actively managed agricultural properties that greatly reduce wildfire conditions and function essentially as fire breaks make the site much less conducive to wildfire activity. Historically, no fires greater than 10-acres have been recorded on the Project site.

The wildfire risk present in cured annual grasslands can be addressed by mowing, disking, or treating the grass so that it is maintained to a height of four inches or less around the Project facilities and the property perimeter. Mowing a 30–50 foot wide strip is generally sufficient to stop any fire progress.

The conditions where the Sites Fire burned are substantially different than the Project site. The Sites Fire burned on steeper slopes and in thicker vegetation (grass and shrubs), neither of which are present at the Project site. Further, once developed the Project site would have good road access and vegetation management.

R2.9 Vegetation Management and Wildfire Prevention Plan

As referenced in R2.3, the Vegetation Management and Wildfire Prevention Plan would describe the site-specific wildfire concerns for the Project and provide detailed recommendations for addressing each wildfire concern. As the name suggests, the Vegetation Management and Wildfire Prevention Plan would focus on wildfire risk reduction that could be achieved through vegetation management activities. The Vegetation Management and Wildfire Prevention Plan would provide recommendations for treatment standards, treatment timing, and treatment methods.

R2.10 Modeling of Fire Spread Rates

According to the Fire Hazard Analysis Technical Memorandum (Appendix K) performed for the Project, under current conditions the maximum rate of spread is approximately 449 feet per minute (about 5 mph) in the areas of the Project site comprised of Yellow Starthistle Grassland. Implementation of the Fuel Modification Zones outlined in the Vegetation Management and Wildfire Prevention Plan which is part of mitigation measure **FIRE-1** would reduce the maximum

rate of spread to 30 ft/min (less than half a mile per hour), providing adequate protection to avoid fire spread and giving ample time for first responders to arrive to the Project site.

Furthermore, the internal road system, public road system, and Fuel Modification Zones would provide first responders with multiple anchor points from which to engage the fire, as well as safe escape routes should the fire be beyond their ability to control. The installation of the Project facilities and vegetation management areas will replace the large swaths of tall grass that occur on most of the property with large areas where the grass has been mowed or where the grass has been replaced with a non-flammable surface such as a road. These regularly managed areas will help reduce fire risk around the Project and provide fire breaks that will help slow down the progress of wildfires that start off the site.

Comprehensive Response 3: Risks Associated with Project Equipment

R3.1 Risk of Fires Associated with Project Equipment

The likelihood that the BESS facilities will ignite a wildfire due to abnormal conditions or equipment failure that would lead to flames in the enclosure is low. BESS fires have steadily been decreasing as a percentage of deployment. According to information gathered by American Clean Power,³ between 2017 and 2022, U.S. energy storage deployments increased by more than 18 times, from 645 MWh to 12,191 MWh,⁴ while worldwide safety events over the same period increased by a much smaller number, from two to 12.⁵ During this time, codes and standards regulating energy storage systems have rapidly evolved to better address safety concerns. Furthermore, failures in battery cells that could lead to a thermal runaway event are also extremely improbable. A 2012 study conducted by the National Renewable Energy Lab (NREL), quotes a failure rate ranging from 1 in 10 million to 1 in 40 million cells.⁶ Lithium-ion batteries are found in nearly every household across multiple devices and experience extremely low failure rates as can be evidenced by electric vehicle data. In the first half of 2023, Tesla alone sold 900,000 vehicles which amount to three quarters of a billion cells but safety incidents worldwide involving all manufacturers amounted to a few dozen fires.⁷

In compliance with both regulations, the battery manufacturer/vendor has obtained an independent third-party Hazard Mitigation Analysis (see Appendix G) to evaluate the consequences of a battery-related failure due to the following conditions:

- thermal runaway condition in a single module, array, or unit;
- failure of an energy storage management system;
- failure of a required ventilation or exhaust system;
- failure of a required smoke detection, fire detection, fire suppression, or gas detection

³ American Clean Power, https://cleanpower.org/wp-content/uploads/gateway/2023/12/ACP_Energy-Storage-

⁴ 1 US Energy Storage Monitor, Q1 2023 full report and 2022 Year in Review, Wood Mackenzie Power & Renewables/American Clean Power Association, <https://www.woodmac.com/industry/power-and-renewables/us-energy-storage-monitor/>

⁵ Electric Power Research Institute, BESS Failure Event Database, https://storagewiki.epri.com/index.php/BESS_Failure_Event_Database

⁶ D. Doughty, Vehicle Battery Safety Roadmap Guidance, National Renewable Energy Laboratory, October 2012, <https://doi.org/10.2172/1055366>.

⁷ American Clean Power. https://cleanpower.org/wp-content/uploads/gateway/2023/12/ACP_Energy-Storage-Leading-on-Safety_FactSheet.pdf

- system;
- voltage surges on the primary electric supply; and
- short circuits on the load side of the BESS.

Under all circumstances analyzed, the Hazard Mitigation Analysis found the BESS to be equipped with protection systems anticipated to effectively manage all potential fault conditions listed above. As part of the Hazard Mitigation Analysis, UL 9540A destructive testing, an intentional thermal runaway event found that visible flames outside of a battery cabinet would be unlikely, and any flaming would be unlikely to be sustained. Additionally, no heat fluxes were recorded at distances of up to 20 to 30 feet from the battery cabinet; no explosion hazards, including deflagration, projectiles, flying debris, detonation, or other explosive discharge of gases were observed; no fire propagation to adjacent cabinets spaced 6-inches apart and 8-feet apart were observed; no integral fire suppression nor manual fire suppression (hose lines) was required to stop cabinet to cabinet fire spread; and no free-flowing liquid runoff was observed after the test.

Additionally, in the third-party Hazard Mitigation Analysis, an intentional worst-case scenario catastrophic failure event was initiated, resulting in smoking, followed by visible flames up to approximately 11.5 feet high (or approximately 2 feet above the BESS enclosure) and 3.3 feet wide at peak flame intensity, and a sustained fire that slowly spread to adjacent battery bays before burning itself out. Only half of the battery cabinet was burned. Additional fire propagation modeling was conducted for more severe events and showed that a fire was unlikely to spread from one BESS unit to another even during worst-case scenario wind conditions. Additional third-party analysis of manufacturer testing from a battery having undergone combustion found that at locations 20 feet upwind and 5 feet downwind, no traces of mercury were present over the entire 2.5-hour test duration. Hydrogen fluoride (HF) was detected at values of 0.10 and 0.12 parts per million (ppm) in the two sampling locations over the course of the test, however, these levels are far below the accepted National Institute for Occupational Safety and Health (NIOSH) Immediately Dangerous to Life or Health (IDLH) value of 30 ppm for HF. They are also below the NIOSH threshold for HF of 3 ppm averaged over a 10-hour work shift and 6 ppm not to be exceeded during any 15-minute work period; and also below the American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit value (TLV) of 0.5 ppm averaged over an 8-hr work shift and 2 ppm not to be exceeded during any part of the work exposure. The detected levels of emissions from a thermal runaway event show that the levels of HF would not pose a hazard to emergency response personnel and would not cause ingress/egress to be suspended along Spring Valley Road, at 500 feet west of the proposed BESS facility.

Solar panel arrays could theoretically cause a wildfire through equipment failure (arc flash). However, there are no recorded instances in California of solar power equipment igniting a wildfire.

R3.2 Emergency Site Access for Vehicles

As discussed in Impact 4.17-4, perimeter and internal access roads would be constructed, preventing obstruction of traffic along Spring Valley Road. All roads will be built in compliance with the California Fire Code which would allow emergency vehicles to access the site without obstructing traffic along Spring Valley Road, therefore further avoiding impacts to emergency response, evacuation routes, and emergency access.

R3.3 Emergency Evacuation Routes for Residents

During the 2020 Hennessy Fire, residents who evacuated the area where the Project is proposed to be built used Spring Valley Road as an evacuation route. As discussed in Section 4.20.5, mitigation measure **FIRE-1** would develop an ESRP before any building permits are issued. The ESRP will require coordination with the local fire department and other emergency response personnel to develop evacuation routes. However, it is likely that Spring Valley Road will be used as the major evacuation route in the unlikely case of an emergency. To ensure the flow of traffic in case of an emergency, emergency personnel would direct traffic along Spring Valley Road. At this time there are no alternative routes proposed, and the proposed Project would not construct additional routes within the County right-of-way.

R3.4 Evacuation and Emergency Response Plan

An ESRP will be developed before any building permits are issued. The ESRP will detail how coordination with local emergency response personnel is ensured. The ESRP will also include evacuation plans that would be put in place in the unlikely case of an emergency. Mitigation measure **FIRE-1** in Section 4.20.5, *Mitigation Measures*, includes additional detail what can be expected to be included in the ESRP:

- **Emergency Services Response Plan.** Prior to any building permit issuance, an ESRP will be submitted to the Williams Fire Protection Authority (WFPA) and the County for review and approval. This ESRP must adequately describe the Project design and layout according to as-built drawings, and detail specific fire suppression and protection measures that will be implemented in the entire facility, including the BESS, to eliminate fire hazards, as well as detailed information about the emergency response strategy so that first responders are well equipped to effectively respond to a call for service, if there were any. The ESRP will also take into account recommendations provided by the BESS supplier. The ESRP will also include defined roles and responsibilities. Measures will include but would not be limited to, coordination and communication procedures with the fire department and other first responders, shutdown procedures, site personnel training, identification of evacuation routes, traffic control, and maintenance of Safety Data Sheets. The ESRP will be made to the satisfaction of, and require approval from, the WFPA Chief. The ESRP will address the following, among other requirements:
 - There will be 50,000 gallons of water stored on site with hoses and truck hook-ups connections compatible with responding fire apparatuses. The source and supply for the water shall be the same as for water used during construction and operations and would be clearly identified.
 - The minimum battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval by the WFPA.
 - The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the WFPA and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing

laboratory, as approved by the WFPA. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Applicant is responsible for making all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the WFPA. Should the Applicant place on the site more than one battery storage prior to obtaining approval of the WFPA of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the WFPA. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the WFPA may approve said connection and/or energization based on its sole discretion subject to any additional requirements.

- Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.
- As part of the siting and design of the BESS, a setback of more than 500 feet shall be included to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the WFPA Fire Chief.

In addition to what is included in the ESRP, the Applicant will provide training on how to adequately respond to a fire event on the Project site to the WFPA prior to the system being energized and then periodically as determined by the WFPA. It is anticipated that this training will also be offered to the surrounding jurisdictions that may potentially respond to a call for service at the Project site.

See also R3.3.

R3.5 Potential Air and Water Quality Impacts Caused by a BESS Fire

In the event of a BESS fire, water may be applied to the surrounding units to keep them cool and prevent fire from spreading from an impacted enclosure to another, allowing the fire in the impacted unit to burn out, therefore limiting the potential for contaminated water to leach into the ground water.

As part of the third-party Hazard Mitigation Analysis (Appendix G) performed for the BESS, analysis of manufacturer testing from a battery having undergone combustion found that at locations 20 feet upwind and 5 feet downwind, no traces of mercury were present over the entire 2.5-hour test duration. Hydrogen fluoride (HF) was detected at values of 0.10 and 0.12 parts per million (ppm) in the two sampling locations over the course of the test, however, these levels are far below the accepted National Institute for Occupational Safety and Health (NIOSH) Immediately Dangerous to Life or Health (IDLH) value of 30 ppm for HF. They are also below the NIOSH threshold for HF of 3 ppm averaged over a 10-hour work shift and 6 ppm not to be exceeded during any 15-minute work period; and also below the American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit value (TLV) of 0.5 ppm averaged over an 8-hr work shift and 2 ppm not to be exceeded during any part of the work exposure. The detected levels of emissions from a thermal runaway event show that the levels of HF would not pose a hazard to

emergency response personnel and would not cause ingress/egress to be suspended along Spring Valley Road, at 500 feet west of the proposed BESS facility.

See **R3.1 and R1.1**, above, for more information about the BESS and the hazards analysis.

Comprehensive Response 4: Hydrology and Drainage

R4.1 Methods for Analyzing Drainage and Runoff

The existing and proposed site conditions, including topography, surface water hydrology, and FEMA flood maps, and dam inundation zones, were reviewed and compared. See Section 4.10, *Hydrology and Water Quality*.

R4.2 Project Impacts to Hydrology and Drainage

As detailed in Section 4.10, *Hydrology and Water Quality*, the Project is not within a flood zone, and it would include minimal impervious surfaces for concrete pads for BESS and the substation. Solar panels would be mounted on steel posts that range between 6 to 13 feet above grade and would be separated by a sufficient distance pursuant to design parameters. While the solar panels are impervious surfaces, they will not impact rainfall absorption because the solar panels are placed on top of steep piles and tilt to track the sun. Any rainwater falling on their surfaces would slide off and infiltrate the surrounding ground surface. In addition, rainfall would not be concentrated because the angle of the panels would change throughout the day as the sun moves through the sky, which would change where the runoff from the panels hits the ground. Finally, rainfall is seldom downward at a 90-degree angle due to winds which causes rainfall to fall under the panels as well. Solar panel posts, fences, gen-tie line poles, the BESS, the O&M building, and the substation would not prevent stormwater flow, and the Project's design would follow the natural drainage of the site.

The portions of the Project site that would be disturbed for construction are relatively flat, with little potential for concentrated runoff to occur. Construction would involve the use of bulldozers, graders, semi-trucks, and various other types of heavy equipment for vegetation removal, grubbing, grading, and installation of roads and other facilities. These construction activities would involve minor changes to on-site topography and would potentially loosen existing surface soils and sediments, increasing the potential for erosion during storm events. Water used for dust suppression also has the potential to generate runoff that could transport sediments and dissolved solids.

The Project would be subject to compliance with the NPDES Construction General Permit and Section 44.2-20.20 of the Colusa County Zoning Code which requires there is no net increase in offsite drainage flows, including peak flows during a storm event, and water quality measures shall be implemented to reduce stormwater pollutants. The Construction General Permit would include development and implementation of a SWPPP. The objectives of a SWPPP are to identify pollutant sources that may be delivered off site (in the form of runoff) and affect the quality of stormwater discharge; to implement site controls and practices to reduce stormwater pollution; and to protect water quality of receiving waters. The SWPPP would include site-specific BMPs to minimize erosion on site and reduce or otherwise prevent conditions of erosion and stormwater runoff. Such practices would include, for example, silt fencing, straw bales and temporary catch basins, and inlet filters to control stormwater; and truck tire muck shakers, or similar devices, to prevent mud and debris from being carried onto roadways.

Decommissioning of the Project site would result in potential impacts similar to those described for construction, including the potential for erosion, sedimentation, and the release of water quality pollutants. Decommissioning activities would be required to comply with the same applicable federal, state, and local water quality regulations. Ground disturbing activities during decommissioning would require coverage under the Construction General Permit, which would include the preparation and implementation of a SWPPP. Stormwater management measures to effectively control erosion and sedimentation and other construction related pollutants during decommissioning would be required to be identified and implemented.

Comprehensive Response 5: Water Consumption

R5.1 Water Use during Construction and Operation

As stated under Impact 4.10-1, water consumption during construction is estimated to be 40 acre-feet (13,000,000 gallons), primarily for dust control, and operations would be approximately 1 acre-foot per year for routine maintenance such as panel washing.

As a comparison, other land uses found in the vicinity of the Project site, such as almond orchards, require 3–4 acre-feet of water per acre per year (California Water Impact Network, 2024). If the 666 of disturbed land were instead converted to almond orchards, the water usage would amount to approximately 2,664 acre-feet (roughly 270 million gallons) of water per year. The Project's water usage of approximately 70 AF per over the lifetime of the Project is several orders of magnitude smaller than the amount of water required to sustain an almond orchard of a similar size over a single year. Accordingly, the proposed Project will be less impactful to available water supplies **as compared to** agricultural uses within the Project's vicinity.

R5.2 Project Groundwater Use

As described in the 2021 Water Supply Assessment (WSA) and Addendum to the WSA, included as Appendices H-1 and H-2, respectively, of the Draft EIR, the Colusa Groundwater Authority (CGA) held a public hearing and adopted the initial Colusa Subbasin Groundwater Sustainability Plan (GSP) on December 13, 2021, and the Glenn Groundwater Authority (GGA) held a public hearing and adopted the GSP on December 14, 2021.

In January 2022, CGA and GGA jointly submitted the GSP to the California Department of Water Resources (DWR). On October 26, 2023, DWR completed its evaluation of the Initial GSP and transmitted a letter to CGA and GGA communicating its determination that the Initial GSP was "incomplete" pursuant to 23 Cal. Code Regs. Section 355.2(e)(2) of the GSP Regulations. CGA and GGA made revisions to the GSP and held a joint public hearing on April 19, 2024, at which they each adopted the Revised GSP. The Revised GSP did not include updates to the water budgets presented in the December 2021 version.

As stated in the 2024 Revised GSP, the water budgets were developed using the best available information at the time of Initial GSP development, including data through 2015. As part of the Revised GSP, the GSAs have considered more recent groundwater level data through early 2024; however, the GSP has not incorporated more recent data into the modeled water budgets at this time.

The WSA (Appendix H-1 of the Draft EIR) was prepared in 2021 using the water budget information available in the 2021 Initial GSP and water budgets in the Addendum to the WSA

(prepared in 2024 and included as Appendix H-2 of the Draft EIR) were prepared using those same water budgets, as they were un-revised in the version adopted by CGA and GGA in 2024.

As discussed in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR, the Project would require a minimal amount of water for construction and operational use. For the construction phase, it is estimated the Project would require 40 acre-feet (AF) of non-potable water over a period of 11 months. Additionally, some of the natural vegetation would be cleared for the Solar Facility, which may result in a higher percent of return water available for construction than the return of water from evapotranspiration.

To operate the Project, a small amount of water would be used incidentally for panel washing; panel washing is not required regularly and would be conducted only as needed. Rainfall is anticipated to provide occasional cleaning, and additional water is only required for cleaning when the performance of the solar panels degrades significantly between precipitation events. Any rainfall or additional water used to clean the panels is expected to return to the basin. The annual operational water demand is estimated to be approximately 1 AF.

Based on a conservative assumption that 15 percent of the vegetation on the Project site would be removed, and as described in the Addendum to the WSA, the water required for construction is significantly lower than the estimated water currently required for the natural vegetation (approximately 383 AF), which would result in a reduction of water consumption of approximately 343 AF during the construction period of 11 months, which is estimated to require 40 AF of non-potable water. After construction, Project water consumption would be reduced even further, as the operational water use is dramatically lower than the construction water use. The operational use of the Solar Facility is estimated to reduce the typical water consumption by 382 AFY.

The overall reduction in water consumption at the Project site would provide a benefit to the Subbasin. The Colusa Subbasin would not be negatively impacted by the construction and operation of the Project and impacts would be less than significant.

Comprehensive Response 6: Project Alternatives Analysis

R6.1 [Reserved]

R6.2 Feasibility of Undergrounding Powerlines

The Project contemplates a four-mile long 60kV overhead transmission line (gen-tie line) that would connect the Project substation to the point of interconnection (POI) located within the PG&E Cortina Substation. The gen-tie line would be placed along the County public right-of-way within Spring Valley Road and Walnut Drive and would not require easements or other land rights from private properties along its path. The gen-tie line will be a newly constructed transmission line which will utilize steel poles (instead of wooden ones) and would be engineered to strict standards including those recommended by the California Public Utilities Commission (CPUC) that regulates Investor Owned Utilities such as PG&E and plays a key role in addressing the risk of utility-involved wildfires, including critical areas of current and historical regulatory activity and CPUC-reportable fire incident data.

In Section 3.4, *Alternatives Selected for Further Analysis*, and Section 5.6, *Undergrounded Gen-Tie*, an alternative to underground the gen-tie line was analyzed. The alternatives analysis

compared the benefits of undergrounding the gen-tie line with the costs of doing so from an aesthetics and wildfire risk perspective, as well as an economic and environmental perspective. While undergrounding the gen-tie line would reduce some environmental impacts such as wildfire and visual impact, it would also potentially increase the impacts to other resources such as air quality, biological resources, and cultural resources. Below is a summary of the considerations that were analyzed starting from a safety perspective, followed by an economic and environmental perspective.

There is ample information regarding undergrounding distribution-level electrical infrastructure to mitigate wildfire concerns. According to the CPUC, undergrounding provides a certain level of enhanced safety and reliability. Converting distribution-level overhead powerlines to underground can eliminate safety issues that arise from vehicles crashing into poles or from vegetation igniting fire when contacting the overhead conductors. Infrastructure that is converted underground is also often more reliable than overhead infrastructure. The proposed gen-tie line would be newly constructed utilizing steel poles greatly reducing the risk of fire resulting from a vehicle collision or from the wires coming into contact with vegetation. The potential benefits of undergrounding must also be compared to the significant challenges that come with them. For example, outages may still result from other causes and the restoration times are often longer than for above ground infrastructure as utility crews have a more difficult time in locating the faults in underground circuits and requiring additional ground disturbance to properly locate faults and repair them. There are also safety issues associated with explosions and fires in underground vaults.⁸

On average, installing new overhead distribution infrastructure costs between \$634,000–\$760,000 per mile (\$120–\$144 per foot) according to the electric utilities' Rule 21 interconnection unit cost guides while the cost for constructing new overhead transmission ranges from \$1 million to \$11 million per mile and \$6 million to \$100 million per mile to convert existing overhead transmission to underground for the IOUs.⁹

From an environmental perspective, undergrounding would result in some additional ground disturbance that could result in greater potential impacts to biological resources and greater potential for water use, runoff, and impacts to water quality. It would require additional heavy equipment to bury the line, increasing GHG emissions. Undergrounding may marginally lessen wildfire risks and lessen the visual impact of the overhead lines. See also Comprehensive Response R9.1 for a discussion of additional air quality impacts caused by undergrounding.

Given that the gen-tie line would be placed along a path that is already disturbed and where existing distribution and transmission infrastructure is already present, coupled with the low benefit-to-cost considerations of reducing wildfire risks the underground gen-tie line alternative was considered but ultimately not chosen because it is financially infeasible to implement.

⁸ California Public Utilities Commission (CPUC) Undergrounding Program Description
<https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/infrastructure/electric-reliability/undergrounding-program-description>

⁹ California Public Utilities Commission (CPUC) Undergrounding Program Description
<https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/infrastructure/electric-reliability/undergrounding-program-description>

Comprehensive Response 7: Decommissioning

R7.1 Securing Decommissioning Costs

Section 2.4.10, *Decommissioning and Site Reclamation*, discusses the anticipated life span of the proposed Project. Once the proposed Project is decommissioned, the site will be returned to a condition similar to the pre-Project conditions (i.e., unimproved non-irrigated grazing land). This section also discusses the process for which the materials used in a solar PV and BESS facility would be disposed of or recycled.

As discussed in Section 4.2, *Agriculture and Forestry Resources*, all solar panels, batteries, and related facilities would be removed—an obligation that would be secured by the posting of a bond, which is a requirement of the Use Permit. See also R7.3.

R7.2 Project Decommissioning Requirements

The applicant will be required to secure a decommissioning bond, the amount of which would be calculated by determining the actual costs including disposal, transportation, and the amount of labor required to remove all Project components from the site and restore the site to pre-Project conditions. The cost associated with this labor, along with the salvage value of key materials such as the steel and copper would be included.

The County will require, as a condition of approval of the Use Permit, the Applicant to estimate the full scope of decommissioning costs, including labor, transportation, and land restoration. This calculation would be based on the Project's final design and conducted in consultation with a third-party engineer (Engineer of Record) to ensure accuracy and alignment with engineering standards. In determining the bond amount, the Applicant would also factor in the residual value of the Project's components, such as salvageable steel and copper or recyclable materials from solar panels, which could offset some of the estimated costs. With these figures established, the Applicant would secure a surety bond or financial guarantee from an approved financial institution or insurer, ensuring compliance with the County's requirements. The bond amount would be adjusted for inflation and would include an escalation clause to account for future cost increases, ensuring the financial commitment remains sufficient throughout the Project's lifecycle. The form of the bond is subject to approval by County Counsel and the Community Development Director. The bond would be held by the County, which ensures that funds will be available for decommissioning of the Project and return of the site to pre-Project conditions.

R7.3 Decommissioning Bond

The applicant will secure a decommissioning bond, which will be sufficient to cover the costs of the removal of the Project facilities from the Project site. The final value of the decommissioning bond would be determined based on the Project's final design and per consultation with a third-party Engineer of Record. The bond amount would be adjusted for inflation and would include an escalation clause to account for future cost increases, ensuring the financial commitment remains sufficient throughout the Project's lifecycle. Per the Use Permit's conditions of approval, an updated engineer's cost estimate will be required at least two years prior to decommissioning and which will be based on a final decommissioning plan. Prior to approval of the final decommissioning plan, the Applicant must post an updated bond or other form of security satisfactory to County Counsel for the cost of decommissioning the Project.

R7.4 Analysis of Decommissioning Impacts

Commenters assert that the EIR lacks details about the decommissioning of the Project. The Project is projected to operate for 35 years. Section 2.4.10. The EIR contains an overview of the decommissioning process, detailed in Section 4.9.4, *Hazards and Hazardous Materials: Impacts Analysis*. Where feasible, the EIR includes analysis specific to decommissioning in Section 2.4.6.1, *Water*; Section 2.4.7.1, *Solid Waste*; Sections 2.4.10, *Decommissioning and Site Reclamation*; Section 4.2.4, *Agriculture and Forestry Resources: Impacts Analysis*; Section 4.7.4, *Geology and Soils: Impacts Analysis*; Section 4.8.5, *Greenhouse Gas Emissions: Impacts Analysis*; Section 4.9.4, *Hazards and Hazardous Materials: Impacts Analysis*; and Section 4.9.6, *Hazards and Hazardous Materials: Cumulative Impacts*. To provide precise information about decommissioning and its potential environmental impacts, which will occur 35 years in the future, is not required as it would amount to speculation. 14 Cal. Code Regs § 15145; see also *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 105-6 (holding an EIR did not need to estimate construction noise impacts 25 years into the future). There may be new technology available or other changed circumstances that would significantly alter the effects of decommissioning. To the extent that there are discretionary approvals and related environmental impacts of decommissioning, such effects will be analyzed under CEQA at that time.

Comprehensive Response 8: Traffic and Road Impacts

R8.1 Impacts to Local Traffic

As discussed in Impact 4.17-1, given the remoteness of the Project site, the local roads have far fewer vehicles than their capacity. Applying the conservative estimate of 800 vehicles per day under current conditions, during the peak hour there would be 80 or fewer vehicles on the road using the Highway Capacity Manual standard estimation method of peak hour being 10 percent of the total daily trips. The Highway Capacity Manual capacity for a single free flow lane is 1,800 vehicles per hour (TRB 2016). These intersections are two-way stop-controlled intersections, such that they have one free-flowing lane in each direction. The estimated total number of vehicles during the peak hours, taking into account 80 vehicles per hour at Walnut Drive currently, plus 150 vehicles generated by Project construction, would be 230 and is conservatively estimated to be up to 310 vehicles. The actual capacity of the intersection is far less than the sum of the two lanes, since there would be a break in the traffic for stopped vehicles; however, the estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction.

R8.2 [Reserved]

R8.3 Repairs to Spring Valley Road

Section 4.17.6, *Mitigation Measures*, presents mitigation measure **TRANS-1**, which discusses how roadway inspection and repairs will be conducted prior and post construction as follows:

TRANS-1: Road Inspection and Repairs

Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works

Director.

Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage to streets to the extent determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.

The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic.

Comprehensive Response 9: Dust Control

R9.1 Dust Control Measures

Section 4.3.8, *Mitigation Measures*, outlines the measures to be taken during construction under Mitigation Measure **AQ-2: Dust Control** and Mitigation Measure **AQ-3: Long Term Dust Control**. This mitigation measures state the following:

AQ-2: Dust Control Measures

During construction of the Project, the primary construction contractor shall implement the following practices, which should limit daily dust emissions to well below the BCAQMD threshold of significance, and minimize impacts to surrounding areas, including adjacent orchards:

- All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions, and when feasible, covered and enclosed.
- When materials are transported off site, they shall be wetted and covered securely, and at least 2 feet of freeboard shall be maintained.
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Apply dust suppressant in accordance with the manufacturer's application rate to Spring Valley Road, the unpaved road accessing the Project site, at least sixty (60) days and fifteen (15) before the start of construction and during the construction period, and as needed to reduce dust associated with truck traffic.
- Curtail construction activities when the County's Air Quality Index exceeds 150.
- Vehicle travel distances and total traffic on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.
- During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15-mile-per-hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.

- Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.
- The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to:
 - Read and understand applicable mitigation measures and have them available at the job site.
 - Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities.
 - Use contingency control measures when primary controls are ineffective.
 - Monitor the worksite for compliance with the dust control mitigation measures.
 - Maintain a daily log monitoring the implementation and effectiveness of the control measures, including off-site emissions due to material transport and other activities.
- Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:
 - Date
 - Time
 - Wind speed
 - Temperature
 - Minutes off-site visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity
 - Soil conditions (damp, dry, etc.)
 - Corrective actions taken, if needed

AQ-3: Long Term Dust Control

Once a year during Project operations, generally in late spring, the Applicant shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be pursuant to the manufacturer's application rate and requirements and shall be to the satisfaction of the Public Works Director.

These mitigation measures will be implemented for the proposed gen-tie, to be installed within the County right-of-way (ROW). Undergrounding of the gen-tie has been considered in Section 5.6 of the EIR, Undergrounded Gen-Tie, where dust and other emissions from additional construction equipment would be greater than the proposed Project. Additional dust would come from the increased ground disturbance and the prolonged construction schedule for undergrounding, extending the proposed Project construction schedule by approximately 6 months. However, it was determined that with the implementation of mitigation measures AQ-1 through AQ-3, including daily watering of disturbed areas and application of a dust suppressant, impacts to air quality would be less than significant, similar to the Project.

Comprehensive Response 10: [Reserved]

Comprehensive Response 11: [Reserved]

Comprehensive Response 12: Viewshed

R12.1 Viewshed Analysis

Visual impacts are generally defined in terms of a project's physical characteristics and potential visibility, as well as the extent to which the project's presence would change the perceived visual character and quality of the environment in which it would be located. Tetra Tech, Inc. followed the contrast rating system used by the U.S. Bureau of Land Management (BLM) to objectively measure potential changes to the visual environment (BLM 2010). The BLM's contrast rating system is commonly used by federal agencies to assess potential visual resource impacts from proposed projects.

The BLM's Visual Resource Inventory (VRI) classification system is a baseline description of the existing scenic values in the environment. The VRI developed by the BLM identifies the visual resources of a given area, and based upon specific standards, assigns an inventory class to each area. This process, further described in detail in BLM Manual H-8410-1 (BLM 2010), involves rating the resource's visual qualities, measuring public concern, and determining the extent to which an area is visible from travel routes and other observation points. Those three factors then determine which of the four VRI classes are assigned to each area of land based on visual sensitivity level (high, medium, and low), scenic quality, and distance.

As shown in the viewshed analysis figures (Figure 4.1-3 through 4.1-13), the Project solar panels are visible from publicly accessible locations when very near the Project site and visibility varies with the terrain and the viewer's location. For example, from KOP 7, approximately 50 percent of the Project is potentially visible; however, the viewer would likely only notice the nearest rows. As discussed in Section 2, *Project Description*, three-rail fencing similar to the existing fencing along the perimeter of other properties in the area, may be utilized in addition to the metal fencing along the perimeter of the Project to help maintain the visual character of the site. As a condition of approval, prior to installation of any security fencing, the design of this fencing shall be submitted to the Community Development Director for review and approval. In addition, the Project does not block views of the surrounding hills. The view duration would be short and limited to the time driving near the Project site. As the Project would attract attention to the casual observer and would co-dominate with the hills in the middle ground, the contrast would be considered strong. These impacts would be short term for travelers because they would only be approaching the Project site for a limited time and their focus would be on the road ahead.

Therefore, while the Project would substantially change the characteristics of the Project site from agricultural to man-made structures; the Project site does not contain significant scenic features. On site there are no interesting landforms; the vegetation has little variety of patterns, forms, textures, or colors; and the scenic features are not unique or rare within the region. The adjacent off-site rolling hills and occasional trees provide more interesting scenic features, and the Project would not block views of the hills and trees. As the Project would, for most of the day, have a weak contrast, not change the visual quality of a site of high visual quality, and would not block views of the adjacent scenery, impacts would be less than significant.

Comprehensive Response 13: Noise and Vibration

R13.1 Analysis of Noise Impacts

Impact 4.13-1 examines the potential noise sources and their levels during construction and decommissioning, as well as during operations.

Construction is anticipated to occur during a period of approximately 11 months, which contingent upon project approval could start approximately in July 2025. Project construction would consist of five major stages. The first stage would include mobilization, site preparation, fencing, and laydown. The second stage would involve excavation, trenching and trench backfill. The third stage includes the installation of cables and utilities. The fourth stage includes the construction of the inverters, PV modules, and BESS, and also includes commissioning and testing. The fifth stage would include paving, where applicable.

The Project's construction may cause short-term, but unavoidable noise impacts that could be loud enough at times to temporarily interfere with speech communication outdoors and indoors with windows closed at non-participating receptor NSA-2, and participating receptors NSA-4 and NSA-5. The noise levels resulting from the construction activities would vary significantly depending on several factors such as the type and age of equipment, specific equipment manufacture and model, the operations being performed, and the overall condition of the equipment and exhaust system mufflers. Project-related semi-truck construction traffic and offsite construction shall be limited to Mondays through Friday 7:00 am to 7:00 pm. Onsite construction activities shall be limited to Mondays through Friday 7:00 am to 7:00 pm and from 8:00 am through 5:00 pm on Saturday and Sundays. Furthermore, all reasonable efforts would be made to minimize the impact of noise resulting from construction activities including the implementation of standard noise reduction measures included as mitigation measure **NOISE-1**. Due to the infrequent nature of loud construction and decommissioning activities at the site, the limited hours of construction, and the implementation of mitigation measure **NOISE-1**, the temporary increase in noise due to construction and decommissioning is considered to be a less than significant impact.

R13.2 Analysis of Vibration Impacts

Chapter 3, Section 4.13 of the Final EIR includes updated language addressing potential Project impacts due to vibration.

In contrast to airborne noise, ground borne vibration is not an everyday occurrence for humans. The background vibration velocity levels within residential areas are usually 50 VdB or lower, which is well below the human perception threshold of approximately 65 VdB. However, human response to vibration is not usually significant unless the vibration exceeds 70 VdB. For a significant impact to occur, vibration levels must exceed 72 VdB during frequent events, 75 VdB for occasional events, and 80 VdB during infrequent events (FTA 2018).

Project construction would be completed in five work stages. This vibration level evaluated the worst-case vibration source, which would be the impact pile driver. Based on vibration propagation calculations, construction vibration levels are predicted to range from 0.0003 PPV inches per second (in/sec; 38 VdB) to 0.0307 PPV in/sec (78 VdB) at the non-participating noise sensitive areas (NSAs), and 0.0015 PPV in/sec (52 VdB) and 0.0055 PPV in/sec (53 VdB) at the participating NSAs.

These levels are based on the worst-case vibration producing equipment and it is expected that other vibration generating equipment proposed for the Project construction would result in lower vibration levels. Table 4.13 14 summarizes the predicted vibration levels at each of the NSAs based on the highest vibration generating equipment. As shown in Table 4.13-14, vibration levels may be perceptible at the nearest non-participating sensitive receptors but will be below the maximum vibration level of 80 VdB. This level is considered acceptable for impacts to sensitive receptors.

Table 4.3-14. Projected Construction Vibration Levels

Construction Operation	Vibration Level Metric	Project Boundary (50 feet)	NSA-1 Structure (1,700 feet) ¹	NSA-2 Structure (190 feet) ¹	NSA-3 Structure (3,900 feet) ¹	NSA-4 Structure (1,400 feet) ¹	NSA-5 Structure (600 feet) ¹
Pile Driver	PPV in/sec	0.2277	0.0012	0.0307	0.0003	0.0015	0.0055
	VdB	95	49	78	38	52	53

¹ Distance to residential structure from solar panel array.

Implementation of the noise reduction measures included as mitigation measure **NOISE-1** will ensure vibration levels from construction are compatible with the FTA guidance thresholds. To address concerns raised in the public comment period, the following additions to NOISE-1 are proposed:

“NOISE-1: The Project shall implement the following construction management protocols to minimize noise impacts during construction:

- Use temporary noise walls that provide 10 to 15 dB of reduction so that construction noise does not exceed 86 dBA at the Project boundary;*
- Maintain all construction tools and equipment in good operating order according to manufacturers’ specifications;*
- Limit use of major excavating and earth-moving machinery to daytime hours;*
- Schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited on-site activities may be allowed provided that the standards of Table 1 of Chapter 13-6 of the County Code at the property line are not exceeded;*
- Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks;*
- For construction devices that utilize internal combustion engines, ensure the engine’s housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers’ guidelines, if possible;*

- *Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment provided that the standards of Table 1 of Chapter 13-6 of the County Code at the property line are not exceeded; and*
- *A vibratory pile driver will be used for any pile driving activities occurring within 160 feet of a residential structure;*
- *Impact pile driving occurring between 160 feet and 290 feet of a residential structure will be limited to 70 strikes per day; and*
- *Prior to construction, a single point of contact shall be identified and their contact information shall be provided to the County and adjacent property owners who shall receive all construction related complaints, including but not limited to noise, dust, and traffic. A single point of contact shall be assigned at all times during and after construction and shall be responsible for investigating and responding to all complaints.”*

Project operation is not anticipated to generate groundborne noise or vibration. The applicant does not expect the use of heavy equipment during Project operation that would introduce any new sources of perceivable groundborne vibration; therefore, there is no potential for significant vibration impacts resulting from Project operations.

Comprehensive Response 14: General Plan and Zoning

R14.1 Consistency with General Plan and Zoning Code

Commenters argued that the Colusa County General Plan (“General Plan”) and Zoning Code do not allow for this type/size of Project. As analyzed in Section 4.11, *Land Use/Planning*, the Project is energy generation for off-site use, which is allowed under the General Plan and Zoning Code designations that apply to the Project site with a Use Permit. The applicant seeks a Use Permit from the County for the Project. Neither the General Plan nor Zoning Code place a size or capacity limitation on energy generation for off-site use.

The Project site is designated as Agriculture Upland (AU) by the General Plan and zoned as Foothill Agriculture (F-A). The gen-tie line intersects land designated as AU and Agriculture General (AG) and zoned as F-A and Exclusive Agriculture (E-A). The Project’s consistency with applicable General Plan and Zoning Code designations is summarized as follows:

General Plan

The General Plan consists of a variety of goals, objectives, and policies—some of which are broad in scope; others which are highly specific. For example, the General Plan includes overarching goals and objectives geared toward supporting agriculture and maintaining agriculture land use designations, while also providing specific guidance for the evaluation of certain uses that are compatible with agricultural lands, like alternative energy production (including solar). The overarching policies set the vision and the specific implementing policies and actions, as further refined by and reflected in the Zoning Code, determine what is allowed on a given parcel. Because general plans are drafted in this way and are intended to reflect a range of competing interests, projects are not required to be in rigid conformity with every provision, but instead in harmony with

the plan, interpreted as a whole. *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678.

The General Plan goals, objectives, and policies that apply to the Project are listed in Section 4.11.2.2, and the Project's consistency with these provisions is analyzed in Impact 4.11-2, as well as Table 4.11-1: *Consistency Analysis*. The Project is consistent with the General Plan as detailed in Table 4.11-1 and summarized as follows:

- *Agricultural Element:*
 - Policy AG 2-5 identifies solar farms as an agricultural-related industry that the County seeks to encourage and support. The Project is consistent with Policy AG 2-5 because it involves development of a solar farm while maintaining the landowner's existing livestock grazing operation on other portions of the property. Action AG 2-D which, among other Actions, implements Policy AG 2-5, directs the County to adopt further refinements to the Zoning Code to facilitate alternative energy production on agricultural lands. The Zoning Code allows for energy generation for off-site use with a Use Permit on agricultural lands (including those that apply to the Project site; see "Zoning Code" below), and the County processes Use Permit applications in accordance with section 44-1.080.030 of the Zoning Code, which requires certain findings and conditions of approval. Pending the adoption of additional performance standards specific to energy generating uses (as contemplated by Action AG 2-D), these standard provisions of the General Plan and Zoning Code continue to apply, in addition to any Project-specific conditions the County may require either pursuant to CEQA or its authority to regulate land use.
 - Policy AG 1-2 provides that lands designated for agricultural use shall remain designated for agriculture and not be rezoned or redesignated to an urban use. The Project is consistent with Policy AG 1-2 and it does not require a General Plan amendment or zoning change, as energy generation for off-site use is permitted with a Use Permit under the General Plan and Zoning Code.
 - The Project also does not conflict with the County's overarching goal to maintain and enhance agriculture as the County's most critical land use (see *e.g.*, Goal AG-2). As noted above, and further evaluated in Section 4.2, *Agriculture and Forestry Resources*, the Project is not located on Prime farmland and the landowner's existing dryland cattle grazing operation will continue on other portions of the property without reducing the size of the herd as a result of the Project.
- *Land Use Element:* The General Plan allows for a variety of uses in the AU designation including: cultivated agriculture, livestock and animal keeping, industrial and commercial agriculture, agricultural tourism, low-intensity recreation, resource production (including timber and mining), energy production (including solar), single family residential, and farmworker housing (see Section 4.11.2.2; *citing* General Plan Land Use Element Table LU-1). Policy LU 2-11 further directs the County to develop accommodations for the development of large-scale commercial energy production, such as solar, on agricultural parcels—particularly parcels with marginal/poor farmland. The Project is consistent with

LU 2-11, and the AU designation, because it involves development of large-scale commercial solar energy production with a Use Permit on non-Prime agricultural land.

- *Conservation Element*: The Conservation Element of the General Plan further directs the County to “encourage the development of large-scale commercial energy projects that utilize renewable sources such as solar, wind, biomass, and agricultural byproducts” (Policy CON 2-2) and to “allow commercial alternative energy facilities, including solar, wind and biomass in the Agriculture General, Agriculture Upland, Industrial, Forest, and Resource Conservation land use designations with a Conditional Use Permit” (Policy CON 2-3). The Project is consistent with Policy CON 2-2 and Policy CON 2-3 because it is a large-scale commercial solar project, which is allowed within the AU and AG land use designations with a Use Permit.
- 2030 General Plan Update EIR (published in 2012): The 2030 General Plan Update EIR, which was finalized alongside the current General Plan in 2012, projected that the increase in development being provided for would create additional stationary source emissions and cause a Significant and Unavoidable Impact.¹⁰ To help lessen this impact, several policies were included in the 2030 General Plan Update to mitigate these significant impacts to the extent feasible. These policies included Policy CON 2-2 to encourage the development of large-scale commercial energy projects that utilize renewable sources such as solar, biomass, and agricultural byproducts. In addition, Policy CON 2-3 was adopted to allow commercial alternative energy facilities, including solar and biomass in the Agriculture General, Agriculture Upland, Industrial, and Resource Conservation land use designations with a Conditional Use Permit. Allowing large scale solar projects on agricultural land, including the Project site, is consistent with these General Plan policies intended to reduce significant impacts under the 2030 General Plan EIR.

Zoning Code

Applicable provisions of the Zoning Code are addressed in Section 4.11.2.2, and the Project’s consistency with these provisions is analyzed in Impact 4.11-2. As noted above, the Project site is zoned F-A and the gen-tie line from the Project site intersects land zoned as F-A and E-A. Energy generation for off-site use is permitted within the F-A and E-A zones with a Use Permit (Zoning Code § 44-2.20.30).

As explained in Section 4.11.2, *Land Use/Planning; Regulatory Setting*, the provisions in the Zoning Code that allow energy generation for off-site use in F-A and E-A zones with a Use Permit were adopted by the County to implement the General Plan, including Policies CON 2-2 and 2-3 which were developed in the 2030 General Plan Update EIR to mitigate potentially significant impacts from increased stationary source emissions of new development contemplated by the 2030 General Plan Update EIR.

¹⁰ Draft Environmental Impact Report for the 2030 Colusa County General Plan Update, 3.3-16 (Nov. 2011), <http://www.countyofcolusageneralplan.org/sites/default/files/Public%20Draft%20EIR-Colusa%20GP-Print%20File.pdf> (See Impact 3.3-2, *Stationary Source Emissions*. This section was not revised in the General Plan Final EIR).

R14.2 Development Outside an EP Overlay Zone

The General Plan allows for development of large-scale commercial solar energy production on non-Prime agricultural land with a Use Permit (see CON 2-3, LU 2-11; see also Table 4.11-1: Consistency Analysis). The Zoning Code further allows energy generation for off-site use in F-A and E-A zones with a Use Permit (Zoning Code § 44-2.20.30). The Energy Production (EP) Overlay Zone is an alternative planning tool that the County may apply to certain parcels to promote alternative energy production through a streamlined permitting approach. Parcels subject to an EP Overlay are permitted with a Minor Use Permit in lieu of a Use Permit. As of the date of publication, the County has not yet adopted any EP Overlay Zones and the designation therefore does not apply to the Project site. Accordingly, the Applicant seeks a standard Use Permit consistent with the F-A and E-A zones.

R14.3 Consistency with Agricultural Uses

The Project is energy generation for off-site use, which is a “Natural Resource Use” as classified by Table 44-2.20-2 of the Zoning Code (“Allowed Uses in the Agricultural Zones”). Energy generation for off-site use is allowed in the F-A and E-A zones with a Use Permit (Zoning Code § 44-2.20.30). Further, as detailed in response to Impact 4.11-2 and Table 4.11-1: Consistency Analysis, the Project would not require a zone change and would remain designated for agriculture and, as contemplated by the Zoning Code, the Project includes a Use Permit.

R14.4 Consistency with General Plan Policies Promoting Agricultural Uses

The General Plan includes goals, objectives, and policies that recognize and seek to preserve the critical role of agriculture in the County (see e.g., Goal AG-2 “Recognize that Agricultural Land is the County’s Greatest Natural Asset and Take Appropriate Measures to Restrict the Conversion of Agricultural Lands to Non-Agricultural Uses”). The General Plan also provides specific guidance for the County to evaluate certain uses that are compatible with these goals, such as alternative energy production (including solar).

As analyzed in Impact 4.11-2 and Table 4.11-1: *Consistency Analysis*, the Project is consistent with the General Plan and Zoning Code, as energy generation for off-site use is permitted with a Use Permit. The development of solar farms, in particular, is enumerated in General Plan Policy AG 2-5 as an agricultural-related use that the County seeks to encourage, and General Plan Policy CON 2-3 specifically allows for commercial alternative energy facilities, including solar, in the AU and AG designations with a Use Permit.

Section 4.1, *Aesthetics*, analyzes the Project’s potential impact on visual resources from eight Key Observation Points (“KOPs”), including whether “the project [would] substantially degrade the existing visual character or quality of public views of the site and its surroundings” (see Impact 4.1-3), and concluded that visual impacts are less than significant compared to the existing structures and landscape. Section 4.2, *Agriculture and Forestry Resources*, analyzes the Project’s potential impact to agricultural resources (see Impact 4.2-1 through 4.2-5), concluding that potential impacts are less than significant due to the on-site soils, project size, and lack of irrigation (among other factors). The Project also is not expected to induce population growth in the area (see Section 4.14, *Population/Housing*, Impact 4.14-1) or result in any noticeable change to traffic during the operational phase of the Project (see Section 4.17, *Transportation*, 4.17.5, *Impacts Analysis*).

Comprehensive Response 15: Williamson Act

R15.1 Compatibility with Williamson Act

The Project's compatibility with the Williamson Act is analyzed in Section 4.2, *Agriculture and Forestry Resources*. Based on the design of the Project and the specific characteristics of the agricultural land at the Project site, the Project is a compatible use under the Williamson Act statute (Government Code §§ 51200 *et seq.*) and the County's Williamson Act policy (Resolution 02-82) and is therefore consistent with the Williamson Act.

Williamson Act Statute

There are five options for siting solar facilities on Williamson Act contracted land: (1) non-renewal, (2) cancellation, (3) compatibility, (4) eminent domain, and (5) solar use easements. Each of these options is described in Section 4.2.2.2 (see *California Land Conservation Act of 1965*), as well as in the Department of Conservation (DOC) "*Solar Power and the Williamson Act*" guidance published in 2023 (referenced in Section 4.2.2.2).

As stated in Section 4.2.2.2, there are two independent bases upon which a local agency may find solar power generation facilities compatible with contracted land under the Williamson Act statute (i.e., the third scenario described in the preceding paragraph): (1) the use meets the "principles of compatibility" in Government Code § 51238.1(a); or (2) the use is located on non-Prime land and approved subject to a use permit in accordance with Government Code § 51238.1(c). The Project satisfies both §§ 51238.1(a) and (c), as analyzed in Impact 4.2-2, and summarized below.

Principles of Compatibility

The "principles of compatibility" in Government Code § 51238.1(a)(1)–(3) require a local agency to assess the degree to which a use would impact underlying agricultural operations at a given site. The Project is consistent with each principle as follows:

- (1) The Project is consistent with Government Code § 51238.1(a)(1) because it will not significantly compromise the long-term productive agricultural capacity of the Project site (see Impact 4.2-2). The Project site is non-Prime farmland (without an existing or reasonably foreseeable irrigation infrastructure or irrigation connection) used by the landowner for dry land cattle grazing. The landowner will be able to continue to use the land for cattle grazing on other portions of the site during construction and operation of the Project without reducing the size of the existing herd as a result of the Project. Further, at the end of the Project's life, the Project would be fully decommissioned, and the land restored to its current state. All solar panels, batteries, and related facilities would be removed—an obligation that would be secured by the posting of a bond, which is a requirement of the Use Permit as a condition of approval.
- (2) The Project is consistent with Government Code § 51238.1(a)(2) because implementation of the Project will not significantly displace or impair reasonably foreseeable agricultural uses of the Project site (see Impact 4.2-2). Because the Project site has low agricultural capabilities and no access to irrigation, there are no other reasonably foreseeable agricultural operations that could occur at the site besides the historical cattle grazing

which, as noted above, would continue on other portions of the site without any reduction in the size of the herd grazed.

- (3) The Project is consistent with Government Code § 51238.1(a)(3) because it will not result in the significant removal of adjacent contracted land from agricultural or open-space use. The Project requires a Use Permit based on existing General Plan and Zoning designations for the site (see Section 4.11, *Land Use/Planning*) and also is not expected to induce population growth in the Project area (see Section 4.14, *Population/Housing*, Impact 4.14-1).

The Project is also not anticipated to significantly compromise the long-term agricultural capacity or to significantly displace or impair reasonably foreseeable agricultural use of other contracted parcels in the County (see Impact 4.2-2). The Project would not bring new users or residents to the Project site during its operations. There are approximately 318,000 acres of Williamson Act land within the County. The Project site's 886 acres (only 666 of which would be used for the Project) would represent less than one percent (0.28%) of the County's total acreage.

Use Permit on Non-Prime Farmland

Independent from the “principles of compatibility,” solar power generation facilities can also be an approved use on contracted land if they are located on non-prime agricultural land subject to a conditional use permit and they satisfy the findings outlined in Government Code § 51238.1(c)(1)–(4). The Project is subject to a Use Permit, located on non-prime land, and satisfies the additional required findings as follows:

- (1) The Project satisfies Government Code § 51238.1(c)(1) because it is consistent with the principles of compatibility in Government Code § 51238.1(a), as detailed above, and incorporates adequate mitigation measures to minimize impacts to the Project site and adjacent parcels to the greatest extent possible (see Impact 4.2-2). The conditions of approval for the Use Permit will require compliance with the various environmental requirements in the Mitigation Monitoring and Reporting Program (MMRP) for the Project, which include dust and noise control measures, including mitigation measures **AQ-1** through **AQ-3**, **NOISE-1**, as well as approval of a Stormwater Pollution Prevention Plan to ensure that any potential impacts on adjacent parcels during construction are minimized to the satisfaction of the County.
- (2) The Project satisfies Government Code § 51238.1(c)(2) because, as detailed with respect to § 51238.1(a)(1) and (2), the site has low agricultural capabilities and minimal water access (including no irrigation) (see Impact 4.2-2). The Project is located on non-Prime farmland currently used for dry land cattle grazing due to lack of water.
- (3) The Project satisfies Government Code § 51238.1(c)(3) because it is located on non-Prime farmland with low agricultural capability (see Impact 4.2-2) and it is not expected to induce population growth in the Project area (see Section 4.14, *Population/Housing*, Impact 4.14-1). Further, as discussed above with respect to consistency with § 51238.1(a)(1), at the end of the Project's life, the Project would be fully decommissioned, and the land restored to its current state.

- (4) The Project satisfies Government Code § 51238.1(c)(4) because the Project is not (and does not include) a residential subdivision.

Resolution 02-82

The Project is also consistent with the County's Williamson Act policy, Resolution 02-82, which sets forth the permitted and compatible uses on contracted land within the County, including "[t]he erection, construction, alteration or maintenance of gas, electric, water, or communication utility facilities" (see Item #19).

Comprehensive Response 16: Labor

R16.1 Local Hiring Policies

As analyzed under Chapter 4.15, *Public Services*, construction for the Project is expected to last 11 months and require up to approximately 200 on-site personnel during peak construction. Sourcing for construction workers would prioritize the hiring of local qualified laborers and mechanics (those individuals whose duties are manual or physical in nature, including those individuals who use tools or who are performing the work of a trade) to the extent possible.

Comprehensive Response 17: Other Topics

R17.1 Greenhouse Gas Emissions from Building Materials

Commenters inquired about why GHG emissions from building materials were not analyzed. GHG emissions from building materials used for a project are not attributable to the project for the purposes of CEQA (Health and Safety Code [HSC] § 38561.3(k)), and such emissions were therefore not analyzed in the EIR for the Project.

R17.2 [Reserved]

R17.3 Impact on Nearby Agricultural Operations

Commenters inquired whether the EIR analyzed the impact of dust on nearby agricultural operations. As discussed in Section 4.3, *Air Quality*, the Project is located within a nonattainment region for the California AAQS for PM₁₀. The CCAPCD has requested that the Project use BCAQMD annual and daily significance thresholds to address pollution sources associated with general construction activities, such as the operation of on-site construction equipment, fugitive dust from site grading activities, and travel by construction workers. Mitigation measures **AQ-2** and **AQ-3** would be required on site to reduce dust emissions. Based on these recommended thresholds, the proposed Project would result in a significant contribution to localized ambient air quality if daily emissions exceeded 80 pounds per day of PM₁₀ during either construction or operation. Daily PM₁₀ emissions will be well below this threshold for both construction and operation.

See also **R9.1**.

R17.4 [Reserved]

R17.5 [Reserved]

R17.6 [Reserved]

R17.7 Energy Offtake

The energy generated by the Project will be delivered to the California Independent System Operator (CAISO)—operated electricity grid at the PG&E Cortina Substation. The Applicant has an executed Large Generator Interconnection Agreement (LGIA) with PG&E and CAISO that allows the Project to interconnect to the grid.

R17.8 Scope of EIR Review

While the County acknowledges that there is more than one way to approach modeling and analysis and that there are many data sources available, an EIR need not include an exhaustive analysis using every approach, modeling tool, and data set available. The level of specificity required in an EIR is determined by the nature of the project and the rule of reason. *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 234 Cal.App.4th 214, 233. An assessment of project impacts need not be exhaustive and need not include all information that is available on an issue. *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397. When responding to comments, a lead agency is not required “to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.” 14 Cal. Code Regs. § 15204(a). An EIR also does not need to provide all information requested by reviewers, as long as the report, when looked at as a whole, reflects a good faith effort at full disclosure. 14 Cal. Code Regs § 15204(a). In addition, when responding to comments, a lead agency is only required to respond to those that raise “significant environmental issues.” 14 Cal Code Regs § 15088(a).

COUNTY OF COLUSA

PLANNING COMMISSION SPECIAL MEETING

OCTOBER 30, 2024

JANUS SOLAR AND BATTERY STORAGE PROJECT

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1 COMMISSIONER KRUG: We'll go to item two,
2 presentation of Community Development Department.

3 MR. PLUCKER: Thank you very much. For
4 the record, Greg Plucker with the Community
5 Development Department.

6 Today's item is a presentation on the
7 Janus Solar battery storage project's draft
8 environmental impact report. Really, the purpose
9 is to receive any public verbal comments, as well
10 as receive any Commission verbal comments.

11 Janus Solar has submitted a new
12 conditional use permit application for a solar
13 photovoltaic power generating facility to store
14 80 megawatts of electricity and store up to 320
15 megawatt hours of electricity on an approximately
16 886-acre site. Only estimated 666 acres of that
17 site would actually be used.

18 An environmental impact report is being
19 processed to analyze the potential impacts of the
20 project. The notice of completion for the draft
21 has been published. And the state agencies and
22 the public review period ends on November 13th.

23 The purpose of bringing the draft to the
24 Commission during the public review period is to
25 allow the Commission to receive any verbal

1 comments on the draft. And all comments received
2 today, whether it's from the public or as well as
3 the Commission, with questions would be
4 integrated into the final environmental impact
5 report.

6 The final environmental impact report, the
7 use permit and the development agreement would be
8 processed before the Planning Commission
9 subsequently for a recommendation to the Board of
10 Supervisors.

11 The Board of Supervisors would then make
12 the final decision on the final environmental
13 impact report, the development agreement and the
14 use permit, and also would make a determination
15 on the Williamson Act compatibility.

16 The site, approximately six-and-a-half
17 miles west/southwest from the city of Williams,
18 approximately a little over a mile-and-a-half to
19 the south of the Spring Valley Road/Walnut Drive
20 street intersection.

21 Again, approximately 666 acres of the site
22 would be used. Environmentally sensitive areas
23 would be avoided, which you can see all these
24 areas right in here would be avoided from the
25 site.

1 Project includes 196,000 solar panels in
2 these areas. You have an onsite substation of
3 approximately 3 acres. And the battery storage
4 energy system would be approximately 4 acres in
5 this location.

6 The Planning Commission will make a
7 recommendation to the Board on the final
8 environmental impact report, the use permit and
9 the development agreement. And the Board of
10 Supervisors, again, makes the final
11 determination.

12 When staff reviewed the application
13 originally, we decided that it could have
14 potential significant impacts, which triggered
15 the preparation of an environmental impact
16 report.

17 By way of background and for the folks in
18 the audience, the purpose of the EIR is to
19 document potential direct, indirect and
20 cumulative impacts of a project. The EIR is
21 primarily an informational document intended to
22 inform the public, decision makers, other
23 responsible agencies of potential significant
24 effects the project may have.

25 In addition, the EIR has other sections

1 that identifies feasible mitigation measures and
2 reasonable alternatives to reduce identified
3 potentially significant impacts.

4 The decision-making bodies, the Planning
5 Commission, the Board of Supervisors, then must
6 consider the final environmental impact report
7 prior to taking action on the project itself.

8 The EIR is prepared in two distinct
9 phases, if you will. The first is the draft is
10 prepared and distributed to review and comment,
11 which is the period we are in right now.

12 Once the comments are received, responses
13 to those comments and questions and any
14 additional analysis is then prepared. And then
15 those responses and the draft form what's the
16 environmental impact report. And again, it's
17 being used by the decision-making bodies to look
18 at the environmental impacts of the project.

19 With this application, the Planning
20 Commission -- and I'd like to talk about this a
21 little more in depth -- the Planning Commission
22 will be making a recommendation on the final to
23 the Board of Supervisors, who will make the final
24 decision.

25 Under the typical process, you may be

1 aware that the Planning Commission is the
2 decision-making body for use permits. However,
3 the project does include a development agreement.
4 And under the County Code, the Planning
5 Commission makes a recommendation on the
6 development agreement to the Board of
7 Supervisors.

8 There is a provision in the County Code
9 that talks about when multiple applications are
10 filed, the ultimate decision is made by the
11 highest level body. In this case, because the
12 development agreement triggers a Board approval,
13 that also means that the Board would also be
14 approving the use permit.

15 So, therefore, you will be making a
16 recommendation on the project, whatever that
17 ultimately may be, to the Board of Supervisors,
18 who, again, will make the final decision.

19 The draft environmental impact report
20 analyzed 20 different environmental issues. The
21 staff report contains a very brief summary of
22 these issues.

23 And I'm not going to go through all these
24 issues at this point. What I'd like to do is
25 focus on three specific issues in which there has

1 been some project changes or additional
2 information developed from when you looked at the
3 previous application.

4 With respect to aesthetics, in the EIR,
5 the draft EIR, a visual impact assessment was
6 performed, and it uses the Bureau of Land
7 Management contrast rating system. The
8 significance to determine the potential impact
9 was reviewed as appendix G in the CEQA guidelines
10 to determine impacts to existing visual
11 resources.

12 Basically, what happened is they
13 observed -- eight key observation points were
14 selected, and they were along Walnut Drive,
15 Spring Valley Road, and from close to the
16 residents to the north and the south of the
17 project.

18 On Walnut Drive there were three key
19 observation points, two looking west, one looking
20 east. On Spring Valley you had a couple looking
21 south and one looking north. And then from the
22 residential, approximately in this location and
23 approximately this location, they're basically
24 looking into the project site.

25 On Walnut Drive, view number one looking

1 west, shows the existing view, and then would
2 also show the addition of the new power poles
3 that would be installed. So give a indication of
4 what this would look like in terms of visual
5 impact along Walnut Drive.

6 Again, looking west, here are the new
7 power poles in this location. And then the third
8 view, basically looking back east, shows the
9 power poles here.

10 On Spring Valley Road, as you -- just
11 above the Ferrini Orchard right here, you should
12 see the addition of what the power poles would
13 look like in that area.

14 Further down on Spring Valley Road you
15 show the power poles in this location. And then
16 along Spring Valley Road about midpoint into the
17 project site, this will give you a better
18 indication of what the panels would look like
19 from this viewpoint.

20 With regards to generally the residential
21 to the north, it's hard to see, but the panels
22 are located back in this area. This location
23 right up on the north would still remain in
24 cattle operations and so would provide an
25 additional buffer right when you start entering

1 the area.

2 Looking from the southern -- I refer to it
3 as the southern residents, but it's not directly
4 in front of the existing residents because of the
5 vegetation. It's really at the corner of that
6 intersection looking to the northeast, and shows
7 what the panels would look like in there.

8 With respect to the aesthetic findings,
9 there's a series of findings. And overall, the
10 draft found that either there were no potential
11 impacts, or that they were considered less than
12 significant based on the analysis that was done
13 in the EIR.

14 With regards to hazard and hazardous
15 materials, the draft analyzed the potential
16 hazards and hazardous materials during -- what
17 would be during the construction, as well as in
18 operation. And I'd like to focus on two
19 particular issues, the solar photovoltaic panels
20 and the battery energy storage system.

21 With regards to the panels, in terms of
22 hazardous information, basically we anticipate
23 that they would be made from a polycrystalline
24 silicone or thin film technology.

25 The PV panels may include small amounts of

1 materials considered to be hazardous. These
2 materials are actually in a solid non-leachable
3 state. The voltaic crystalline panels would not
4 be a source of pollution because they are in a
5 solid state.

6 In a fire, no emissions would be released
7 because the materials would be dissolved into
8 molten glass. And this really a worst case
9 scenario, assuming the heat would be sufficient
10 to melt the glass. And as we'll discuss in the
11 wildfire hazard section, the anticipated fuel
12 load out there would not be enough to actually
13 heat the glass panels.

14 With respect to the battery energy storage
15 system, lithium iron -- lithium iron phosphate
16 sub chemistry is actually proposed. This type of
17 technology, which is a bit different from what
18 the previous technology was being used, provides
19 enhanced fire preventive design and stable
20 chemical composition.

21 Also, the technology complies with --
22 there's a UL safety organization testing that
23 establishes minimum standards that are being
24 integrated. And the testing actually then looks
25 at different thermal runaway conditions where

1 they actually cause the battery systems to
2 actually go into a thermal runaway or a fire
3 condition.

4 The proposed BESS systems that have been
5 analyzed that are for this project has a
6 multitiered safety and accident prevention
7 system.

8 First, they're located more than 500 feet
9 from Spring Valley Road. This was done to ensure
10 that if there is any emergency response, that it
11 would take well off of Spring Valley Road in
12 order to avoid any conflict with traffic on
13 there.

14 Appendix G of the EIR has the third-party
15 hazard mitigation analysis. And really it looked
16 at the thermal runaway conditions. It looked
17 what happened if there was a failure in the
18 energy storage management system, a failure of
19 the ventilation or the exhaust system, failure of
20 the required smoke detection/fire detection, and
21 suppression, voltage surges in circuits, if you
22 will.

23 As noted under all conditions, the
24 proposed systems did effectively deal with the
25 situation. Noted features of the storage

1 containers they are looking at, they actually are
2 now multiple individual compartments. And that
3 was to provide additional safeguards in order to
4 prevent the entire container from, you know,
5 being exposed to a hazard.

6 Each module has its own battery management
7 system, monitored early detection, automatic
8 shutdown, temperature, gas and smoke monitoring,
9 as well as very early smoke detection apparatus.
10 And this actually just samples the air and it's
11 able to reduce -- or detect a fire before there's
12 even any smoke.

13 The BESS unit tap underground, as analyzed
14 in the appendix, destructive unit testing. And
15 what they've done is under the UL certification,
16 they assumed a worst case scenario. They fully
17 charged the battery units themselves and then
18 they basically disconnect the battery management
19 system and the thermal management system to see
20 what it does.

21 And in the first test, which is per the
22 UL, they basically forced a number of cells into
23 a thermal runaway condition. And what the
24 results were with these containers is that it did
25 propagate to a seventh cell, but stopped at that

1 point. No flames were observed. Internal
2 temperatures did not trigger the venting. The
3 explosion hazards, projectile vomitings, nothing
4 was actually observed.

5 And then air sampling within 20 feet of
6 the containers revealed that the emissions were a
7 fraction of a level that would be considered
8 hazardous to humans.

9 Example two was, again, charge the
10 batteries 100 percent. Disconnect the management
11 system, and thermal management system were
12 disabled. And this was a much more aggressive
13 approach in which they basically forced 48 cells
14 within the module into a thermal runaway.

15 What was observed is that all the cells
16 within the tray did light up and go into runaway.
17 Maximum flame heights in this condition were two-
18 and-a-half feet above the top of the unit. The
19 fire spread was fairly slow as it consumed the
20 portion of the module in which it was located.
21 And it was only 6 hours and 40 minutes.

22 The fire stopped really at the halfway
23 point. There's an internal kind of break right
24 at the halfway point of these modulars -- that's
25 diagramed in the EIR -- which stopped the spread

1 at that point.

2 The internal vents did open. The doors
3 remained closed, as designed. And there was no
4 hazard pressure waves, no debris, shrapnel, or
5 any pieces of a cabinet were ejected. There was
6 basically no explosion or anything ejected. And
7 again, toxic gases remained at a fractional level
8 that are contained -- considered hazardous within
9 20 feet of the unit that was undergoing.

10 Overall, the draft found when it looked at
11 the various findings that were in the EIR, there
12 were no potential hazard impacts, or that they
13 were mitigated below the level of significance or
14 with the fire mitigation measure one. The
15 impacts were determined to be less than
16 significant.

17 And the specific reasons for this and this
18 design is the design of the very specific battery
19 storage container, which is being proposed for
20 this project at this point.

21 With respect to wildfire, the draft model
22 for potential wildfire hazard without the
23 project, kind of a pre-development condition, if
24 you will, and they found that under a wildfire
25 hazard today, flames could get to 12 to 15 feet.

1 The spread would be about 3 to 5 miles an hour,
2 and spotting distance about a half mile. And
3 this is with 40-mile-an-hour winds that they
4 would assume, kind of a worst case scenario on
5 the spotting differences.

6 Then the DIR model, the potential wildfire
7 with the project, the modeling identified three
8 zones that would be maintained within the area.
9 Field zone one, which would be gravel, paved or
10 barren land, which would be zero to 30 feet from
11 the energy storage systems.

12 So you basically have the energy storage
13 systems, as well as the substation and roads that
14 would be maintained in gravel. And an area
15 within 30 feet of that, the fuel modification
16 zone, grass was mowed to a stubble height of less
17 than two inches. That actually goes around the
18 entire periphery of the project itself.

19 And then the fuel modification zone three
20 where its grass is being mowed to height of --
21 kept under four inches. And this is under all
22 the PV arrays and also within 30 to 100 feet of
23 the BESS. So within the substation and the
24 energy storage within that and within a 30-foot
25 buffer, it's going to be zone one gravel, and

1 then 30 feet to 100 feet, you basically maintain
2 that to four inches at that point.

3 Grassland in other areas within the
4 project site would be maintained to a 12-inch
5 maximum height, with the exception of some
6 bumblebee avoidance areas that would be left
7 alone, if you will.

8 So here's kind of the project right now.
9 And what you're looking at, the green is zone
10 two. This area right here is zone one. This is
11 all zone three, four inches, and this is the
12 grass 12 inches high. Again, the green area is
13 stubble, which would surround the entire
14 periphery of the project. And then the bumblebee
15 avoidance areas, that would be outside of the
16 photovoltaic arrays.

17 COMMISSIONER PENDLETON: So the yellow or
18 orange there is the batteries?

19 MR. PLUCKER: Let me stop scrolling here.
20 I don't know how we got so far up.

21 UNIDENTIFIABLE SPEAKER: Didn't mean to
22 mess you up that bad.

23 MR. PLUCKER: No. I mean, we just -- oh,
24 you know what, the wheels reversed. Okay. Okay.
25 That's not good.

1 But the answer is yes.

2 COMMISSIONER PENDLETON: Okay.

3 MR. PLUCKER: There's two rectangular
4 areas up there where the battery storage --

5 COMMISSIONER PENDLETON: That'll be the
6 area that'll be gravel and --

7 MR. PLUCKER: Yes.

8 COMMISSIONER PENDLETON: -- no vegetation
9 (inaudible)?

10 MR. PLUCKER: Yes. So then what they did
11 is, in table four of the analysis, there's
12 actually a kind of comparative analysis between
13 the existing and with the fuel modification
14 zones.

15 As you can see, you know, the flame
16 height, you know, 12 to 15 feet. But under the
17 fuel modification zones range from zero to three
18 feet. You know, the BTU, the intensity feet per
19 second, you can see it's a fraction of what is
20 under the natural conditions.

21 The spread, you know, is up to almost 450
22 feet per minute, and it's down to, you know, zero
23 to 30 feet per minute. And then the spotting
24 distance also are drastically reduced as a result
25 of kind of the fuel load management system within

1 that area.

2 Under the wildfire, overall when you look
3 at the various findings sections, the potential
4 wildfire hazards were either determined to be
5 less than significant, or less than significant
6 with the mitigation measures being proposed as
7 part of this.

8 And so one of the things with the fire
9 mitigation measures, unlike the last time, what
10 it does is it sets forth these minimum standards
11 that need to be implemented. So it really
12 provides a base in terms of what the minimum
13 standards are to allow these analyses to be
14 conducted. But then, again, it'll also be
15 subject to the Williams Fire Authority final
16 review and approval with the minimum base
17 requirements.

18 As previously mentioned, analyze 20
19 different environmental issues. We had a brief,
20 you know, summary of each of these issues in the
21 presentation. This presentation focused on
22 issues that had been a heightened concern in the
23 past. And really, also, some changed
24 circumstances or new information that was
25 available -- that is now available that wasn't

1 previously available.

2 The draft comment period ends on
3 November 13th. And again, the final will respond
4 to all verbal and written comments that are
5 submitted.

6 The draft also, I wanted to bring out, is
7 it's not just the -- there's a couple other
8 required sections. One of them is the
9 alternatives sections. There's got to be a
10 number of alternatives studied as required by
11 CEQA.

12 Chapter 3 of the draft describes the
13 potential alternatives that were considered and
14 some that were eliminated from consideration.
15 And a couple key provisions to consider in the
16 alternatives, you need to focus potentially on
17 alternatives that avoids or substantially lessens
18 significant impacts.

19 Even if the project objectives would not
20 be fully met or would be more costly, it doesn't
21 matter. If it's minimizing the potential
22 environmental impacts, whatever they may be, they
23 need to be considered. Also, the no project
24 alternative is required to be considered as well.

25 The alternatives also are governed by a

1 rule of reason. Only those alternatives
2 necessary to permit a reasoned choice, as well as
3 not every conceivable alternative to a project
4 needs to be considered. It just needs to be a
5 reasoned choice to different to less than
6 significant impacts.

7 For alternative locations, the one that
8 was examined in the staff report, it's just
9 illustrative of if it was located in a different
10 area, in a more productive ag area, what would be
11 those potential concerns.

12 Again, do not need to consider an
13 alternative where effects cannot be reasonably
14 ascertained, or the implementation of an
15 alternative is remote or speculative. Those do
16 not need to be considered.

17 The alternative considered, no project
18 alternative, which is mandatory, a distributed
19 rooftop solar throughout the county, basically
20 putting PV panels on the ground. You basically
21 put them on people's homes.

22 A solar panel only alternative and the
23 BESS energy system would be removed.
24 Undergrounding the gen-tie line and the offsite
25 alternative in northeast Colusa County. Again,

1 that was illustrative of the potential impact
2 changes.

3 There were a couple alternatives that were
4 looked at that were potentially eliminated.
5 Reduced acreage alternative, which could be
6 anything from, you know, greater setback along
7 Spring Valley Road. That would reduce the number
8 of acres. An orchard alternative, turning into
9 an orchard. And conservation and demand side
10 management alternative.

11 In summary, the draft has been prepared
12 and it's currently in the public review period.
13 Again, all comments written would have to be
14 submitted by November 13th.

15 The purpose of this Planning Commission
16 meeting is to provide the opportunity for the
17 public to not only learn a little more about the
18 project, but also have them provide an
19 opportunity to provide verbal comments directly
20 to the Planning Commission, as well as to provide
21 the Planning Commission an opportunity to provide
22 comments on issues that, if there are any, that
23 would need to be into the final environmental
24 impact report.

25 The purpose of the meeting is not really

1 to get into a question-and-answer scenario, or to
2 make any project-related decisions. You're here
3 to hear or to ask questions.

4 And the questions and conducting any
5 further analysis to address anything addressed
6 today will be provided through the final
7 environmental impact report that would then be
8 subsequently prepared and brought back for you
9 for your analysis, as well as the use permit and
10 the development agreement to develop ultimately a
11 recommendation to the Board of Supervisors.

12 At this point, what we're asking -- or
13 recommending that the Commission does, ask any
14 questions that you may have about -- with us at
15 this point, and then receive the presentation
16 from the applicant and their technical experts.
17 They will have additional battery storage
18 technical information, as well as additional
19 wildfire information, which would provide you an
20 opportunity to ask any questions for further
21 analysis, if you will.

22 And importantly, receive any verbal
23 comments from the public. And then, finally,
24 provide any comments or questions that you have
25 that you believe should be included in the final

1 environmental impact report.

2 And with that, that's my presentation. So
3 with that, do you have any questions of me?

4 COMMISSIONER KRUG: I just have one
5 question.

6 MR. PLUCKER: Sure.

7 COMMISSIONER KRUG: We'll have a
8 chance at next week's meeting to ask more
9 questions. We'll have more time to review the
10 rest of this or --

11 MR. PLUCKER: So next week's meeting is a
12 regular Planning Commission meeting, and this
13 item is not on the agenda.

14 COMMISSIONER KRUG: Gotcha. Okay.

15 MR. PLUCKER: So the next time you see
16 this is when you will see -- what I anticipate,
17 when you see the final environmental impact
18 report with the project actually coming before
19 you for a decision or recommendation.

20 COMMISSIONER PENDLETON: Okay. One of the
21 things you mentioned in there that I really like
22 is the potential of undergrounding power lines
23 right there and the supply lines coming out of
24 the place. Because that would solve a lot of
25 problems right there.

HC-1

1 One, it would take care of the visual
2 impact. But two, it'd take care of the fire
3 aspect of it.

4 And will these lines be shut down under
5 the P.G.& E's PSPS events during high fire
6 danger?

7 MR. PLUCKER: This area -- my
8 understanding, this area is not in a -- and here
9 I go starting to answer questions already. But
10 it's not in the P.G.& E. high definition area.

11 And to use this as an example is if you
12 have a question, you would say something like, we
13 need to make sure that the final addresses
14 whether or not these lines would be shut down and
15 how that would relate to, you know, the power
16 shutoff.

17 And so that's how you would phrase that,
18 so then that would be analyzed and included in
19 the final. So that question would then be
20 specifically answered when the final comes back
21 before you.

22 COMMISSIONER PENDLETON: Right. Because
23 most of the west side of this valley is shut down
24 whenever we have a wind event or anything that
25 the PSPS -- what is it, the public safety power

1 shutoff --

2 MR. PLUCKER: Yes. Yes.

3 COMMISSIONER PENDLETON: -- that they do
4 to reduce the risk of lines arcing and creating
5 wildland fires. And obviously, we know that's a
6 high fire danger area up there. And most of the
7 people up there, landowners, whatever, have had
8 their insurance either canceled or not renewed
9 because insurance companies won't do it in high
10 fire risks. And that was one of the problems I
11 had with putting a potential ignition source in
12 such a high fire danger area.

13 It's different down here in the rice
14 fields where through most of the fire season it's
15 surrounded with green growing vegetation, as
16 compared to a high fire danger area along the
17 base of those foothills.

18 Because if you get one of your normal
19 flowing winds blowing 30, 40 miles an hour, that
20 fire can spot a mile, mile and a half. And, you
21 know, it may not even be caused by this plant.
22 But, you know, you'll have flame lengths of 100
23 feet going through there.

24 Those solar panels will actually work like
25 an airfoil and increase the wind speed underneath

HC-2

HC-3

HC-4

HC-5

1 them. And that's just -- one of the real
2 concerns I have is the fire danger up there along
3 the base of these foothills.

HC-5

4 MR. PLUCKER: Uh-huh. Okay. Do you have
5 any other questions of me before the applicant
6 presents? And you may have questions of them
7 when they start to -- when their experts start
8 talking about some of the technical things as
9 well.

10 COMMISSIONER KRUG: All right. Well,
11 that's good. Thank you.

12 COMMISSIONER PENDLETON: Another thing I
13 would like to see them put in there, too, in
14 their stuff is a containment arrangement around
15 the said battery plant. So if it does catch fire
16 and water is used on it to extinguish the fire,
17 that the heavy metals won't leach out into the
18 adjacent ground and everything. It can be
19 contained and limit the hazardous materials
20 spilled everywhere.

HC-6

21 MR. PLUCKER: Okay. So with that, I would
22 like to turn it over to the applicant to provide
23 additional technical information.

24 MR. SALAS: Thank you, Greg.

25 Good morning, everyone. For the record,

1 my name is Alex Salas. I'm a development manager
2 for RWE, and I'm the lead developer of this Janus
3 Solar and battery storage project.

4 As Greg mentioned, I'm here today to walk
5 through some of the key components of the
6 project, particularly the fact how we're
7 addressing wildfire concerns, and some of the
8 public benefits that come with the project.

9 First and before I get into the full
10 presentation, I want to take some time to kind of
11 address the elephant in the room. We've been
12 here before. We were here last year in August.
13 Presented the project. Prepared a similar draft
14 EIR. Of course, the permit was denied back then.

15 Subsequently, we went to the Board of
16 Supervisors in February of this year. The permit
17 was denied again.

18 And so you may be wondering, you know, why
19 we're here again. What's changed. And I think I
20 want to start by answering that question by kind
21 of explaining how RWE operates, right?

22 We're not just a developer that goes out,
23 gets the project developed and then sends it to
24 someone else. We own and operate these projects
25 throughout their useful life.

1 So Janus in this case is no different,
2 right? We plan to own and operate this project
3 throughout its 35-year useful life. And during
4 those 35 years we intend to be a partner to this
5 community. We intend to be a good neighbor. And
6 after those 35 years, we intend to decommission
7 the project fully, restoring the land to its
8 current state, returning it to its current
9 landowner. And so I think it's important to
10 mention that because that's the context in which
11 we are here today, right?

12 After February, we could have taken a few
13 different approaches. But in the spirit of being
14 a long-term partner to the community, we decided
15 to take all of the concerns that we heard back
16 then, right, the fire safety aspects, the risk
17 around the battery storage, considerations such
18 as the one you mentioned, the water runoff in
19 case of an emergency, and take all of that
20 feedback and work with the county between
21 February and today to improve the project based
22 on the feedback we received. And I believe I can
23 confidently say I think we've achieved that.

24 So my intent today is to walk you through
25 some of these changes. I have a team of

1 colleagues who can speak to the technical
2 aspects. We have a health and safety team. We
3 have the team that prepared the wildfire fuel
4 analysis. And we have our environmental experts
5 who helped the county prepare this draft
6 environmental impact report.

7 So without further ado, let me go into
8 kind of what we heard. And Greg did a great job
9 of covering these. But if we had to summarize
10 all the concerns about this project, I would
11 start with saying fire risk was probably the
12 number one. The wildfire risk is probably number
13 two.

14 We also got concerns around visual impact
15 and change of character, and that's where the
16 visual simulations that are part of the EIR came
17 into play. So you can actually see what this
18 looks like out there.

19 And then we heard a lot about, you know,
20 this project not being worth the (inaudible), if
21 you will, or not enough economic benefits coming
22 to the county. So we've also kind of taken that
23 back to the drawing board and are here to present
24 a part of that as well.

25 So what's changed, right? A lot has

1 changed, but four key things have changed.
2 First, we've reduced the project footprint
3 significantly. It used to be three parcels,
4 roughly 1,000 acres on both east and west of
5 Spring Valley Road. We've taken that footprint,
6 reduced it by about 14 percent, and moved all of
7 the panels away into the eastern portion of
8 Spring Valley Road.

9 That does two things. One, it reduces the
10 visual impacts along the foothills, and it leaves
11 Spring Valley as a natural fire break, if you
12 will, to avoid a fire coming off of the foothills
13 and into the project site.

14 In terms of the BESS safety features and
15 its location -- Greg mentioned this -- the BESS
16 is now located 500 feet within the project site.
17 Previously it was basically adjacent to Spring
18 Valley.

19 And the 500 feet accomplished two things
20 as well. One is it reduces the visual impact of
21 it, right? It's tucked into the project. And as
22 Greg mentioned, it provides an adequate amount of
23 space for first responders to access the site, be
24 away from Spring Valley Road, allowing
25 circulation to stay the same, and respond

1 adequately to any situation, emergency situation,
2 however unlikely that may be.

3 Another key component of the previous
4 proposed technology was there was a water
5 injection system that would come online if there
6 was any risk or emergency. And my team will
7 speak more to that.

8 But the concern was that, precisely what
9 the Commissioner mentioned, the water runoff and
10 polluting the groundwater. So that the system
11 we're proposing now has a fully integrated
12 thermal management system. It functions with a
13 liquid coolant. And again, I'll let my team
14 speak more to that. But it removes that risk of
15 water kind of infiltrating the groundwater and
16 polluting.

17 We're also including a hazards mitigation
18 analysis that Greg spoke to in some length. And
19 we are preparing an emergency services response
20 plan in conjunction with Williams Fire
21 Protection.

22 The wildfire risk has also been clearly
23 analyzed. And based on that analysis, we
24 proposed the vegetation management plan.

25 And whereas the economic benefits of the

1 project maybe account for public services that
2 the project would draw upon were previously
3 included as mitigation measures in the EIR.

4 Really what we heard from the County was,
5 how can we ensure that those benefits actually
6 make it to the county? So this time around, the
7 economic benefits are part of the project. And
8 as part of this project, we are pursuing a
9 development agreement that'll ensure funding goes
10 to the general fund in the County.

11 We're also pursuing some other agreements,
12 including a fire protection services agreement,
13 to the tune of a few hundred thousand dollars per
14 year throughout the life of the project that will
15 ensure the fire department is adequately staffed
16 to respond to an incident at the project. And
17 even if there is never an incident, that
18 protection is still there for the county as a
19 whole.

20 And finally, I wanted to kind of give you
21 all a screenshot of the project and what it looks
22 like. Greg shared a few. But I think this one
23 illustrates the project components.

24 As you can see, everything is to the east
25 of Spring Valley Road. The yellow areas in this

1 image correspond to where the panels would be.
2 The green rectangle is the BESS. The project
3 substation is next to it. And then you see the
4 four-mile gen-tie line going to the Cortina
5 substation.

6 We've been working with the Favero family,
7 as they're our landowner. They have been cattle
8 grazing out here for about 60 years, and will
9 continue to do so on portions of the project site
10 and the surrounding area.

11 And, yeah, basically, the construction of
12 the project will take about 11 months to be
13 completed. And the benefits to the community
14 will exceed \$30 million over the lifetime of the
15 project.

16 And so with that, I would like to start
17 going into the details of the BESS, the wildfire
18 components, and kind of the preparation of the
19 EIR. And I'll bring my team up first, starting
20 with our emergency services.

21 MS. JAIN: Good morning, all. My name is
22 Neha Jain. I am representing RWE's battery
23 energy storage development engineering team, and
24 I'm the lead engineer on the Janus project.

25 So I'm going to be talking a little bit

1 about the battery technology and the product that
2 we intend to use for the Janus project. So the
3 battery enclosure that we intend to use are
4 called the Tesla Megapacks 2XL.

5 The picture on the left shows two
6 enclosures placed next to each other, external
7 view, and the picture on the right shows the
8 internal components of the enclosure itself.

9 So as you can see, there are four battery
10 bays on either side of the Megapack. These
11 battery bays house the actual batteries or the
12 battery modules, and there are 24 of them in one
13 enclosure. Each battery module is equipped with
14 electrical fuses for protection.

15 There is a touch -- there is a customer
16 interface bay, which is marked as number two in
17 this drawing. This houses all of the
18 communications and the controls of the Megapack
19 enclosure.

20 The entire unit is a non-walk-in type.
21 Nobody can go inside the enclosure. And they
22 have an IP-66 level of waterproof and dustproof
23 protection.

24 The Megapack roofs have thermal vents on
25 the top, on the roof of the Megapack. These

1 vents open up if there are any gases released in
2 the normal operation of the batteries, and they
3 vent those gases outside. This avoids any
4 buildup of pressure inside the enclosure itself.

5 Here are some of the key features. So
6 each and every battery module inside the Megapack
7 is equipped with a battery management system. So
8 what this BMS does is it continuously monitors
9 the health and performance of the batteries, and
10 immediately detects if there is an abnormal
11 condition.

12 There is a thermal management system via a
13 liquid cooling system. So the intent of this
14 thermal management system is to ensure that the
15 temperature inside the enclosure is regulated to
16 safe operating limits at all times.

17 There is the capability to remotely
18 monitor all the enclosures and, thus, the entire
19 site 24/7. And there is also the capability to
20 remotely shut down these enclosures if there is
21 the need without having to go near the enclosure,
22 or doing any sort of manual disconnection.

23 As I mentioned, there are vents on the
24 roof of the Megapack that release gases into the
25 atmosphere. They avoid buildup of any pressure

1 inside the enclosure itself; and thus, there are
2 no means of creating an explosion environment.
3 That's the explosion prevention setup that the
4 enclosures have.

5 And I will end by saying that the Megapack
6 2XL enclosures are completely compliant with all
7 the applicable national and international safety
8 and environmental compliance standards.

9 I will hand it over to our HSE team.
10 They'll go more in detail about the fire safety
11 and hazard mitigation.

12 MR. SCHWEITZER: Hi. So my name is Alex
13 Schweitzer. I'm the manager of health and safety
14 engineering at RWE. Just want to discuss in a
15 little bit more detail here to some of the
16 features.

17 So this is a state-of-the-art battery.
18 The battery management system is a stacked
19 battery management system. So each rack and each
20 module has its own management system. And then
21 all of that is routed to the central BMS, which
22 is located in the customer interface panel, which
23 is right there in the middle of the unit.

24 The battery management system monitors
25 main parameters of the batteries themselves.

1 These are kind of the high level, so state of
2 charge voltage, the performance of each battery
3 rack, temperature, and then also it monitors the
4 communication. So if there's a communication
5 stoppage, it will isolate an individual module.

6 The battery management system, like I
7 said, it's layered, so it's able to isolate a
8 rack, isolate a module, or isolate an entire unit
9 from the remainder of the installation. All of
10 the units then feed into the Tesla site
11 controller, which monitors every battery
12 enclosure at the same time.

13 So to minimize the risk of a battery fire,
14 the previous technology that was chosen was a
15 lithium phosphate manganese composition. The
16 lithium iron phosphate batteries that are in the
17 Tesla Megapacks, they're more stable than the
18 other sub chemistries.

19 There's a higher ignition point here
20 because of the iron. It's over 500 degrees now
21 in order for it to go thermal, as opposed to the
22 original technology, which was somewhere around
23 225 degrees.

24 And then the integrated thermal management
25 system, we have a combination of the liquid

1 cooling, which is a 50/50 ethylene glycol
2 mixture, just like in your automobile.

3 And then it's routed through a heat
4 exchanger in the roof, which functions just like
5 an HVAC in a residence or business. There's a
6 freon heat exchanger. The coolant flows through
7 there, keeps it cool, and flows through all the
8 battery racks to maintain temperature, all of
9 which is monitored by the battery management
10 system.

11 And if there does happen to be a coolant
12 leak, the BMS will pick up on that due to a loss
13 of coolant pressure and/or an increase in
14 temperature in a battery module.

15 COMMISSIONER PENDLETON: So your battery,
16 sir, you're saying you can isolate them? So
17 they're wired parallel and not in a series,
18 correct?

19 MR. SCHWEITZER: Yes, everything can be
20 isolated under --

21 COMMISSIONER PENDLETON: Everything's
22 going to be parallel wired instead of series?

23 MR. SCHWEITZER: Uh-huh.

24 COMMISSIONER PENDLETON: So it's not
25 increasing voltage. Okay.

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1 MR. SCHWEITZER: Yeah. And if there is a
2 coolant leak, there is a secondary containment
3 catch pan, if you will, in the bottom of the
4 unit. So no black hole mixture will be able to
5 leach out and reach the soil.

6 Let's see here. So the Tesla site
7 controller is the central unit where all of the
8 battery enclosures route to. It monitors each
9 individual battery management system for false --
10 it's the communication link for our remote
11 monitoring. It's also the single point of
12 interface for the utility, the operator, which
13 would be us.

14 And there will also be an NFPA-72
15 compliant fire alarm control panel as well, which
16 will be addressable by the fire department in
17 case there was an emergency situation. The
18 compliant -- the NFPA-72 fire alarm company will
19 be capable of also monitoring in case there's a
20 fire alarm condition.

21 Tesla themselves through a local
22 operations center will remote monitor each
23 battery as well through the Tesla site
24 controller. They're able to provide diagnostic
25 troubleshooting. They can shut down modules

1 and/or enclosures remotely. And there's live
2 expert technicians available 24/7 via phone.

3 RWE, also, we have our own through our
4 SCADA system, which is our supervisory control
5 and data acquisition, located in Austin, Texas.
6 We also monitor 24/7/365, with the additional
7 remote shutdown capabilities as well.

8 COMMISSIONER KRUG: So you guys will be
9 monitoring 24/7 with Tesla and all that? Okay.
10 I know that's a question.

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11 MR. SCHWEITZER: There's a third-party
12 fire alarm company that monitors. Tesla
13 monitors. They want to protect their brand as
14 well. And then we monitor our equipment, so --

15 COMMISSIONER PENDLETON: Will there be any
16 kind of automatic alert system into Williams Fire
17 or anything that they can see where --

18 MR. SCHWEITZER: Yes, we're --

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19 COMMISSIONER PENDLETON: -- things are
20 going, starting to run out of control?

21 MR. SCHWEITZER: Yeah, we're going to get
22 there. So under normal operations, everything
23 runs. In the case of there's an event, an
24 anomaly with a battery, the alarm will go to our
25 control center, as well as NFPA-72, and also the

1 Tesla center. The fire department will be
2 automatically notified at that point. There will
3 probably be a secondary notification from either
4 RWE or Tesla as well, at which point the fire
5 department will arrive.

6 There'll be oversight by RWE personnel in
7 order to make sure that the approach is
8 (inaudible). We've developed an emergency
9 services response plan to address various
10 scenarios and how to handle those in the event of
11 an emergency. And I will let David, who is our
12 fire protection director, kind of talk about the
13 ESIP a little bit more now.

14 MR. RAINES: Good morning. So my name is
15 David Raines, so I'm with RWE. I've been with
16 RWE for about 12 years. I am the senior director
17 of fire prevention/fire protection, but I'm also
18 a deputy chief of special operations, about 40
19 miles north of New York. So kind of my expertise
20 is dealing with the fire department, fire
21 response. I've been in the fire service coming
22 up 40 years next year. I know I don't look that
23 old, but I started when I was 16.

24 So to talk a little bit to the ESRP. I've
25 met with Chief Gilbert and his staff and CalFire

1 numerous times in the last year and a half
2 specific to this project. So we develop site-
3 specific emergency response plans. And it breaks
4 down by category potentials, whether it's weather
5 related, whether it's a fire in adjacent parcels,
6 whether it's a motor vehicle accident, a car
7 fire, somebody out there camping and their
8 camper's on fire in the middle of the valley.

9 So we go through all those scenarios. We
10 talk about where we're getting water. So one of
11 the components here to this project, there's
12 going to be a very large water storage tank as
13 part of the design. And I have a meeting with
14 the chief tomorrow. We're going to talk a little
15 bit about that water storage tank and how to best
16 incorporate that.

17 I know he expressed to me last year he was
18 concerned about not even having any water out on
19 that side of his district.

20 COMMISSIONER PENDLETON: Yeah.

21 MR. RAINES: So the water's going to be
22 available to him 24/7. It's not a component of
23 the -- you know, of the BESS. It's part of kind
24 of the overall scope in providing that community
25 support. So that tank will be available to him

1 and his mutual aid agencies and CalFire all the
2 time. So we're going to talk more about that
3 tomorrow.

4 So the ESRP, again, breaks down his
5 response. And part of that, RWE will provide
6 training to his fire department and any mutual
7 aid entities that he feels need to be involved.
8 And that training is ongoing. So we start that
9 training before we break ground. Talk about what
10 happens when equipment arrives, what the
11 construction process is like, and then we evolve
12 into that day-to-day normal operations mode.

13 I'll work with him and whoever is the AHJ
14 from the fire marshal perspective about how the
15 alarm should work, how the third party should
16 monitor it, what alarms they want to see. Do
17 they want to see a trouble alarm? Do they only
18 want to see when it's a smoke alarm, etcetera?
19 And then we'll do that annually to ensure that
20 that's -- like any other business, you know, to
21 ensure that fire system is up and running.

22 We'll continue that training and then
23 we'll set a schedule. We will do that
24 training -- usually until a year to two years,
25 depending on if there's changes in his management

1 team, if he's got a new captain, if he's got a
2 new staff member. We'll continue to do that
3 training and integrate our operations personnel
4 with RWE so, you know, we can work together.

5 There will also be a Knox box out at the
6 site. So when they arrive at the site, you'll
7 have a remote annunciator, you'll have a fire
8 alarm panel, and you'll have a Knox box.

9 In that Knox box, which is a fire
10 department access box, all the information for
11 the site will be in there: call list, diagrams,
12 SDS materials, safety data sheets, things like
13 that. All will be on site. So if somebody
14 arrives and RWE is enroute --

15 COMMISSIONER PENDLETON: All our MSDS and
16 everything on site?

17 MR. RAINES: Everything will be right
18 there, as well as providing that digitally to the
19 fire service and the 911 center. So everybody
20 will be up to speed. They'll know who to call.
21 You'll have a call list and sequence of
22 operations, utility contacts, things like that.

23 COMMISSIONER PENDLETON: That's all good.

24 MR. RAINES: So kind of that's my role.
25 Again, I've started to develop this relationship

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1 with the chief. We're going to continue that
2 tomorrow. I know he's been in LA in a meeting.

3 COMMISSIONER PENDLETON: Because all that
4 will be in the MSDS anyways, but just for me
5 looking at it, you don't by any chance know the
6 UN placard number on the batteries, do you,
7 offhand?

8 MR. RAINES: I don't. I don't.

9 COMMISSIONER PENDLETON: I'm just, you
10 know, curious --

11 MR. RAINES: I'm sorry.

12 COMMISSIONER PENDLETON: -- to look into
13 it, you know.

14 MR. RAINES: Yes, sir. So that's kind of
15 my piece.

16 COMMISSIONER PENDLETON: We can get that
17 later.

18 MR. RAINES: So I'm going to turn it over
19 to our wildfire expert.

20 MR. CAWN: Good morning. My name is
21 Jeremy Cawn. I'm a fire prevention planner with
22 Dudek and Dudek prepared the wildfire analysis
23 for the project.

24 Before I launch into my presentation, so
25 the intent behind the wildfire risk analysis --

1 and Greg did a great job of kind of providing an
2 overview -- was to assess the wildfire risk
3 currently at the site and then the wildfire risk
4 after the project's been developed and the
5 vegetation management plan has been performed as
6 an idea of showing like how the vegetation
7 management plan will complement the existing fire
8 protection features and reduce the overall
9 wildfire risk at the site.

10 So the current site is covered with the
11 annual grasslands, annual grasslands and gentle
12 terrain. As you all know, you can get some
13 pretty ferocious winds up here, particularly out
14 of the north. At this time of year, if rains
15 haven't come, it makes for particularly active
16 fires. So the site itself in its current state
17 is capable of sustaining a wildfire. And it is
18 located in the CalFire fire hazard severity zone
19 that's been rated as high.

20 In addition to sort of -- well, I guess I
21 skipped a step. You know, the way Dudek does
22 fire risk analysis is two parts. One, we look at
23 the onsite conditions, and that's the all-terrain
24 weather and fire history. We also do fire
25 behavior modeling. And we use a software that's

1 been developed by the USDA Forest Service and the
2 Missoula Fire Lab and the joint fire science
3 program. We use what's called the BehavePlus.
4 There's a couple other programs we use.

5 But this has all been developed by the
6 national firefighting wildland firefighter
7 agencies. And that's how we run the modeling
8 software. We base it off of their information so
9 that we're using a national standard.

10 So CalFire declares this entire area as a
11 high fire hazard zone, as a fire severity zone
12 rated high. But as you can see -- and this is
13 a -- and I'll move out of the way so (inaudible).
14 This is actually CalFire's fire perimeter map and
15 it's based on the fire district for more than 100
16 years for the area.

17 It obviously does not include the Sites
18 Fire which occurred in the mountainous area to
19 the north. But you can see that the area, even
20 though the project site's within a high fire
21 hazard zone, within one of these fire severity
22 zones, that the bulk of the fire history is in a
23 completely different terrain and vegetation than
24 we see at the site itself.

25 The bulk of the fire history in the

1 project area is within the hilly country where
2 there's heavier fuels, steeper terrain that would
3 enhance fire behavior, as well as limit access to
4 firefighter resources.

5 So one of the sort of products that we
6 model is looking, you know, beyond the CalFire
7 maps themselves. And this is one of the products
8 that is considered the wildfire hazard potential.
9 And by hazard potential, it's simply saying
10 what's the potential for extreme fire behavior on
11 the site.

12 If this was timber, this would be for
13 crown fires. But this would be for fire behavior
14 that would be destructive, would ignite
15 buildings, would be difficult to control. The
16 site itself is considered low and it's a
17 combination of the fact that it's annual
18 grasslands, as well as gentle terrain, and as
19 well as the fuels in the area are broken up by
20 roads and agricultural lands.

21 And then we also look at wildfire
22 suppression difficulty. So wildfire suppression
23 difficulty includes the previous map, that
24 wildfire hazard potential. So it's sort of
25 potential for extreme fire behavior to occur on

1 the site, as well as the difficulty for
2 firefighting resources to actually get to the
3 site and engage the fire.

4 And it's a measure of how far away the
5 site is from the road itself and, you know, like
6 the ability for crews to produce line or fight
7 fire in this specific terrain and field
8 conditions.

9 And I would say that these two maps are
10 based on the existing conditions, not the
11 proposed conditions, so, basically, unmaintained
12 grasslands.

13 So low to lowest wildfire suppression
14 difficulty, this doesn't change the distance from
15 the Williams fire station in Williams to the
16 location. There's still the travel times. But
17 this does indicate that when the firefighter
18 resources get on scene, that the ability to
19 engage and suppress a fire is in the low side.

20 And so -- and Greg showed this previously.
21 So this is the vegetation management plan. So
22 based on the risk, if the understanding is that
23 the concern is grassfire spreading across the
24 site, and particularly during a north wind event,
25 where we could have fire behavior with flame

1 lengths up to 12 to 15 feet and fire moving as
2 fast as 5 miles per hour, how would the site
3 mitigate the risks onsite, from the ignition
4 source onsite, and the fire is burning offsite
5 onto the property itself. And that would be done
6 through vegetation management.

7 Beneath all the solar panels themselves,
8 the grass and any kind of weeds would be mowed
9 down to a stubble height, as well as a perimeter
10 buffer around the solar panels themselves, and
11 any other improvements. The BESS module sites
12 themselves will be sitting on gravel pads, so a
13 non-combustible pad, and then another up to 100
14 feet of mowing the grass around them.

15 So the fire behavior within those mode
16 areas would certainly decrease from that 12 to
17 15-foot maximum, 5-mile-per-hour spread probably
18 to less than a foot and maybe a quarter mile per
19 hour as far as rates of spread.

20 So should a fire start beneath one of the
21 panels or from one of the BESS equipment, it
22 wouldn't be in that tall grasslands even under
23 high winds. It'd be a much, much more reduced
24 fire behavior.

25 And then, finally, there's the proposed

1 vegetation management plan includes a buffer, a
2 vegetation management strip, a mowed or disced
3 strip around the entire project perimeter itself.
4 And this would be sort of a way of containing
5 fire within the project site itself, or to
6 prevent fire from spreading onto the property.

7 One final comment. This is my final
8 slide. I was reviewing the county weed abatement
9 ordinance. And I believe Greg said that some of
10 our buffers would be zero to 20 feet. But I
11 believe the weed abatement ordinance says 50 feet
12 around improvements. And so we would meet the
13 county weed abatement ordinance.

14 COMMISSIONER PENDLETON: CalFire is
15 usually 50 feet.

16 MR. CAWN: And that is my presentation.
17 I'm going to be handing it off to the next
18 speaker.

19 MS. MERRICK: Hi, Commissioners. I'm
20 Jennifer Merrick. I'm with Tetra Tech. And we
21 helped prepare the environmental impact report in
22 coordination with the Colusa County Community
23 Development Department. So I'm here just to kind
24 of bring it back to why we're here today.

25 As part of the California Environmental

1 Quality Act, as I said, we drafted this
2 environmental impact report. And really, at the
3 heart of the California Environmental Quality Act
4 is for this to be a public process.

5 So we took a look at what the
6 environmental effects of the project might be so
7 that the decision makers and also the public can
8 have some input and receive that information and
9 make a decision about whether the benefits of
10 this project -- which Alex is going to go into in
11 a little bit more detail in a few minutes --
12 outweigh those environmental effects.

13 And as Greg mentioned in his presentation,
14 there were no significant and unavoidable impacts
15 that were identified for this project. And
16 speaking to what is included, state law doesn't
17 require that the environmental impact report be
18 exhaustive, but that we do a good faith effort to
19 do what's reasonable, what's feasible, to give
20 you all the information so that you can discuss
21 it and come to your decision.

22 Okay. So I'm here today because we want
23 to listen to your questions and comments, the
24 public's comments. We've received some comments
25 in the beginning of the process about what the

1 public and what the county wanted included in the
2 environmental impact report.

3 Now we've produced that report. We're
4 here to listen again to record those comments and
5 make sure that any that are related to
6 environmental impacts that we catch and that we
7 respond to in full in the next version of the
8 document.

9 So there's a small team here from Tetra
10 Tech that helped prepare this document. And then
11 we have a much larger team of technical experts.
12 So we will be, again, listening to your comments
13 and then taking those back and making sure that
14 we respond to them in the next version.

15 And so if folks are interested in
16 providing written comments -- this is just a
17 reminder, again, like Greg went over -- the
18 public comment period closes on November 13th.
19 You can submit comments verbally today. You can
20 also submit them as an email or a letter.

21 All right. I'm going to turn it back over
22 to Alex and wrap it up. Thank you.

23 MR. SALAS: And I'll keep this last
24 part short, but I do want to kind of come back to
25 this idea that we're very interested in

1 developing this project. We're very interested
2 in working with the County to make this as
3 successful of a project as possible. And that
4 does imply being your neighbor for 35 years,
5 right?

6 And so apart from the measures that we've
7 taken, as we've explained, to further mitigate
8 these risks and to address your concerns, the
9 main point of today's hearing is to continue this
10 process of listening to the County, to the
11 decision makers, to the public, and take all of
12 this feedback and reflect it in our final EIR,
13 right?

14 I did want to take some time to zero in on
15 what in the form of community benefits we're
16 proposing. Like I said, these economic benefits
17 aren't mitigation measures, right? They're not
18 mitigating any of the environmental concerns
19 associated with the project, but rather are part
20 of the project description and the design of the
21 project itself.

22 We're talking not only property taxes on
23 the actual physical property that will be
24 deployed on the site, but we've entered into an
25 agreement with the Williams Fire Protection

1 Authority to ensure funding throughout the
2 project life.

3 We intend to enter into a development
4 agreement with the County to provide funding for
5 public services throughout the life of the
6 project.

7 We're also -- in the previous iteration we
8 had proposed funding for parks and rec districts
9 across the county. We still intend to go through
10 with that.

11 And then there's some fiscal revenue
12 associated with when we enter the site. And, of
13 course, there are benefits during construction,
14 including jobs temporary and then long-term jobs
15 throughout the 35-year lifetime.

16 So with that, I thank you all for your
17 time. And I look forward to hearing your
18 questions and addressing those in the final EIR.

19 COMMISSIONER PENDLETON: Thank you very much
20 for your presentation.

21 MR. SALAS: Thank you.

22 (Inaudible discussion.)

23 COMMISSIONER KRUG: Is that all we have?

24 UNIDENTIFIED FEMALE: Well, now the public
25 has -- you guys have the opportunity to ask

1 questions, if you would like to do so. The
2 public has an opportunity to provide their
3 comments or questions that would then be
4 considered for the draft EIR.

5 COMMISSIONER KRUG: Unless do you have any
6 questions?

7 COMMISSIONER NALL: I only have one
8 question. When you first started, you said you
9 had a couple other options without coming to the
10 County for approval. What are those options?

11 MR. SALAS: Sorry, we have a few
12 other options?

13 COMMISSIONER NALL: Yeah.

14 MR. SALAS: Oh, okay. So, yes. So
15 this could have gone a few different ways. We
16 could have challenged the decision in court, or,
17 alternatively, we could have gone to the State
18 for permitting authority through California
19 Energy Commission.

20 Both of those options, apart from being
21 contested and kind of not very amicable, would
22 also avoid all of these benefits coming directly
23 for the county. So the main reason why we
24 decided to pursue this process again was to
25 ensure that these benefits stay within the

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1 county.

2 COMMISSIONER NALL: Okay.

3 MR. SALAS: Does that answer the --

4 COMMISSIONER NALL: Yeah. Thanks.

5 COMMISSIONER KRUG: Any other questions?

6 COMMISSIONER PENDLETON: I don't have
7 anymore questions.

8 COMMISSIONER KRUG: Then we'll open
9 it up to the public?

10 UNIDENTIFIED FEMALE: Yep.

11 COMMISSIONER KRUG: Open up to the public.

12 UNIDENTIFIED MALE: Open to public
13 comment.

14 COMMISSIONER KRUG: Open to public
15 comment.

16 MS. FERRINI: Good morning. I'm Amanda
17 Ferrini. I'm here to represent my family in
18 opposition to the Janus Solar project. Our
19 concerns were addressed previously in the EIR
20 when both the Planning Commission and the Board
21 of Supervisors denied the use permit for the
22 solar project.

23 Our concerns have not changed. They
24 include the removal of agricultural land from the
25 Williamson Act for commercial and industrial use,

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1 property values, the devaluation of the
2 agriculture property located near the solar
3 project, and which has been talked about a lot,
4 the fire dangers.

HC-13

5 Just recently, a couple weeks ago,
6 October 17th and 19th, the power was shut off
7 along Spring Valley Road because of the wind
8 conditions. So we just feel this is not the
9 right location for a BESS and solar project.

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10 We will address further concerns in the
11 written comments. Thank you.

12 COMMISSIONER KRUG: Thank you.

13 MS. TERKILDTSEN: Good morning. My name is
14 Jean Terkildsen and I'm -- like Amanda, that's my
15 granddaughter, I'm here also representing our
16 family, who has had to be out of town at this
17 particular time.

18 This morning as I was getting ready to
19 write this -- and I will be repeating a little
20 because we're not together exactly as to what we
21 wrote -- but I was thinking, why are we here
22 today? We were here at the Planning Commission
23 not too long ago, less than a year, and the
24 Planning Commission voted this project down.

25 We waited several months and it was taken

1 to the Board of Supervisors and the Board of
2 Supervisors voted it down. What occurred in
3 between, of course, is up to the project people.

4 But our concerns have not changed and our
5 opposition to the project has not changed. Some
6 adjustments were made, but the site is the same.
7 And our concerns, as I say, have not changed.

8 There are a list of issues and we will
9 prepare these in written comments. But some of
10 them have been addressed today.

11 Apparently fire protection is a big issue
12 with the presentation made on the fire issue.

13 And it's a big concern to us. We are adjoining
14 landowners out there. Spring Valley Road, as you
15 all know, is a one-way road in and out, gravel.

16 So that is a big concern to us as well.

17 The property tax, whether that will change
18 with this project going in. This is considered,
19 I believe, a commercial/industrial project, where
20 it is at the present time ag ground. And we are
21 all ag ground. We are in the Williamson Act, and
22 this project is also. So we have the road
23 issues, fire protection.

24 I'm concerned about the water supply to
25 take care of these things. The water supply in

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HC-17

HC-18

1 the last EIR was to be obtained from the City of
2 Williams. And that was always, in my mind, a
3 little cloudy as to exactly how that was going to
4 occur. I believe it was listed as a fire hydrant
5 somewhere on Virginia Street. I do not know what
6 the water supply is considered at this time.

HC-18

7 Read my writing here. Oh, I also wanted
8 just to mention on the fire protection, I believe
9 there was discussion last time about special
10 training for the Williams Fire Department on the
11 BESS issue, the battery issues.

HC-19

12 When Louis Cairo's burned, there were
13 firetrucks from all over the county, from
14 Maxwell, from Colusa, from Woodland. Will these
15 people be trained in this fire protection as
16 well, or is this just a few people from the local
17 Williams Fire Department?

18 Also, I would just like to say, did anyone
19 happen to bring a copy of the draft EIR today?
20 No. And maybe the audience isn't sure why, but
21 it is huge. It would take a lot of time, effort
22 and expertise.

HC-20

23 Which, you know, we're farmers. We live
24 here in Colusa county. You're all experts in
25 your field, so that does make a difference. But

1 I see no one has their copy of the draft EIR in
2 front of them.

3 Alex, you didn't -- nobody brought one
4 either? No? No.

5 Okay. That was just a concern. I felt in
6 the time that -- I'm not sure who prepared it.
7 But during the preparation, if your intent was to
8 make it more difficult to review, you succeeded.

9 I think that's all. We'll be putting our
10 comments -- oh, I have one more thing to say.
11 This project is on private land. It's a private
12 owner who is -- I know he's not proposing the
13 project, but that owns the land.

14 The primary review made an error in saying
15 that this project was located on the Cortina
16 Reservation. It is not. It is located on
17 private ground before you get to the Cortina
18 Reservation.

19 And if any of you have taken a ride out
20 there, you would see -- you should to see where
21 this project will be located. Thank you. Okay.
22 Thank you.

23 MR. CUNNINGHAM: Good morning. I'm Jack
24 Cunningham, executive director of Colusa County
25 Chamber of Commerce. And I just wanted to make a

HC-20

HC-21

1 brief comment that the Chamber met and discussed
2 the project. We've also met with Janus and their
3 representatives. And they covered the benefits
4 that they're going to be bringing into the county
5 as part of this project.

6 So the board is in unanimous support of
7 the project. We feel it's going to be not only a
8 good neighbor, but will bring a lot of benefit to
9 the communities, and not only with the tax basis,
10 but with their participation.

11 They came in and they asked questions
12 about what can we do, what can we help with,
13 where can we provide. And that's a unique
14 approach and worth merit. So we just want to
15 convey that we are in support.

16 MS. CONRADO: Good morning. My name is
17 Denise Conrado. I'm a member of the Colusa City
18 Council. I'm here speaking for myself in favor
19 of this project, the Janus solar project and the
20 battery energy system.

21 And the reason that I'm supporting this
22 is -- there are several reasons. One is the
23 economic -- potential economic -- what am I
24 trying to say -- the economic potential for the
25 community, for the county, but also the

1 environmental impact.

2 This project will help the state meet its
3 renewable energy requirements. And there's going
4 to be more and more demand for electricity with
5 electric cars and with the AI requirements for
6 electricity.

7 So I also -- it sounds -- in this report
8 it sounds like the Janus Company has been
9 collaborative and cooperative in considering the
10 concerns of the neighbors. They've made the
11 modifications to fire safety and hazard
12 mitigation. They've improved the aesthetics.
13 And the environmental impact findings sound like
14 it is a doable project without a lot of stress on
15 the environment.

16 So let's see. Yeah, that's all I have to
17 say. Thank you.

18 MR. FAVERO: Good morning. Good morning,
19 Board. My name is Rex Favero. I'm a owner of
20 the property in question.

21 I wanted to first address one comment that
22 the Board had and that is, a flat panel acting as
23 an airfoil can redirect the wind. It cannot
24 speed it up.

25 Also, we have been out there with upwards

1 of 12,000 acres at any given time and we've never
2 had the insurance company deny us or not cover us
3 for any sort of wind damage or fire problem.

4 I'll not spend a lot of time on the facts
5 supporting the solar project because they've been
6 well laid out for you by everybody else,
7 including the Colusa County Planning Department.
8 Interestingly, facts are a difficult thing to
9 controvert, except for through motions.

10 My family and I have been in California
11 and in Colusa county since the 1960s. In all
12 those years, we've vastly improved the property
13 and its profitability, all within the constraints
14 of zoning and the County general plan.

15 If you take a drive down Spring Valley
16 Road and take a look at the fences that we build
17 and the corrals that we build or even the cattle
18 that we raise, you'll see a big (inaudible)
19 between us and the neighbors. We try to leave
20 the place better than we found it with everything
21 that we do.

22 We seek to continue in our longstanding
23 efforts to improve our portion of Colusa county
24 and in collaboration with the County. We request
25 your help in so doing.

1 We consider producing clean electricity as
2 the optimum choice for us and the county for this
3 piece of ground. It's no surprise that the
4 golden state of California leads the nation in
5 solar power. It generates more than 26 percent
6 of the state's electricity.

7 California has a goal to achieve 100
8 percent clean energy by 2045. And we choose to
9 legally be a part of that solution and invite the
10 Board to do the same.

11 Our desire is to establish a productive
12 use of non-planted farmland. We have tried for a
13 very long time to get irrigation water out there
14 and have been unable to do so. It's just dry
15 ground. While maintaining existing agricultural
16 operations.

17 This represents just a small portion of
18 what we'll be doing out there and have been doing
19 with raising cattle for many, many years now.
20 Both goals can be accomplished under the existing
21 land use designations for the property.

22 It goes without saying that every U.S.
23 citizen landowner has the inherent right to
24 develop their property in whatever manner they
25 desire as long as the governing permit and land

1 use requirements are met.

2 The necessity of this project will be used
3 to support the agricultural activities that we
4 will continue to engage in throughout the
5 lifetime of the project. In fact, the project
6 site utilizes only a very small portion of our
7 land.

8 Certainly we intend to benefit from the
9 project financially. We rightfully attempt to do
10 so with all projects that we have undertaken. We
11 strive to do so legally, quietly and without
12 undue concern for covetous emotions from anyone.

13 The bumper crop of financial benefits
14 provided to Colusa county and all of its citizens
15 are prodigious, to say the very least. The
16 numbers have been well-outlined for you.

17 And again, of note, at the end of the
18 project and its operational period, Janus Solar
19 will decommission the site with all related
20 facilities and return the land to its current
21 state. All will be legally secured by a bond
22 held by the County and put it before the start of
23 the project.

24 After removal of the facilities, my family
25 will have the option to return the property to

1 cattle grazing or any other use allowed under the
2 general plan and County Code.

3 In conclusion, the solar project mitigates
4 all potentially significant impacts to less than
5 significant levels, as has been pointed out to
6 you by the Planning Commission.

7 Furthermore, issuance of the use permit
8 would not change the existing agricultural land
9 use, the general plan or the zoning designations
10 for the site.

11 As I see it, this project can only be seen
12 as a win-win for the county and for everyone
13 involved. Thank you for your time.

14 MS. TERKILDSSEN: I'm sorry, I forgot one
15 item that was important to me as well. In my
16 brief review -- Jean Terkildsen. In my brief
17 review of the environmental draft EIR, it was
18 mentioned, and they did discuss it today,
19 alternative sites.

20 And I was -- I believe that, if I
21 understood correctly, that there were no
22 alternative sites really recommended for this
23 project, even though there was information in the
24 draft EIR about some sites. And I wanted to just
25 clarify that in my mind if there are no

HC-22

1 alternative sites being discussed, I guess.

2 Was that correct in your presentation, the
3 understanding that --

4 MR. PLUCKER: There was an alternative site
5 identified as an example of how would the impacts
6 change if it were relocated to a, I believe, rice
7 ground type of example. It was that kind of
8 comparative analysis between the changes and type
9 of impacts.

10 MS. TERKILDSEN: Okay. But at the present
11 time there is no alternative site being explored?

12 MR. PLUCKER: Only the example in the EIR.
13 But I'm not aware that they are physically
14 pursuing another location at the present time.

15 MS. TERKILDSEN: Thank you.

16 MR. ORNBAUN: Good morning. Kelly Ornbaun,
17 Williams. I did see the -- this is
18 introduction to the alternatives and that was my
19 property.

20 I have a question to all the Janus people
21 here. Is anybody affiliated or have been
22 affiliated or been on the payroll of E.ON before?

23 (Inaudible response.)

24 MR. ORNBAUN: Okay. Good.

25 Second, there's a lot of property to the

HC-22

HC-23

HC-24

HC-25

1 south of Highway 20. Why was my property just
2 put in as an example?

3 MR. SALAS: So I can speak to that
4 (inaudible) comments. So E.ON is a previous
5 company that was developing this project. Now
6 that's (inaudible).

7 MR. ORNBAUN: Because they had spoke to me
8 earlier eight years ago? There's a lot of other
9 properties closer. Am I assuming you spoke to
10 other landowners?

11 MR. SALAS: So in conducting
12 business, normally we do speak to a lot of
13 landowners.

14 MR. ORNBAUN: So I'm asking, has everybody
15 around me you spoke to and they weren't
16 interested? I spoke with E.ON, so that
17 (inaudible). It's not the -- it could
18 potentially be another party.

19 MR. SALAS: Correct, it could be. So
20 we speak to multiple landowners, not only in
21 Colusa county, but across the United States.

22 MR. ORNBAUN: No. Understood. But don't
23 we -- you did not speak to me.

24 MR. SALAS: I did not.

25 MR. ORNBAUN: So that shouldn't even be on

HC-25

1 there. That's not comparative because no one
2 spoke to me. And that's neither here nor there.

HC-25

3 MR. SALAS: Okay. No, I appreciate
4 that.

5 MR. ORNBAUN: So I understand that one.

6 You know, the wildfire -- I'm not against
7 your project. But the wildfire, the firemen, the
8 reason there's no fire hazard, it's been cows for
9 a couple hundred years. You're going to bring a
10 human element in. That's just an observation.

HC-26

11 What will -- your contract with P.G.& E.,
12 what's the high and the low of kilowatt they're
13 going to pay you? Do you have a range?

HC-27

14 MR. SALAS: No, I'm not able to
15 disclose that. It's privileged information.
16 It's not relative to (inaudible).

17 MR. ORNBAUN: I think you guys should
18 ask -- these are good numbers. But you got to
19 have an idea what's going on.

20 Decommission, I'm glad you said something.
21 That's a very, very big deal if your family -- if
22 you're gone, or whoever's next in charge, if
23 these guys drive away, that's a big project.
24 That's a really good deal that's supposed to be.
25 How big is the bond?

HC-28

1 MR. SALAS: So the bond is --
2 basically what we do is we analyze the value of
3 (inaudible) and the amount to be decommissioned.
4 It'll depend ultimately on the final design. But
5 I would say a couple million dollars.

6 MR. ORNBAUN: And so what's the life of
7 the project, 35?

8 MR. SALAS: Uh-huh.

9 MR. ORNBAUN: You think in 35 years you're
10 going to decommission that for two million?

11 MR. SALAS: So I can speak more to
12 this. But the way that the bond works is it's
13 periodically updated.

14 MR. ORNBAUN: Okay.

15 MR. SALAS: So that it will live with
16 the land, right? So for the 35 years it'll be
17 (inaudible).

18 MR. ORNBAUN: My main concern is not so
19 much for the county. It's for the landowner --

20 MR. SALAS: Of course. No.

21 MR. ORNBAUN: -- when you guys drive away.
22 Because that's what we talked about when E.ON
23 solicited me eight years ago. My main concern --
24 yeah, the bond's going to be for the county. But
25 I got the mess to clean up.

HC-29

1 MR. SALAS: No.

2 MR. ORNBAUN: That is --

3 MR. SALAS: I -- that's --

4 MR. ORNBAUN: Two million in 35 years is
5 not going to be enough to do much out there.

6 MR. SALAS: I agree. I appreciate
7 the (inaudible).

8 MR. ORNBAUN: And then I think that was
9 it. Thank you for your time.

10 MR. MARSH: My name is Stephen Marsh,
11 sixth generation Colusa county. And this is next
12 to my property, a CDF fire zone, or CalFire fire
13 zone.

14 But getting back to what Kelly was talking
15 about on alternative site, I think there's a good
16 site in Maxwell. And this guy (inaudible) for
17 me. I'm not against the project. I'm against
18 the project that's in a valley on a one-way road
19 going in, one way out. You have Indians on the
20 end of that road. There's no way out. The road
21 behind the Indian reservation has been closed.
22 So we're looking at a hazard.

23 I'm sure the guy from the East Coast, the
24 fire chief, has some great ideas. But what they
25 taught us at the state California fire marshal's

HC-29

HC-30

HC-31

1 classes about the West Coast, we have different
2 weather patterns. We have dry wildland fires.
3 We've seen them for years.

4 Now, if there is a fire and there's a Knox
5 box, the fire is only a small part of it. The
6 larger part is the smoke.

7 Now, people that have fought fires
8 understand that the smoke causes visibility
9 problems, intoxication, messes with the mind.
10 May not -- yes, ma'am.

11 UNIDENTIFIED FEMALE: I don't want to
12 interrupt you. I just want you to know that if
13 you want to make sure that all of your comments
14 are properly recorded, if you'd speak into the
15 microphone.

16 MR. MARSH: Oh, I thought I spoke loud
17 enough.

18 UNIDENTIFIED FEMALE: You might, but I
19 just want to make sure. And you are (inaudible).

20 MR. MARSH: Is this -- I mean, can I speak
21 out and --

22 UNIDENTIFIED FEMALE: You are free to move
23 about the room --

24 MR. MARSH: Okay.

25 UNIDENTIFIED FEMALE: -- and speak in any

1 manner (inaudible).

2 MR. MARSH: So in that corner, can you
3 hear me clearly?

4 UNIDENTIFIED FEMALE: It's not -- just so
5 you know.

6 MR. MARSH: Yeah.

7 UNIDENTIFIED FEMALE: If it's not in the
8 microphone, it may not be (inaudible).

9 MR. MARSH: Oh, okay. So you're not
10 taking notes? It's going in the recording?

11 UNIDENTIFIED FEMALE: It's both.

12 MR. MARSH: Okay.

13 UNIDENTIFIED FEMALE: She's doing her
14 best.

15 MR. MARSH: Good.

16 UNIDENTIFIED FEMALE: (Inaudible.)

17 MR. MARSH: No. Thank you. I've never
18 known that. I've been going to these meetings
19 for awhile and no one has brought this up. Maybe
20 that's why the DIR has a lot of flaws in it and
21 has eliminated a lot of things. The DIR is not
22 pages. It's pounds. As Ms. Terkildsen was
23 saying, it's pounds.

24 And as we went through it, as a reasonable
25 man, I don't think it was fair to us to have

HC-33

1 something this thick for a reasonable person, who
2 also has another job to do and other times to do,
3 it's not my job to be going through and fixing
4 somebody else's flaws. Again, that will be
5 submitted in the written before the deadline.

HC-33

6 So let's get back to what Greg was talking
7 about was the battery energy storage structure,
8 the BESS. What they failed to mention was the
9 exothermic reaction. Now, this is a reaction
10 that goes inside the cell when it's going to the
11 cathon and anon [phonetic] and through the separator.
12 And then you get adenorites [phonetic], which is like
13 a cancer inside that cell.

HC-34

14 So if you were to put out a fire in a
15 woodstove and you have it all closed up, you can
16 put water on it. You can use some coolant. You
17 can use some sort of chemical. But is it going
18 to put it out? No. You got to open it up.

19 Well, that's what happened down in Arizona
20 when those firefighters went to that BESS
21 facility. They opened it up and they got
22 blasted, blasted through the fence.

23 Now, when these firefighters are coming
24 from Williams responding down Spring Valley Road,
25 a gravel road, hardly any visibility. This road

HC-35

1 is not maintained, bumps. Could be in the
2 wintertime. We have flooding, water going across
3 the road. You could have sheep crossing that
4 road at the same time. Cattle. There's other
5 things that weren't mentioned. Access and
6 egress. And then they got to find a Knox box.
7 Where's the visibility down to this Knox box?

HC-35

HC-36

8 Oh, on top of that, this alarm system, is
9 it hardwired or is it -- because there's dead
10 zones along Spring Valley Road.

HC-37

11 Now, I grew up here. This family has
12 grown up here. We know what the hazards are.
13 And that's part of being a wildland firefighter
14 is knowing your area, your weather patterns, your
15 topographies, the type of fuels.

16 Another thing that wasn't mentioned was
17 Favero has a hay crop that he grows every year.
18 Beautiful hay crop. It's about this high. That
19 was not mentioned that what if that hay crop
20 catches on fire, which is a hazard that happens
21 in this area.

HC-38

22 We all know it because we're farmers. And
23 it usually happens either in late April, May, or
24 if it -- so be it, you have to harvest late. And
25 then you also -- then you got the stubble

HC-39

1 afterwards, which is cattle feed. That's also a
2 fire hazard. That wasn't added to this.

HC-39

3 Another thing is, yeah, you're surrounded
4 by wildland and this area is not going to burn.
5 Well, I can put a match down here on this floor
6 or even a log and light it on fire. And is this
7 wood structure going to catch on fire? No. But
8 this building will catch on fire and burn.

HC-40

9 Now, Amanda was talking about having the
10 power shut off. That's becoming very frequent.
11 Now, if the power is shut off, what's going on
12 with the people down the road? And then, on top
13 of that is, do they know what's going on? Do you
14 turn on the news? Well, you can't hear what's
15 going on anymore. That's an inconvenience.

HC-41

16 Now, these people that you're asking, they
17 don't live in that area. They don't live on
18 Spring Valley Road. Greg isn't from here. He
19 doesn't live here. He's not going to be retiring
20 here. I don't know why you're asking him for his
21 opinion about Spring Valley.

HC-42

22 And then we talk about here we are again.
23 I don't know why we're here. I know there's --
24 Alex was talking about the good neighbor policy
25 partnership. I don't even know if that's a legal

HC-43

1 term or not, but this is an LLC. I mean, they're
2 registered with the state. They're an out-of-
3 state organization. But is this LLC going to be
4 around here?

HC-43

5 Kelly mentioned about an alternative site.
6 Now, why did they pick his property? You know, I
7 would be mad if they picked my property.

HC-44

8 My question is: If that's questionable of
9 the site, what about where they're going to
10 decommission it and send the materials to? Has
11 anybody checked with those landfills as far as
12 will they accept solar panels? And I believe
13 that's a landfill site over in Wheatland.

HC-45

14 Now, the people from Colusa, hey, that's a
15 great idea. Why don't we move it over to the end
16 of Colusa so they can see it and they have to
17 deal with the pillars being put in the ground,
18 ba-bump, ba-bump, ba-bump, ba-bump.

HC-46

19 And in the old EIR it talked about 196,000
20 solar panels. This one shows nothing. It
21 doesn't even show the fiscal impact. Now, we
22 have a presentation about the fiscal impact, but
23 if it's not -- in the fire department, if it's
24 not in writing, it don't exist. So I would like
25 to see that in the EIR. My wife's going to bring

HC-47

1 up some stuff regarding the EIR.

2 But, again, regarding the fire, I think
3 there's a lot of things that we've missed. They
4 talk about in the EIR 22 miles an hour. We've
5 grown up here. There's more than 22-miles-an-
6 hour winds that go through there. A different
7 climate. Again, it gets hot and dry in the
8 summer.

HC-48

9 And then, of course, I have a problem with
10 how is Williams going to know, is this hardwired
11 or is this a cell? Because, again, they will
12 even vouch for me, we get dead zones along Spring
13 Valley Road and cell reception is not good.

HC-49

14 And I just want to conclude is I don't
15 understand why we're here. Now, I remember they
16 got turned down last year, and somehow there was
17 some meeting with the supervisors and the chamber
18 with this outfit. And I'd really like to see
19 what was brought up and what did they talk about.
20 Because, again, I don't know why we are here for
21 this thing hashing over.

HC-50

22 And if this gets turned down again, is --
23 next year am I going to do another presentation?
24 Are we going to show up again? This is taking up
25 a lot of my time, my effort. And again, I invite

1 anybody, get the EIR out. You'll see. It's not
2 pages. It's pounds. Thank you.

3 COMMISSIONER KRUG: Thank you.

4 MS. MARSH: Good morning. I'm Karan
5 Marsh. Can we change that back to the agenda,
6 whoever controls the screen?

7 UNIDENTIFIED SPEAKER: (Inaudible.)

8 MS. MARSH: Oh, is that in here?

9 UNIDENTIFIED SPEAKER: You want the
10 regular agenda?

11 MS. MARSH: Yeah. Just the (inaudible).

12 UNIDENTIFIED SPEAKER: Okay.

13 MS. MARSH: Oh, I can scroll it down.
14 Okay. Yeah.

15 So, basically, yeah, so we all know why
16 we're here. We are here to help educate
17 ourselves on what is contained or not contained
18 in the EIR.

19 As mentioned, there was a prior attempt to
20 get this passed. Now there's a whole new slew of
21 documentation that we've been going through. In
22 there specific to the DIR I see some things that
23 need to be done better.

24 The fiscal impact report is missing. It
25 was provided before. It was -- a lot of the

HC-51

1 basis is not provided on the numbers. It's kind
2 of like -- well, it says in God we trust. I
3 don't trust developers. It is nothing personal.
4 It's just I'm old enough, been through enough
5 developers, I have to trust but verify
6 everything. So I'd like to know the basis for
7 all of their numbers that they're providing to
8 you.

HC-51

9 And I understand a private owner wanting
10 to do whatever they want to do on their property.
11 I support that completely. What I don't support
12 is when now you go and you ask for government
13 funds to support this, as is being done now.

14 Where are the competitive bids to show
15 that this is being done economically and spending
16 the right dollars? And the -- you know, and I
17 would have maybe put the land up on the public
18 market and get other buyers for that land to give
19 you better ideas about what's going on.

HC-52

20 And the reason why this is so important is
21 because in the DIR it says that the company
22 will -- they were talking about taking the
23 powerlines from aboveground to underground. They
24 can do that at a cost of between 6 and \$10
25 million per mile. But in that same report --

HC-53

1 P.G.& E.'s stakeholder report is linked there --
2 and they do it for less than \$3 million a mile.

3 So if they're going to be so overcharging
4 for those services, that's something -- you know,
5 competitively, look at other folks that are doing
6 this and see if they can do a better job. Maybe
7 not. RWE is a big company. But until you know,
8 they're -- this is the only game in town, they
9 say. And that's not appropriate for government
10 spending.

11 I'm a retired State employee. We always
12 did multiple bids. I do -- I carry that practice
13 in my home for any project, because it's
14 important to get good representation on the
15 dollars.

16 There's still 40 pages of the site
17 location being identified as 1830 Spring Valley
18 Road. Those references should be stricken from
19 the internet, stricken from the DIR. 1830 is not
20 a part of this project. We are an adjoining
21 property parcel. We are not a part of this
22 project. And we ask this to be done. And
23 thankfully, the site owner did take down their
24 signage immediately. But the County still has it
25 displayed as our property.

HC-53

HC-54

1 The property tax that was mentioned in one
2 of the prior slides that was coming up, it
3 doesn't talk to the exclusion for solar panel or
4 solar projects. There's a lot of exclusions.

HC-55

5 So, again, what I would ask for in the
6 fiscal analysis and the economic analysis is
7 what's the basis for all this, and give us a
8 complete picture.

9 The last economic analysis said that the
10 County's going to be obligated for \$7.4 million
11 for the construction cost. That's like day one
12 you got to have that done.

HC-56

13 And I do know that -- I'm not sure if this
14 was related to your solar project. This is the
15 only one I'm aware of. That the Colusa County
16 budget did deduct a solar project or cancelled
17 project from that for the 2024-25 budget. So I'm
18 not sure if that was this one.

19 You know, the contents -- the missing
20 documentation from the DIR are all of the basis
21 documents for the P.G. & E. -- they call it a
22 tolling agreement or development agreement. So
23 somebody else asked about what's the cost. You
24 may not get there. It may say just whatever
25 market cost is.

HC-57

1 But what's the -- where is the commitment
2 from P.G. & E to take the power from the site?
3 P.G. & E is not obligated to take the power from
4 the panels. They may be obligated to take the
5 BESS storage and work with that. But it's not
6 clear that P.G. & E has made a commitment to take
7 the power once it's generated.

HC-58

8 SB 205 talks about the requirements for
9 the developers to do things in a mandated, almost
10 regulatory fashion. It doesn't necessarily say
11 that the County has to take it without all the
12 information. So those are things that are
13 lacking.

HC-59

14 So, let's see. I talked about the fiscal
15 and economic, the data inaccuracies, and the
16 wrong data is being used on some things. P.G. & E
17 MOU is not provided. The overstated cost
18 wildfire mitigation, talked about that.

19 The local job hires. Okay. So there's a
20 huge expectation from the community that this
21 will bring jobs to them. But our experience has
22 been that the jobs would be from unionized folks
23 that are already on contract or are already
24 employed by the County. So they would just be
25 relocated from one project to the other. So it

HC-60

1 would behoove the Commission to make sure that
2 they are clear on the percentage of hires that
3 would be from within the Colusa proper area.

HC-61

4 And decommissioning, my husband mentioned
5 that a little bit. The landfill is not an
6 e-waste collection site. So we have talked to
7 them and they do not take solar panels. An
8 e-waste site needs to do that. So I'm not sure
9 why that group was identified in the DIR.

HC-62

10 Somebody needs to follow up. Trust, but verify.

11 And that concludes my comments. Thank you
12 for listening.

13 COMMISSIONER KRUG: Thank you.

14 Have anymore public comment? All right.

15 MR. MARSH: I have one more. I missed
16 this last -- left something out. Stephen Marsh,
17 Williams, California.

18 The training that they're supposed to
19 receive, the Williams -- is that going to be the
20 same training as the CalFire firefighters down
21 there next to the old -- their other plant in
22 Fresno county, which is the town of Heron? And
23 their fire department is only about three miles
24 away from their plant called Fifth Standard.

HC-63

25 My question is: Are the firefighters of

1 Williams going to receive the same training as
2 those firefighters down there?

3 COMMISSIONER KRUG: No more public
4 comment? We'll close public comment and --

5 UNIDENTIFIED FEMALE: Meeting's adjourned.

6 COMMISSIONER KRUG: -- meeting's
7 adjourned. Thank you.

8 (Meeting concluded.)
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CERTIFICATE OF REPORTER

I, MARY ANN SCANLAN, hereby certify that I transcribed agenda item related to the Janus Solar and Battery Storage Project from the Colusa County Planning Commission special meeting held on October 30, 2024, as completely and correctly to the best of my ability.

I further state that pages 1 through 87, inclusive, constitute an accurate and complete transcription of the video recording for the proceedings specified.

Dated: November 12, 2024



Mary Ann Scanlan, CSR

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HC OCTOBER 30, 2024, PLANNING COMMISSION HEARING COMMENTS

The County has reviewed the comments provided at the October 30, 2024, Planning Commission hearing and, in summary, the comments provided do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA. The purpose of the responses herein is to provide further clarification of the Project characteristics and mitigation measures which address potential impacts.

Note: “HC” refers to “hearing comment,” with the number following “HC” below referring to the numbered comment in the October 30, 2024, Planning Commission transcript preceding these responses to comments.

HC-1Response:

Refer to Comprehensive Responses R2.4, R2.5 and R6.2. In terms of PG&E’s public safety power shutoff program, that program is administered by PG&E independently of the Project. The gen-tie line will be new construction and will conform to all prevailing legal and safety requirements for above-ground lines corresponding with the line’s voltage.

HC-2Response:

Refer to Comprehensive Responses R2.1, R2.3, R2.5, R2.8 and R2.9.

HC-3Response:

Refer to Comprehensive Responses R2.1, R2.3, R2.5, R2.8, R2.9 and R3.1. Regarding insurance, the CEQA Guidelines (see 14 Cal. Code Regs., § 15131) establish that the economic effects of a project are not treated as a significant effect on the environment, therefore, consideration is not given in the EIR to the availability of insurance.

HC-4Response:

See Comprehensive Responses R2.1, R2.2, R2.3, R2.5, R2.6, R2.8, R2.9, and R3.1.

HC-5Response:

See Comprehensive Responses R2.1, R2.2, R2.3, R2.5, R2.6, R2.8, R2.9, and R3.1. We have been unable to locate any data that shows that wind speeds increase as a direct result of solar panels being present. In addition, because the panels angles change with the tracking of the sun, any air foil effect would be altered.

HC-6Response:

See Comprehensive Responses R1.1, R3.1, R3.5 and R 4.2.

HC-7Response:

The question inquired as to whether the batteries used in the BESS component will be parallel wired rather than wired in a series. As stated on page 38 of the public hearing transcript from the Planning Commission's October 30, 2024, meeting, the Applicant intends to parallel wire all batteries. The County will confirm that the photovoltaic panels and the BESS component of the Project conform to all applicable code requirements prior to issuance of a building permit per the County's standard practice.

HC-8Response:

See Comprehensive Responses R1.5, R2.2, and R2.3.

HC-9Response:

See Comprehensive Responses R1.5, R2.1, R2.3, R3.1, R3.2, R3.3 and R3.4.

HC-10Response:

See Comprehensive Responses R3.1, R3.2, and R3.4.

HC-11Response:

The question requested the "UN placard" for the batteries used as part of the BESS component of the Project. Refer to Comprehensive Responses R1.1, R1.2 and R1.5 regarding the chemical composition of the batteries, including hazardous materials, and battery technology.

HC-12Response:

The question inquired as to alternative scenarios for permitting the Project. One alternative would be to pursue litigation over the previous project's denial (Use Permit No. 20-01). However, the Applicant believes that it is far better to work with the County on developing a new project that addresses the previous concerns. Another alternative would be to pursue project approval through the California Energy Commission (CEC) (referred to as "AB 205") which would allow the CEC to certify the Project and effectively bypass the need for local land use approvals from the County. However, the Applicant has chosen not to pursue the CEC approval process because of their desire to work with the County and community in an effort to develop the best possible project for the County. See response to **HC-59** for more information on the CEC process.

HC-13Response:

See Comprehensive Responses R15.1 (relating to Williamson Act compatibility), R2.1, R2.2, R2.3, R2.5, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3, R3.4, and R3.5 (relating to fire concerns and relevant mitigation). Regarding alleged “devaluation of agricultural property,” the CEQA Guidelines (see 14 Cal. Code Regs., § 15131) establish that the economic effects of a project are not treated as a significant effect on the environment. In addition, there has been no evidence submitted that other solar projects in the State have caused properties to lose valuation.

HC-14Response:

Refer to Comprehensive Responses R2.1, R2.2, R2.3, R2.5, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3, R3.4, and R3.5 regarding fire safety. PG&E’s public safety power shutoff program is administered by PG&E independently of the project. The gen-tie line will be new construction and will conform to all prevailing legal requirements for above-ground lines corresponding with the line’s voltage.

HC-15Response:

Refer to Comprehensive Responses R2.1, R2.2, R2.3, R2.5, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3, R3.4, and R3.5 regarding fire safety. Comprehensive Responses R3.2 and R3.3 address Spring Valley Road, in particular. See also Comprehensive Response R8.3 regarding road inspections and repairs (including as applicable to Spring Valley Road, and Comprehensive Responses R9.1 and 17.3 (regarding dust control measures including as applied to Spring Valley Road).

HC-16Response:

The CEQA Guidelines (see 14 Cal. Code Regs., § 15131) establish that the economic effects of a project are not treated as a significant effect on the environment, therefore, property taxes have not been included in the CEQA analysis. However, due to the public’s interest in this issue, it is expected that the Project’s staff reports will contain this information separate from the CEQA analysis. See Comprehensive Response R15.1 regarding Williamson Act compatibility.

HC-17Response:

See Comprehensive Response R15.1 regarding Williamson Act compatibility.

HC-18Response:

The commenter raises concerns about the Project’s water supply provider and location. As described in Section 4.19, *Utilities*, under Impact 4.19-1 of the EIR, the City of Williams is the purveyor of a public water system located approximately 11.4 miles from the Project site. The City has indicated that it can provide water and the Applicant would pay for the water required according to the rate that is in place at the time of construction. This agreement would be included

in a will-serve letter obtained by the Applicant as a Condition of Approval of the Project's CUP. While the exact location of the hydrant is yet to be determined, it is anticipated that the Project would use the hydrant located at the corner of J St and 7th St in the City of Williams. See also Comprehensive Response R5.1 regarding project water consumption.

HC-19Response:

See Comprehensive Responses R2.1, R2.2, and R2.3 (including description of the Emergency Services Response Plan).

HC-20Response:

The comment related to the length of the Draft EIR and that members of the public who are not technical experts may have difficulty reviewing the document. The Draft EIR was published consistent with CEQA and the CEQA Guidelines. Moreover, the County elected to provide the Planning Commission and members of the public with an additional opportunity for a presentation on the project (this was in addition to a prior public scoping meeting before the preparation of the Draft EIR) and to explain the conclusions in the Draft EIR. This additional hearing was not required by CEQA, but County staff provided the hearing to allow for additional public participation.

HC-21Response:

It is correct that the Project site is located on private property, and not on the "Cortina reservation." The gen-tie line will be located within public rights-of-way as described in the EIR's Project Description and not on private property

HC-22Response:

The commenter requested confirmation that no alternative sites are recommended for the Project. As discussed in Section 3, *Introduction to the Alternatives* of the EIR, Section 15126.6(c) of the CEQA Guidelines requires that an EIR identify alternatives that were considered for analysis, but rejected as infeasible, and briefly explain the reasons for their rejection. Three alternatives that were considered but ultimately eliminated were discussed: a Reduced Acreage alternative, an Orchard alternative, and a Conservation and Demand Side Management alternative. The basis for elimination of each of these alternatives is discussed in Section 3.3.1, *Reduced Acreage*; Section 3.3.2 *Orchard*; and Section 3.3.3. *Conservation and Demand Side Management*, of the EIR.

Additionally, five alternatives, including the required No Project alternative, are discussed in detail in Section 5, *Comparison of Alternatives* of the EIR. In accordance with the CEQA Guidelines, Section 15126.6, the EIR contains a comparative impact assessment of alternatives to the proposed Project. The primary purpose of an alternatives analysis is to provide decision-makers and the public with a reasonable range of alternatives that could attain most of the basic project objectives while avoiding or reducing a proposed project's significant adverse environmental effects. An EIR need not consider every conceivable alternative to a project, and alternatives can be rejected for failure to meet most of the basic project objectives, infeasibility, or inability to avoid or substantially lessen significant environmental effects.

HC-23Response:

The commenter requested confirmation that no alternative sites are being explored for the Project. Please see the above response to HC-22. As described in Section 5, *Comparison of Alternatives*, the Northeast Site alternative was included because of previous due diligence efforts undertaken by the Applicant when considering project sites early in the development stage. The Applicant initially considered numerous locations for the project based on proximity to a substation with sufficient capacity to serve as a Point of Interconnection, open land of sufficient size to support an economically viable utility-scale project, and that did not contain permanent structures that could not be removed; however, the Applicant does not currently and does not anticipate having site control for any alternative sites.

HC-24Response:

The comment requested information about the Applicant's affiliation with another developer. This is an economic consideration and, pursuant to Section 15131 of the CEQA Guidelines, is not relevant to CEQA.

HC-25Response:

The commenter questioned why their property was included as an example alternative site for the Project. Please see the above response to HC-22, regarding CEQA Guidelines and requirements for alternatives to be considered. As described in Section 5, *Comparison of Alternatives*, the Northeast Site alternative was included because of previous due diligence efforts undertaken by the Applicant when considering project sites early in the development stage, and the Applicant does not have site control, nor is there any certainty that it could do so. The Applicant initially considered numerous locations for the Project based on proximity to a substation with sufficient capacity to serve as a Point of Interconnection, open land of sufficient size to support an economically viable utility-scale project, and that did not contain permanent structures that could not be removed.

As clarified by Mr. Plucker (Community Development Director) at the Planning Commission Meeting held October 24, 2024, this site is provided as an example of an off-site alternative, of which there are many, to help demonstrate the different potential environmental impacts of relocating the project to an alternative site.

HC-26Response:

See Comprehensive Responses R2.1, R2.2, R2.3, R2.5, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3, R3.4, and R3.5 relating to fire concerns and relevant mitigation.

HC-27Response:

The commenter asked about any contracts regarding the sale of power between PG&E and the Applicant. Per Section 15131 of the CEQA Guidelines, this information is not relevant to CEQA and is therefore not addressed in the EIR.

HC-28Response:

See Comprehensive Responses R7.2 and R7.3 regarding decommissioning and associated security to ensure decommissioning is completed.

HC-29Response:

See Comprehensive Responses R7.2 and R7.3 regarding decommissioning and associated security to ensure decommissioning is completed.

HC-30Response:

The commenter referred to an alternative site in Maxwell. Please see the above response to **HC-22**, regarding CEQA's requirements for alternatives to be considered.

HC-31Response:

See Comprehensive Responses R3.2, R3.3 and R3.4 regarding emergency vehicle access, evacuation procedures (including as applied to Spring Valley Road), and emergency response protocols.

HC-32Response:

The commenter states that the area experiences "dry wildland fires" and also that smoke is a key concern with fires. Refer to Comprehensive Responses R2.1, R2.2, R2.3, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3 and R3.4.

HC-33Response:

The commenter noted the length of the EIR, and stated that it is "flawed." No specific purported flaw (nor substantial evidence of any flaw) is included in the comment. The Draft EIR was published consistent with CEQA and the CEQA Guidelines. Moreover, the County elected to provide a public Planning Commission meeting to provide the Planning Commission and members of the public with an additional opportunity for a presentation on the project (this was in addition to a prior public scoping meeting before the preparation of the Draft EIR) and to explain the conclusions in the Draft EIR. This additional hearing was not required by CEQA, but County staff provided the hearing to allow for additional public participation. While there are technical aspects of the EIR, these are required by CEQA to prepare a sufficient CEQA document.

HC-34Response:

The commenter is referring to the risk of an explosion in relation to the BESS. Please refer to Comprehensive Response R1.5 which outlines the characteristics of the proposed BESS and how, due to its safety features, it does not pose a risk of explosion. Additionally, the commenter

is presumably referring to the 2019 McMicken BESS incident in Surprise, Arizona.¹ It is important to note that the incident involved outdated technology produced by a different manufacturer and was characterized by having a walk-in type of battery enclosure.

A comprehensive analysis performed by Det Norske Veritas (DNV)² was conducted in the aftermath of the incident and determined there were 5 events and contributing factors that led to the incident which include (i) an initial failure in one of the battery cells, (ii) a fire suppression system incapable of stopping thermal runaway, (iii) a lack of thermal barriers between the cells that resulted in a cascading thermal runaway scenario, (iv) flammable gases with no means to ventilate, and (v) an Emergency Response Plan that did not include extinguishing, ventilation, and entry procedures.³ The battery that caught fire in this particular incident is distinguishable from the technology proposed for use at the Project, in that the battery chemistries are different (lithium nickel manganese cobalt for the Arizona project and lithium iron phosphate for the proposed Project). See Comprehensive Responses R1.1 and R1.2. Further, the Arizona project included batteries manufactured in or prior to 2017, which is prior to the publication of NFPA Standard 855, and other safety and design controls that will apply to the Project. As described in Comprehensive Response R1.5, the Tesla Megapack 2XL systems proposed for the Project include additional safety controls, including cooling equipment and monitoring systems.

The Applicant presented additional information concerning battery design, safety controls, and monitoring systems, all of which are designed to avoid or mitigate fire risk, at the October 30, 2024 Planning Commission hearing (see e.g., pages 33–41 of the transcript for the October 30, 2024 Planning Commission hearing).

Colusa County, as the lead agency, is aware that the risk of a fire and associated release of hazardous substances stemming from the Battery Energy Storage System (BESS) is a main concern of the public and, while succinctly addressing the concern raised during the public hearing on October 30th in relation to the McMicken incident in Surprise, Arizona, would also like to reference the Escondido and Otay Mesa incidents that recently occurred in San Diego County, California.

Escondido Fire – SDG&E BESS Yard (September 2024)

A fire at a BESS facility owned by investor-owned utility (IOU) San Diego Gas and Electric (SDG&E) in Escondido, California, began at around noon on September 5th, 2024, in a battery container that was reported to be undergoing maintenance. The event was limited to one containerized BESS unit out of 24 at the 30MW/120MWh site and burned out in around 13 hours. Air quality remained safe throughout the duration of the event, even though local authorities

¹ See e.g., <https://www.nfpa.org/news-blogs-and-articles/blogs/2020/07/31/arizona-ess-explosion-investigation-and-line-of-duty-injury-reports-now-available>.

² DNV, formerly DNV GL, is an international accredited registrar and classification society headquartered in Høvik, Norway. DNV provides services for several industries, including oil and gas, renewable energy, and electrification.

³ DNV (2020) McMicken Battery Energy Storage System Event Technical Analysis and Recommendations TECHNICAL SUPPORT FOR APS RELATED TO MCMICKEN THERMAL RUNAWAY AND EXPLOSION, prepared for Arizona Public Service. Consulted November 2024. <https://coaching.typepad.com/files/mcmicken.pdf>.

decided, based on an abundance of caution, to evacuate the immediate area while the situation remained active.⁴

According to a report published by the City of Escondido after the incident, units from the Escondido Fire Department responded and, upon arrival, crews found an active fire in a lithium-ion battery bank. Due to the specific hazards of such fires, fire crews employed a defensive strategy and focused on protecting adjacent structures containing additional batteries. Evacuations of the surrounding area began at approximately 13:00 on September 5th and remained in effect until September 7. The fire was fully extinguished at 01:10 on September 6th, with precautionary air monitoring continuing for an additional 12 hours into the afternoon of September 7th.⁵

Energy Storage News also reported that, according to Nick Warner, founding principal at Energy Safety Response Group (ESRG), a consultancy which specializes in providing fire safety services for BESS industry stakeholders, “the fire was, by all accounts, well managed by Escondido Fire and SDG&E and their personnel. The evacuation order was lifted relatively quickly after it was issued, and in accordance with industry best practice, as the fire department let the affected unit burn out while monitoring it very closely, rather than trying to fight the flames.”⁶

In the aftermath of the incident, the City of Escondido published two reports—one which outlined findings related to air quality as it was monitored during the event and a second that analyzed water quality in runoff water once the event was contained.⁷ The air quality report was compiled with data from the San Diego County Hazmat team and SDG&E’s third-party contractor Haley & Aldrich. The water quality analysis was conducted by Eurofin Calscience, a laboratory accredited for environmental testing and was reviewed by personnel at the City of Escondido Hale Avenue Resource Recovery Facility (HARRF) laboratory to ensure the accuracy and integrity of the results. Both independent reports showed that all hazardous byproducts were below regulatory agency acceptable limits. The air quality report concluded that “at no time during the incident did the levels of Oxygen deviate from 20.9 percent which is considered normal atmospheric level. Any decrease in the percentage of Oxygen would indicate that there was some unknown gas in the atmosphere that was not able to be detected by monitoring equipment. Fortunately, no such deviation was detected. The use of Fluoride reactive test strips was negative at all locations. Additionally, Hydrofluoric acid was not detected at any of the sampling locations.” Similarly, the water quality report found that “the low levels of metals detected, combined with the absence of more toxic elements like lead and cadmium, suggest that the water poses minimal risk both to human health and the environment.”

The battery technology present at the SDG&E facility is the AES Advancion 4, an earlier generation battery. The batteries were manufactured in 2015 and commissioned in 2017, prior to the publication of NFPA Standard 855, and other safety and design controls that will apply to the Project, and, like many older battery models, lack some of the key safety features present in

⁴ <https://www.energy-storage.news/california-sdge-battery-fire-was-well-managed-caused-minimal-impact/>

⁵ <https://www.escondido.gov/DocumentCenter/View/6717/SDGE-Water-Run-Off-Report-PDF?bidId=>

⁶ <https://www.energy-storage.news/california-sdge-battery-fire-was-well-managed-caused-minimal-impact/>

⁷ <https://www.escondido.gov/DocumentCenter/View/6717/SDGE-Water-Run-Off-Report-PDF?bidId=> (Water Report); <https://www.escondido.gov/DocumentCenter/View/6716/SDGE-Battery-Fire-Air-Quality-Report-PDF?bidId=> (Air Quality Report)

newer technologies such as the Tesla Megapack 2/XL proposed for this Project. These features include an integral Battery Management System, Primary and Secondary Cooling, 24/7 remote monitoring of temperature, voltage, and battery health. The sub-chemistry of the batteries also has a much lower ignition temperature than the ones proposed, which rendered them more prone to ignition. Furthermore, over the last decade, Tesla and other manufacturers have recognized the need to develop and manufacture batteries which are more stable and resilient.

As outlined above, the response to the fire in Escondido was well managed and, because of that, the impacts of the incident were minimal. This was largely because there were adequate emergency response plans in place and first responders were well equipped to respond. Similarly, mitigation measure **FIRE-1** identified in the EIR for the proposed Project will require that an Emergency Services Response Plan (ESRP) be developed for this Project in conjunction with the WFPA and approved prior to the issuance of a building permit. Additionally, it will require that training is provided to the WFPA and their Mutual Aid partners prior to the start of construction, and throughout the operational life of the Project.

Otay Mesa Fire – Gateway Energy Facility (May 2024)

Another incident this year occurred at the LS Power Gateway Energy facility located in the Otay Mesa neighborhood in San Diego County, California, on May 15, 2024. The technology, size, and indoor location of this facility differentiate this situation from the Project. The LS Power Gateway Energy facility consists of an indoor battery storage system built within seven pre-engineered metal buildings which together contain a 250 MW battery energy storage system, more than three times the size of the proposed Project. The indoor configuration of the facility, which is not the proposed design for this Project, made it difficult for first responders to correctly identify the source of the fire and led to a sustained fire that lasted multiple days and required substantial amounts of water to not only cool adjacent units, but also fight a fire that extended to the building itself, and eventually burned through the roof of the facility. The technology used in the LS Power Gateway Energy facility is LG Chem, which has a lower ignition point than the proposed technology for the Project (Tesla Megapack 2/XL) and is therefore more prone to a thermal runaway event, while being less energy dense and thus requiring more modules to achieve the same storage capacity. In addition to these fundamental design and technology differences, Comprehensive Responses R1.2, R1.5, and R3.4 outline how the BESS for this Project, along with the implementation of mitigation measure **FIRE-1**, addresses these safety concerns through passive design, robust safety features inherent to the system, and a detailed Emergency Services Response Plan.

HC-35

Response:

See Comprehensive Responses R3.2, R3.3, and R3.4.

HC-36

Response:

See Comprehensive Response R3.4.

HC-37

Response:

See Comprehensive Response R3.4.

HC-38

Response:

Refer to Comprehensive Responses R2.1, R2.2, R2.3, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3 and R3.4.

HC-39Response:

Refer to Comprehensive Responses R2.1, R2.2, R2.3, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3 and R3.4.

HC-40Response:

Refer to Comprehensive Responses R2.1, R2.2, R2.3, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3 and R3.4. HC-41

Response:

Refer to Comprehensive Responses R2.1, R2.2, R2.3, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3 and R3.4.

HC-42Response:

The comment suggests that the County's Community Development Director's analysis or opinion concerning Spring Valley Road should not be considered because the Community Development Director does not live in Spring Valley. The Community Development Director's residence is not germane to the CEQA analysis, nor is the residency of the other commentors. If place of residency was a requirement, then the vast majority of the other comments would also be excluded. Of course this is not the case under CEQA. In addition, the testimony or analysis provided by the Community Development Director is substantial evidence for purposes of CEQA, as the Director is an expert who is tasked by statute and appointed by the Board of Supervisors (see County Code Section 2-34.2) to act as the "executive officer of the planning unit, the building unit, and the water resources division and [to] provide management oversight of the environmental health division and who shall administer all work of such department subject to the jurisdiction and control of the board of supervisors."

HC-43Response:

The nature of the Applicant's corporate ownership is irrelevant for purposes of CEQA.

HC-44Response:

The commenter questioned why the Northeast Site alternative was picked as an example alternative site for the Project. Please see the above response to **HC-25** which addresses the same question.

HC-45Response:

See Comprehensive Responses R7.1, R7.2, R7.3, and R17.8. Under the CEQA Guidelines, Appendix G, projects are required to evaluate potential environmental impacts regarding their generation of solid waste in excess of State or local standards, in excess of the capacity of local infrastructure, or otherwise impairing the attainment of solid waste reduction goals. Additionally, projects are required to evaluate if a project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. These potential impacts are discussed in Impact 4.19-4 and Impact 4.19-5 of the EIR.

Section 4.19, *Utilities*, Impact 4.19-4 of the EIR states any waste generated during future decommissioning of the Project would be required to be properly managed and disposed of in a licensed, off-site landfill or recycling facility. All materials disposed of at the end of their useful life would be recycled or disposed of in accordance with the applicable hazardous waste requirements. It would be speculative to predict the applicable requirements in place at the time disposal is required and the location in which such disposal would occur at that time, and the EIR appropriately and adequately relies on compliance with regulations that are in place at that time.

HC-46Response:

The comment “ba-bump, ba-bump, ba-bump . . .” seems to refer to noise and vibration. Refer to Comprehensive Responses R13.1 and R13.2.

HC-47Response:

The comment mentions “fiscal impact” generally, and fiscal impacts analysis. The fiscal aspects of a project are not germane to the environmental impacts analysis, and the commenter does not allege that any particular fiscal analysis relevant to a potential environmental impact is lacking. Economic considerations generally are not relevant to the CEQA analysis. See 14 Cal. Code Regs., § 15131. However, it is anticipated that due to this issue being asked that the staff reports prepared for the Project will contain information about this issue.

HC-48Response:

Refer to Comprehensive Responses R2.1, R2.3, R2.5, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3, R3.4, and R3.5.

HC-49Response:

Refer to Comprehensive Responses R2.3, R2.9, R3.2, R3.3, R3.4.

HC-50Response:

The commenter refers to the prior CUP application (No. 20-01). The prior CUP application was denied, and the Applicant subsequently filed new applications for a new project which is addressed in the current EIR. Accordingly, comments regarding efforts to approve the prior CUP

application are not relevant to the current Project or the associated CEQA analysis.

HC-51Response:

The comment mentions a fiscal impacts analysis. The fiscal aspects of a project are not germane to the environmental impacts analysis, and the commenter does not allege that any particular fiscal analysis relevant to a potential environmental impact is lacking. Economic considerations generally are not relevant to the CEQA analysis. See 14 Cal. Code Regs., § 15131.

HC-52Response:

The comment inquires about “competitive bidding” and references the sale of the property. The project is a private undertaking on private property, not a County initiated or funded project as the comments seem to imply. Further, economic considerations generally are not relevant to the CEQA analysis. See 14 Cal. Code Regs., § 15131.

HC-53Response:

The comment relates to undergrounding of the gen-tie line and the cost of undergrounding as it may related to feasibility of undergrounding as an alternative. The comment also mistakenly assumes that the County would be responsible for paying the costs of undergrounding the gen-tie line if an undergrounding alternative were pursued. See Comprehensive Responses R2.4 and R6.2.

HC-54Response:

CEQA Net inadvertently included APN 018-050-013 as part of the Project, however, the County’s Notice of Preparation (<https://www.countyofcolusaca.gov/DocumentCenter/View/17715/2024-06-19-Janus-NOP-Colusa-County-FINAL>) correctly identified the Project APNs as 018-050-005 and 006. 1830 Spring Valley Road is not included in the EIR as part of the Project. It is, however, included in the analyses as a noise sensitive area (NSA) for reduction of impacts via project design features, best management practices, and/or mitigation or avoidance measures. It is also referenced in Section 4.5, Cultural Resources, as an adjacent property, to provide context of the built environment around the Project site.

HC-55Response:

The comment references property taxes. Economic considerations generally are not relevant to the CEQA analysis. See 14 Cal. Code Regs., § 15131.

HC-56Response:

The comment states that the County may be obligated for \$7.4 million in costs relating to a solar project, although it is not clear if that project is the Project evaluated in the EIR. In any case, the comment is incorrect to the extent that the assertion is that the County will be responsible for the costs of developing, operating or decommissioning the project. Such costs will be the

responsibility of the Applicant as the Project is a private undertaking and not a County funded or subsidized project. See Comprehensive Responses R7.1, R7.2, R7.3 and R7.4 regarding decommissioning.

HC-57Response:

The comment seems to relate to economic analyses, which, per CEQA Guidelines Section 15131, are generally not relevant to the CEQA analysis. To the extent the comment pertains to the evaluation of alternatives, and in particular, undergrounding the gen-tie line, the comment presents no substantial evidence to undermine the conclusions in the Alternatives chapter concerning undergrounding of the gen-tie line and its infeasibility.

HC-58Response:

The comment relates to potential agreements concerning the purchase of power between the Applicant and PG&E. This type of economic consideration is not relevant to the CEQA analysis per CEQA Guidelines Section 15131. Please also refer to Comprehensive Response 17.7.

HC-59Response:

The comment refers to “SB 205.” Presumably, the intent is to refer to “AB 205,” which is recent state legislation that allows the California Energy Commission (CEC) to supersede local agency land use permitting and certify qualifying projects using its independent siting authority (also known as the “Opt-In Certification Program”). Projects that “opt-in” and seek certification from CEC essentially bypass local approvals to obtain state-level certification to proceed with a Project. The ability to bypass local approvals also means that the County, for example, would not have control of the conditions that are required of and/or the public benefits provided by a project. Here, the Applicant has applied for a Use Permit from the County and is not seeking certification under AB 205; therefore, AB 205 is not relevant and appropriately not discussed in the EIR.

HC-60Response:

Please refer to Comprehensive Response R16.1. The comment refers to local hiring. Economic considerations are not relevant to the CEQA analysis per CEQA Guidelines Section 15131. Further, comments regarding potential staffing and the sourcing of employees based on the commenter’s unsubstantiated and non-expert opinion does not amount to substantial evidence under CEQA Guidelines Section 15384.

HC-61Response:

Please refer to Comprehensive Response R16.1. The comment refers to local hiring. Economic considerations are not relevant to the CEQA analysis per CEQA Guidelines Section 15131. Further, comments regarding potential staffing and the sourcing of employees based on the commenter’s unsubstantiated and non-expert opinion does not amount to substantial evidence under CEQA Guidelines Section 15384.

HC-62

Response:

As discussed in Section 4.19, *Utilities* of the EIR, Impact 4.19-4 addresses the Project's generation of solid waste and specifies that any waste generated during future decommissioning of the Project would be required to be properly managed and disposed of in a licensed, off-site landfill or recycling facility. It is conservatively assumed that solid waste for decommissioning would be approximately the same as solid waste generated during construction. The Maxwell Transfer Station is mentioned as a potential landfill for receiving waste, and coordination with a receiving landfill will be initiated during pre-construction activities.

HC-63Response:

Refer to Comprehensive Responses R2.1, R2.3, R2.10, R3.1, and R3.4.



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CHARLTON H. BONHAM, Director



November 8, 2024

Greg Plucker
 Community Development Director
 County of Colusa Community Development Department
 1213 Market Street
 Colusa, CA 95932
gplucker@countyofcolusa.com

Subject: Janus Solar and Battery Storage Project
 DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
 SCH No. 2024061043

Dear Greg Plucker:

The California Department of Fish and Wildlife (CDFW) received and reviewed the draft Environmental Impact Report (DEIR) from County of Colusa Community Development Department for the Janus Solar and Battery Storage Project (Project) in Colusa, pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on July 17, 2024.

A-1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that it, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency

A-2

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

A-2

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located approximately 6.5 miles southwest of the City of Williams. State Highway 20 runs about one mile from the Project site, north and west. The proposed Project would be located on two County of Colusa Assessor Parcels (APN's 018-050-005 and 006) totaling approximately 886 acres currently used for cattle grazing in Colusa County, California. The Project would utilize an estimated 666 acres of the total 886 acres, and connect to the Pacific Gas and Electric (PG&E) Cortina Substation, located on Walnut Drive, approximately 4 miles northeast of the Project site.

The Project consists of the construction, operation, maintenance, and decommissioning of a solar photovoltaic (PV) power generating facility including solar PV modules, a battery energy storage system (BESS), on-site substation, a gen-tie transmission line, and other necessary supporting infrastructure for the Janus Solar and Battery Storage Project. The Project would generate up to 80 megawatts of alternating current of electricity and store up to 80 megawatts, or 320 megawatt hours (MWh), of electricity on the approximately 666-acre site. The Project would connect to the electrical grid at the existing PG&E Cortina Substation via an approx. 4-mile new gen-tie transmission line. A Development Agreement and a review of Project compatibility with the existing Williamson Act contract is also part of the Project.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the County of Colusa Community Development Department in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

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Comment 1. Burrowing Owl CESA Candidacy

A-3

Issue: The burrowing owl (*Athene cunicularia*) (BUOW) is designated as a State Species of Special Concern in the DEIR. On October 10, 2024, the California Fish and Game Commission granted the western burrowing owls candidate species protections under CESA. The candidacy designation temporarily affords the BUOW broad CESA protections (including prohibitions against “take” without permit authorization) throughout the entirety of California over the next 12-18 months while CDFW conducts a species status review to confirm whether (and where) listing is warranted and to recommend management and recovery actions. Projects with potential impacts to BUOW are encouraged to obtain an incidental take permit (ITP) from CDFW in order to comply with CESA. In the event that CDFW does confirm that listing is warranted for the BUOW in the future, when the Project’s construction phase is set to occur and take of BUOW or its nest is unavoidable, then the Project proponent can obtain an ITP from CDFW and provide suitable mitigation for loss of nesting habitat.

Recommendation or Recommended Mitigation Measure: CDFW recommends the relevant DEIR section should be modified to note the recent CESA candidate status of the BUOW. Additionally, if it is determined that avoidance of BUOW is not feasible, then CDFW recommends the project proponent apply for an ITP from CDFW.

Comment 2. Burrowing Owl Loss of Nesting and Foraging Habitat

A-4

Issue: The DEIR does not adequately reduce project impacts to BUOW. As stated in the DEIR, the project site provides foraging habitat for BUOW. The DEIR states that the Project is anticipated to utilize 666 acres of suitable foraging habitat. BUOW have suffered significant habitat loss due to large-scale development, including wind and solar energy infrastructure development, and from the killing and removal of mammals during significant grading activities whose underground burrows the owls use for nesting. BUOW is listed as a candidate species under CESA and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

Recommendation or Recommended Mitigation Measure: CDFW recommends the lead agency quantify the total acreage of Project impacts to BUOW foraging and nesting habitat. Two seasons of temporary impacts to foraging habitat should be considered and mitigated for as permanent impacts. To reduce impacts to BUOW nesting and foraging habitat to a less than significant level, CDFW recommends a minimum of 3 acres for each acre habitat replacement for nesting habitat and a minimum of acre for acre habitat replacement for foraging habitat in the form of fee title acquisition with a conservation easement to protect BUOW nesting and foraging habitat. To reduce impacts to a level of less than significant, CDFW recommends incorporating the following mitigation measure in the DEIR that adequately addresses impacts to BUOW nesting and foraging habitat:

To compensate for the permanent loss burrowing owl nesting and foraging habitat, the project proponent shall preserve nesting and foraging habitat for burrowing owl, or shall purchase burrowing owl habitat mitigation credits at a CDFW-approved

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mitigation bank, at a minimum of 3:1 for loss of nesting and 1:1 for loss foraging habitat ratios. Before purchase of credits at a mitigation bank and/or acquisition of mitigation land, location of the mitigation shall be determined by the lead agency and a qualified biologist based on habitat suitability. This mitigation shall be implemented by the project proponent prior to starting project activities in suitable burrowing owl foraging habitat.

A-4

Comment 3. Swainson's Hawk Loss of Foraging Habitat

A-5

Issue: The DEIR does not adequately reduce project impacts on Swainson's hawk (*Buteo Swainsoni*) (SWHA). As stated in the DEIR, the project site provides foraging habitat for SWHA. The DEIR states that the Project is anticipated to utilize 666 acres of suitable foraging habitat. The primary threat to the SWHA population in California continues to be habitat loss, especially the loss of suitable foraging habitat, but also nesting habitat in some portions of the species' breeding range, due to urban development and incompatible agriculture. This impact may have been the greatest factor in reducing SWHA range and abundance in California over the last century (California Department of Fish and Game 1993, California Department of Conservation 2011). SWHA is listed as threatened under CESA and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

Suitable foraging habitat is necessary to provide an adequate energy source for breeding SWHA adults, including support of nestlings and fledglings. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985). Routine animal grazing activities, increases in human presence, and the permanent impacts associated with solar panel installation, will permanently reduce the amount of SWHA foraging habitat. SWHA generally searches for prey by soaring above fields and solar panels reduce their ability to see and catch their prey.

Recommendation or Recommended Mitigation Measure: CDFW recommends the lead agency quantify the total acreage of Project impacts to SWHA foraging and nesting habitat. Two seasons of temporary impacts to foraging habitat should be considered and mitigated for as permanent impacts. To reduce impacts to SWHA foraging and nesting habitat to a less than significant level, CDFW recommends a minimum of acre for acre habitat replacement in the form of fee title acquisition with a conservation easement to protect SWHA foraging and nesting habitat. To reduce impacts to a level of less than significant, CDFW recommends incorporating the following mitigation measure in the DEIR that adequately addresses impacts to SWHA nesting and foraging habitat:

To compensate for the permanent loss of 666 acres of SWHA foraging habitat, the project proponent shall preserve foraging habitat for SWHA or shall purchase SWHA foraging habitat mitigation credits at a CDFW-approved mitigation bank, at a minimum 1:1 ratio. Before purchase of credits at a mitigation bank and/or

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acquisition of mitigation land, location of the mitigation shall be determined by the lead agency and a qualified biologist based on habitat suitability. This mitigation shall be implemented by the project proponent prior to starting project activities in suitable SHWA foraging habitat.

A-5

Comment 4. White-tailed Kite Loss of Foraging Habitat

A-6

Issue: The DEIR does not adequately reduce project impacts on white-tailed kite (*Elanus leucurus*). As stated in the DEIR, the project site provides foraging habitat for white-tailed kite. The DEIR states that the Project is anticipated to utilize 666 acres of suitable foraging habitat. Among the factors that could be contributing to the long-term decline in white-tailed kite numbers, loss of habitat is the most frequently implicated (Dunk 1995). Conversion of grassland and other agricultural lands (e.g. alfalfa and other forage crops) used by kites to urban or more intense agricultural uses has been a major land use trend in the Central Valley and throughout California in recent decades (CDOC 2008, Volpe et al. 2010, Cameron et al. 2014). White-tailed kite is listed as a fully protected species in California and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

Recommendation or Recommended Mitigation Measure: CDFW recommends the lead agency quantify the total acreage of Project impacts to white-tailed kite foraging and nesting habitat. Two seasons of temporary impacts to foraging habitat should be considered and mitigated for as permanent impacts. To reduce impacts to white-tailed kite foraging and nesting habitat to a less than significant level, CDFW recommends a minimum of acre for acre habitat replacement in the form of fee title acquisition with a conservation easement to protect white-tailed kite foraging and nesting habitat. To reduce impacts to a level of less than significant, CDFW recommends incorporating the following mitigation measure in the DEIR that adequately addresses impacts to white-tailed kite nesting and foraging habitat:

To compensate for the permanent loss of 666 acres of white-tailed kite foraging habitat, the project proponent shall preserve foraging habitat for white-tailed kite, or shall purchase white-tailed kite foraging habitat mitigation credits at a CDFW-approved mitigation bank, at a minimum 1:1 ratio. Before purchase of credits at a mitigation bank and/or acquisition of mitigation land, location of the mitigation shall be determined by the lead agency and a qualified biologist based on habitat suitability. This mitigation shall be implemented by the project proponent prior to starting project activities in suitable burrowing owl foraging habitat.

Comment 5. Crotch's Bumble Bee Avoidance Plan

A-7

Issue: Mitigation Measure BIO-1 currently involves the drafting of a Crotch's Bumble bee (*Bombus crotchii*) (CBB) avoidance plan with measures to reduce potential impacts to the species. However, it does not require CDFW consultation in the plan's development prior to implementation. Additionally, the measure states that the plan is anticipated to include preconstruction surveys, avoidance for vegetation removal, and buffers around CBB nests

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and individuals, but does not make these avoidance methods required. Therefore, there could be significant impacts to CBB, if the measures are not revised.

A-7

Recommendation or Recommended Mitigation Measure: CDFW recommends that the Mitigation Measure BIO-1 for CBB be revised to the following (additions are noted in **bold** while deletions are noted in ~~strike through~~):

Prior to ground disturbance, ~~ing or~~ vegetation removal, and management activities within the Project site, a CBB avoidance plan will be prepared **in consultation with CDFW**, and ~~submitted to CDFW for review~~. This plan will include specific avoidance measures that will be implemented to avoid take of the species. These measures ~~shall be anticipated to~~ include but ~~are not~~ **are not** be limited to pre-construction surveys for CBB individuals and nests, **avoidance of active nests**, avoidance of vegetation removal to the **maximum** extent feasible during the CBB colony active period, procedures for vegetation management in coordination with mitigation measure **FIRE-1**, and implementation of avoidance buffers around CBB individuals and nests if they are observed. If it is determined that avoidance of CBB is not feasible, then the Project will seek an Incidental Take Permit from CDFW. CDFW's bumble bee survey considerations can be found using the following link: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>.

Additionally, CDFW recommends the DEIR incorporate the following CBB mitigation measures:

1. **Seasonal Restriction.** Native or non-native flowering vegetation removal shall occur prior to bloom and before the active season for CBB (which is approximately March 1 through October 31). The project proponent shall avoid conducting project activities involving vegetation and ground disturbance in CBB habitat during the Queen/Gyne Flight Season, when queens emerge in the spring searching for nest sites and during the fall flight period when gynes mate and search for overwintering habitat. These time periods shift each year due to climatic conditions (drought, temperature, and precipitation). To determine these time periods each year, a qualified biologist shall be onsite and conduct CBB Protocol Surveys as described in CDFW's bumble bee survey considerations (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>).
2. **Lighting Minimization.** If feasible, Project will be restricted to to daytime hours. If nighttime construction is needed within 500 feet of CBB habitat, Permittee shall ensure that all construction-related lighting shall not have significant illumination pass beyond the immediate work area. Shielding techniques may include, but should not be limited to, the use of fence slats, netting, mesh, or tarps; and all construction lighting used shall be yellow or orange lighting.

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Comment 6. American Badger Preconstruction Survey

Issue: American badgers (*Taxidea taxus*) are a CDFW species of special concern (SSC) and have been experiencing serious population declines that, if continued or resumed, could qualify it for State threatened or endangered status.

The American badger utilize different types of dens throughout their life: reproductive (natal and rearing), over-wintering and hunting. The American badger mates between July and September with delayed implantation of the embryo occurring between January and February (Long, 1973). Females give birth underground between March and April. Kits typically disperse from the reproductive den at three to four months of age (Messick et al., 1981) although some young American badgers have delayed dispersal until their second year. Currently, the proposed mitigation measure states if dens are found during the preconstruction survey, they will be excavated or blocked to discourage use if they are potentially active. However, forced relocation of kits prior to their ability to disperse on their own can result in unforeseen stressors or impacts to local badger populations.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BIO-1 for the American Badger be replaced with the following:

American Badger Preconstruction Survey. The project proponent shall retain a qualified biologist to conduct an American badger preconstruction survey within 3 calendar days prior to the initiation of construction activities within suitable habitat for American badger. If no American badger individuals and/or burrows are found during the preconstruction survey, the biologist shall document the findings in a letter report to CDFW, submit the report and no further mitigation shall be required. If individuals and/or burrows are found, the project proponent shall consult with CDFW and a qualified biologist to determine an appropriate no disturbance buffer to avoid impacts to the den. If impacts cannot be avoided, den excavation and exclusion implementation shall take place during the non-breeding season (typically September 1 through January 1) in consultation with CDFW.

Comment 7. Pollinators

Issue: The DEIR does not include measures to increase use by pollinators such as dual use farming. The Project should be designed to optimize a balance between electrical generation and agricultural production (Jossi 2018) or native plants. Native plantings or dual use farming techniques provide additional foraging resources for pollinator species including but not limited to CBB, and for other native species, by increasing the amount of nectar resources on a local level. Incorporating locally native plantings or dual use farming techniques help to increase pollinator populations and would help to reduce project impacts to a less than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends the Project area be planted with deep-rooted native flowers and grasses that capture and filter storm water, build topsoil, and provide abundant and healthy food for bees and

A-8

A-9

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other insects that provide critical services to our food and agricultural systems as described on the Fresh Energy website at <https://fresh-energy.org/beeslovesolar/>.

A-9

ENVIRONMENTAL DATA

A-10

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

A-11

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County of Colusa Community Development Department and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

A-12

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the DEIR for the Janus Solar and Battery Storage Project and recommends that the County of Colusa Community Development Department address CDFW's comments and concerns in the forthcoming DEIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

Sincerely,

DocuSigned by:

746D5F13C3B348A...
Morgan Kilgour
Regional Manager

Janus Solar and Battery Storage Project

November 8, 2024

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ec: Dylan Wood, Senior Environmental Scientist (Supervisory)
Michael Shun, Senior Environmental Scientist (Specialist)
Tanya Sheya, Environmental Program Manager
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

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A CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

A-1Response:

Acknowledged.

A-2Response:

Acknowledged.

A-3

Comment 1. Burrowing Owl CESA Candidacy

Response:

The language in the Final EIR has been updated to reflect the recent CESA candidate status of burrowing owl.

As noted in mitigation measure **BIO-1**, if burrowing owls are detected during pre-construction surveys, a Project-specific avoidance plan shall be prepared for CDFW review and approval and implemented to protect burrowing owl and their nest sites. This plan is anticipated to be adequate to avoid take of burrowing owl associated with Project activities unless an incidental take permit is obtained from CDFW.

A-4

Comment 2. Burrowing Owl Loss of Nesting and Foraging Habitat

Response:

Burrowing owls were not observed at the Project site during protocol level breeding season surveys for the species in 2024, and none were otherwise incidentally observed during other biological surveys of the Project site. Protocol level non-breeding season surveys will be completed during the winter of 2024-2025 to confirm the lack of presence of this species at the Project site. In addition, pre-construction surveys will be completed for burrowing owl, and if observed, appropriate measures will be implemented per mitigation measure **BIO-1**, including establishing buffers as defined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012) and preparing a Project-specific avoidance plan which will be reviewed and approved by CDFW. With implementation of these actions, take of the species and loss of nesting habitat will be avoided.

Project activities and their temporary effect on foraging habitat will be similar to existing disturbance patterns associated with the grazing and agricultural activities at the Project site. Currently, these activities include planting and harvesting of forage crops, subsequent tilling or discing of the land, and active cattle grazing. These activities, particularly the planting, harvesting, and tilling of the land degrade burrowing owl foraging habitat and discourage use by the species.

These activities will continue until the Applicant is granted site control of the Project site and construction begins.

Construction of the Project would have a similar impact to current agricultural activities on the Project site. Therefore, there are no anticipated temporary changes to foraging habitat when compared to existing use patterns. In addition, it is not expected that burrowing owl will be present during the planned construction period for the Project based on the absence of the species during the protocol breeding season surveys that were conducted, and no other incidental observations during other biological surveys for the Project.

Furthermore, long-term vegetation management at the site per mitigation measure **FIRE-1** will result in vegetation heights that are anticipated to be beneficial to burrowing owl and their prey and overall improve foraging habitat for the species relative to existing conditions. This is because vegetation would be maintained at a lower height across the entire Project site, and there will no longer be tall forage crops grown within the Project site. Research has also shown that burrowing owl occur within several existing solar projects which have implemented measures similar to what is proposed for the Project (Cypher et al 2021).

Mitigation for burrowing owl is not included in the EIR as there will be no significant impacts to the species because of the Project, and in the long-term the Project is anticipated to improve habitat for the species. Accordingly, no change to the EIR has been made in response to this comment.

A-5

Comment 3. Swainson's Hawk Loss of Foraging Habitat

Response:

The Project site is low quality foraging habitat at the extreme western edge of the breeding range of the Swainson's hawk. CDFW guidance for Swainson's hawk in the Antelope Valley suggests mitigation for loss of foraging habitat for projects within 0 to 5 miles from active nests. Applying this guidance here, mitigation for foraging habitat is not appropriate as there are no Swainson's hawk nests identified within 5 miles of the Project site. This approach is consistent with other recent solar projects in Fresno and Kern Counties (e.g., AV Apollo Solar, Big Beau Solar, Raceway 2.0 Solar, Sonrisa Solar, and Luna Valley Solar), where mitigation for loss of foraging habitat was not required as nests were not identified within 5 miles of these projects, and/or foraging habitat losses were determined to be less than significant. The EIR does not include mitigation for loss of foraging habitat because potential impacts of the Project to Swainson's hawk foraging habitat is less than significant and less than cumulatively considerable, no active nests were observed within 5 miles of the Project site, and the Project site is low-quality foraging habitat at the edge of the species' breeding range.

In addition, as CDFW notes in the comment, routine animal grazing activities have the potential to degrade foraging habitat for Swainson's hawk, and the Project site has historically been grazed. Planting and harvesting of unirrigated forage crops, and subsequent tilling or disking of these areas also degrade foraging habitat. These activities will continue on the Project site until the Applicant is granted site control and construction begins. As such, foraging habitat for Swainson's hawk is already degraded within the Project site.

Surveys to assess Swainson's hawk nesting were conducted in 2024 as described in the EIR. During this survey there were no Swainson's hawk nests located within 5 miles of the Project site. In addition, there were no Swainson's hawk nests located within or near the foothill grassland transition area where the Project site is located. All the Swainson's hawk nests were located

further to the east in proximity to irrigated croplands which this species prefers to forage in. Habitat in the vicinity of the Project site is lower quality foraging for Swainson's hawk due to its unirrigated nature, disturbances associated with active agricultural operations and grazing, and nearby orchards.

Existing disturbance patterns on the Project site associated with agricultural activities such as planting and harvesting of forage crops, tilling and discing of soil, and animal grazing activities are anticipated to have similar impacts as the proposed construction activities. However, instead of these impacts being an ongoing annual activity, they instead would occur during construction. After which impacts related to operation and maintenance of the Project would be minimal. Vegetation management would also maintain plants at a height that Swainson's hawks prefer relative to the tall forage crops that are grown across much of the Project site.

Based on an analysis of foraging habitat, the Project would temporarily impact approximately 2 percent of the total suitable foraging habitat within a 10-mile buffer of the Project site. In addition, the Project site has lower quality foraging habitat than areas further to the east where Swainson's hawk nesting occurs.

After construction of the Project has been completed, vegetation will be allowed to regrow, and suitable prey species are anticipated to quickly repopulate the Project site and the prey base within the Project site is anticipated to be equivalent to or higher than under pre-Project agricultural conditions.

The Project is not anticipated to have a significant impact on foraging habitat due to the wide-ranging nature of Swainson's hawks, the low breeding density within a 10-mile buffer of the Project site resulting from incompatible agricultural land uses. When the rice fields in the vicinity of the known Swainson's hawk nests are flooded, it is likely that they would forage toward the east, north, and south given the higher quality foraging habitats in those directions, instead of toward the west (where the Project site is located) as foraging habitat toward the west is either unsuitable or of lower quality. The Project would not affect individual nesting territories, affect existing use patterns or future expansion of the population, or affect the status and reproductive potential of the population. Thus, the Project would not have a significant impact on the Swainson's hawk or on foraging habitat for the species. For these reasons, no change to the EIR has been made in response to this comment.

A-6

Comment 4. White-tailed Kite Loss of Foraging Habitat

Response:

No white-tailed kite nests were identified during raptor nesting surveys in 2021 and 2024 within a 10-mile buffer of the Project site. In addition, no white-tailed kites were observed during any biological surveys associated with the Project site. Therefore, any potential use or foraging within the Project site is anticipated to be incidental and rare. After construction of the Project, suitable prey species for white-tailed kite are anticipated to quickly repopulate the area, and foraging habitat is not anticipated to be affected. For these reasons, the Project will not have significant impacts to white-tailed kites or its foraging habitat. As such, mitigation for this species is not warranted, and no change to the EIR has been made in response to this comment.

A-7

Comment 5. Crotch's Bumble Bee Avoidance Plan

Response:

The Applicant has and continues to consult with CDFW regarding the Crotch's bumble bee (*Bombus crotchii*) (CBB) avoidance plan referenced in mitigation measure **BIO-1**. The Applicant met with CDFW on August 8, 2024, to review the results of CBB surveys of the Project site and draft measures considered for inclusion in the CBB avoidance plan. A draft of the CBB avoidance plan was subsequently submitted to CDFW on November 1, 2024, for review and comment. On November 6, 2024, the Applicant met with CDFW to discuss CDFW's review of the draft CBB avoidance plan and are awaiting any written comments that CDFW may have on the plan. Based upon CDFW's written comments on the EIR and consultation with CDFW to date, mitigation measure **BIO-1** will be revised to read as follows:

Mitigation Measure BIO-1: Prior to ground disturbance or vegetation removal, and management activities within the Project site, a CBB avoidance plan will be prepared and submitted to CDFW for review and comment. This plan will include specific avoidance measures that will be implemented to avoid take of the species. These measures shall include but are not to be limited to pre-construction surveys for CBB individuals and nests, avoidance of active nests, avoidance of vegetation removal to the extent feasible during the CBB colony active period, procedures for vegetation management in coordination with mitigation measure **FIRE-1**, and implementation of avoidance buffers around CBB individuals and nests if they are observed. If it is determined that avoidance of CBB is not feasible, then the Project will seek an Incidental Take Permit from CDFW.

The measure as amended above provides necessary flexibility to construct the Project while also being protective of the species. The majority of the Project site was determined to be low quality habitat for CBB during the 2024 surveys. If no CBB are identified during pre-construction surveys or during biological monitoring, vegetation management should not be restricted, as those activities would not impact CBB. The recommended measure from CDFW also does not allow for needed flexibility to comply with mitigation measure **FIRE-1** and minimize wildfire risk, does not allow for operations and maintenance activities that may result in limited ground disturbance during the queen/gyne flight season or colony active period, or other emergency response activities.

If feasible, native or non-native flowering vegetation removal shall occur prior to bloom and before the Colony Active Period (approximately February 1 through October 31). If project activities cannot be avoided during this time and vegetation needs to be removed during the bloom period for those species, flowering vegetation shall be removed in a patched manner, to the extent feasible while also being cognizant of wildfire concerns, leaving areas of floral resources as refugia for foraging CBB or wait until bloom has ceased.

The Applicant will avoid conducting project activities involving vegetation and ground disturbance in CBB habitat to the extent feasible during the queen/gyne flight seasons, when queens emerge in the spring (February to March) searching for nest sites and during the fall flight period (September to October) when gynes mate and search for overwintering habitat.

With regard to lighting minimization, all lighting would be directed downwards to minimize the potential for glare and spillover, and lighting would conform to applicable Colusa County outdoor lighting codes (Chapter 2, Section 2.4.4.5.; Section 2.4.8.5; Section 2.4.11.1; and Section 2.4.11.2). If construction activities need to occur at night, written approval with Colusa County would be required, and work would need to comply with County requirements including directing lights downward to minimize spillover to adjacent areas. As such, additional mitigation regarding lighting is not necessary.

A-8

Comment 6. American Badger Preconstruction Survey

Response:

American badger, their sign, or suitably sized burrows have not been observed within the Project site during any of the biological survey efforts. The existing measure would require a pre-construction survey for the species which would take place during the pre-construction burrowing owl surveys as identified in mitigation measure **BIO-1**. The pre-construction timing proposed in mitigation measure **BIO-1** is appropriate given the absence of suitable burrows within the Project site, and no sign of the species being observed during any biological survey efforts.

The CDFW comment states that:

Currently, the proposed mitigation measure states if dens are found during the preconstruction survey, they will be excavated or blocked to discourage use if they are potentially active. However, forced relocation of kits prior to their ability to disperse on their own can result in unforeseen stressors or impacts to local badger populations.

This comment does not accurately reflect mitigation measure **BIO-1**, which states:

A pre-construction survey for the American badger shall occur during the burrowing owl surveys. Any active American badger dens shall be avoided by establishing a minimum 50-foot buffer around the den. No construction activities shall occur within this buffer unless a qualified biologist determines that the den is inactive.

Accordingly, mitigation measure **BIO-1** does not state that if dens are found that they would be excavated or blocked to discourage their use, it instead states that an avoidance area would be established around dens and that no construction activities would occur around it until it is determined to be inactive. There would be no forced relocation of badger associated with the Project.

American badger pre-construction surveys would occur, and in the very unlikely event that they are observed within the Project site any potential dens would be avoided. There would be no significant impacts to American badgers. Additional measures are therefore unnecessary to protect the species. Accordingly, no change to the EIR has been made in response to this comment

A-9

Comment 7. Pollinators

Response:

The existing long-term use of the Project site includes planting and harvesting of forage crops, subsequent tilling or disking of the land, and active cattle grazing. As such, the seedbank on site is anticipated to be dominated by plants that are forage crops for cattle or grain crops which are anticipated to outcompete any native species. The applicant instead proposes to follow the plan identified in the EIR which includes restoring the Project site to as near pre-project conditions as feasible and implementing a vegetation management plan under mitigation measure **FIRE-1**. Implementation of this plan would help flowering plants persist within the Project site as tall non-native grasses would be managed, helping to prevent smaller flowering plants and other native plants from being outcompeted.

In addition, where feasible and appropriate and as determined in coordination with the property owner, habitat appropriate native flowering plant seeds will be added to the seed mix which will be applied in disturbed areas following construction. As such, there is no significant impact to pollinators. Rather, the Project's implementation may serve to improve pollinator habitat as compared to baseline conditions.

A-10Response:

Acknowledged, observations will be reported to the CNDDDB.

A-11Response:

Acknowledged.

A-12Response:

Acknowledged. Written notifications will be provided to CDFW.



November 12, 2024

To: Greg Plucker
Colusa County Community Development Agency
Colusa County as Lead Agency for Janus Solar and Battery Storage Project

From: Antoinette Marsh, MS, PhD
Sent via email: gplucker@countyofcolusa.com

This document (and attached appendix) is for public comment on the DEIR related to Janus Solar and Battery Storage Project for which Colusa County Community Development Agency is the lead agency.

Below I pose several issues/comment/concerns regarding the DEIR (Draft Environmental Impact Report).

1. The DEIR failed to adequately consider feasible alternatives to the project as required by CEQA.
2. The DEIR failed to consider the cumulative impacts especially in relation to reasonably foreseeable future projects in the adjacent area.
3. The DEIR failed to adequately address significant environmental impacts, and the DEIR omitted necessary information and analysis.
4. The DEIR does not propose sufficient mitigation measures to reduce significant environmental impacts to a less-than-significant level.
5. The Colusa County General Plan does not allow for the Project at that site and any decision with disregard to the holistic environmental review and analysis to Colusa County General Plan is an abuse of discretion since land development and planning should take a holistic review, receive comment and review (public and governmental agencies) rather than piece-meal approach.
6. Safety and well-being to Colusa County is missing to describe the Project as not harming Colusa County or the environment through direct or indirect impacts.
7. The DEIR contains factual errors and approval assumptions, causing some concerns about credibility of details including the descriptions, risk, and mitigation strategies.

B-1

1. The DEIR failed to adequately consider feasible alternatives to the project as required by CEQA.

A. Lack of reasonable review and analysis by the Lead Agency

One of the requirements of a CEQA is to consider and evaluate alternatives to the proposed project. The inclusion of the Northeast site containing 15 contiguous parcels totaling approximately 917 acres without any demonstration of consultation with the owner(s) of those parcels is shorting the CEQA processes, procedures and requirements. Moreover, it is inefficient use of agencies time and resources to include a site without any due diligence to determine the viability of the site as a feasible alternative. The lead agency recklessly included this site in the DIER. Under CEQA, “[b]efore using a draft prepared by another person, the Lead Agency shall subject the draft to the agency’s own review and analysis. The draft EIR which is sent out for public review must reflect the

B-2

independent judgment of the Lead Agency. The Lead Agency is responsible for the adequacy and objectivity of the draft EIR.” (see CEQA Statutes and Guidelines)

Mr. Plucker, as a county employee could easily determine who owned the “Northeast site” after reviewing the DEIR (prior to release for public comment) and determine if this was a properly listed feasible alternative to be included in the review and analysis. A reasonable lead agency official would be on notice after seeing that “the Applicant does not have the Northeast Site under site control” (see DEIR 3-5) to further investigate under his own review and analysis. However, that was not done, and it was discovered during a County-hosted meeting *after the DEIR was disseminated to the required governmental agencies* and the public that the “Northeast site” was not available, nor was the current owner(s) aware of the listing of the “Northeast site” in the DEIR. (comment by Mr. Kelly Orbaum, Planning Commission Meeting, October, 2024).

B-2

Furthermore, inclusion of the Northeast site and comment by Mr. Kelly Orbaum suggests that the DEIR contains questionable credible information. Moreover, within the DEIR, (3-1), it states, “[a]n EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.” Why then is DEIR making a representation of Mr. Kelly Orbaum’s property as an alternative site that is speculative and not compliant with CEQA Guidelines in evaluating alternative locations? It is a knowingly waste of government resources to have included the Northeast site.

B. Inability of other agencies and the public to adequately consider feasible alternatives.

The Lead Agency shall not knowingly release a deficient document hoping that public comments will correct defects in the document. Section 21083, Public Resources Code; Reference: Sections 21082 and 21082.1, Public Resources Code; Russian Hill Improvement Association v. Board of Permit Appeals, 44 Cal. App. 3d 158 (1975). The DEIR remains on the Colusa County website for Public Review. Yet, this alternative site (as required under CEQA), remains within the DEIR and essentially governmental agencies and the public (unless they attended the County-hosted meeting) are *unaware of this reckless inclusion of non-factually correct data* which is a significant part of the CEQA process and analysis. It is also wasteful of governmental agencies’ time and resources to have them evaluate an alternative site, including the analysis within the DEIR when a reasonable individual would confirm (or at least even attempt to contact the owner) for the availability of approximately 917 acres for the Project.

B-3

2. The DEIR failed to consider the cumulative impacts especially in relation to reasonably foreseeable future projects.

A. The zone of influence and land use should be part of the cumulative impacts analysis, particularly relating to loss of farmland to large concentration of utility sized solar developments sprouting, growing and taking over large tracts of lands.

B-4

In science there is a maxim, “garage data in: garage science out” likewise when evaluating the LESA modeling and impact to loss of farmland one could say, *outdated modeling and inappropriate scoring and weighting leads to inaccurate (outdated) impact analysis and the wrong conclusions.*

In the 1997 California Agricultural Land Evaluation and Site Assessment Model (LESA), nowhere is the word “solar” used; however, water and zone of influence is. One could indicate that the zone of influence for solar development is a new variable that *is not accounted* for in the LESA model as it was not envisioned over 25 years ago in 1997 when the model was developed, nor likely when the LESA 2011 Appendices A and B (now over a decade old) were developed. Although the LESA model provides some basic information for the reviewer, **the generation of solar tracts now need to consider how one solar development will influence and cause additional solar developments to occur within the same or nearby geographic areas.** There is now adequate evidence to implement this into a model for farmland loss.

Solar facility development accounted for 17,192 acres of urban development between 2016 and 2018. Solar facility construction was a significant component of the urban increases in Imperial (91%), Kern (73%), Los Angeles (67%), and Fresno (63%) counties. (see www.conservation.ca.gov)

The LESA Model data for the DEIR is relying on data from the LESA Model (dated 2/2/2021) score of 55.94. Although the Applicant obtained a subsequent memo (Jennifer Merrick, 9/14/2024), the memo merely repeated the 2/2/2021 information, did not perform an updated LESA Modeling and merely summarized and indicated the Project is “occupying a smaller area and would further lessen the potential for the Project to result in significant loss of farm.” Ms. Merrick provided no values, no calculations nor tables to support this statement. LESA Model data are required under CEQA.

“Finding optimal sites for the construction of solar farms is a complex task with many factors to be taken into account (environmental, social, legal and political, technical-economic, etc.), which classic site selection models do not address efficiently” (see Guaita-Pradas et al., 2019). Solar radiation intensity, temperature, and wind are factors that this 2019 scientific peer-reviewed publication addresses which is not included in the DEIR. Moreover, this publication indicates that “traditional plans for PVP investments have been somewhat arbitrary, mainly because planners of solar power plant projects have barely considered analyzing them at a regional scale.”

Land is a non-renewable natural resource, and it is important that the DEIR add the planned, sustainable, appropriate and zone of influence that the Project may have such as setting a zone of influence and the “sprouting” of solar farms across the western side of Colusa County thereby impacting current infrastructure and emergency responders who will be required to protect these large monetary investments in the high risk fire zone.

- B. Solar developments demonstrate a zone of influence in California and the Midwest with progressive loss of farmlands, resulting in large solar tracts in a highly concentrated manner using rural area.

To support this zone of influence impact and the need to include it in the DEIR, please see Appendix A_Marsh, demonstrating a visual progress of the loss of farmlands associated with solar developments. Also, the need to include and consider this in the DEIR is critical, particularly since the factors are present or are proposed for the Project location (transmission lines, substation, lack of population to displace). Thus, Appendix A is a visual display of the area and foothill region of western Colusa County to demonstrate that once the Gen-tie and the Project is built then it is

B-4

B-5

reasonably foreseeable that additional lands will undergo solar development, likely resulting in significant environmental impacts due to the overall landscape changes (soil-biome, wind, erosion, microclimate, security fencing, vertebrates and invertebrates and their foraging and migration needs) that occur with 10,000 acres under solar panels. This is not speculative as it is an observable fact or event in Southern California and across the Midwest with some of the largest farmland tract losses occurring in Ohio.

B-5

3. The DEIR failed to adequately address significant environmental impacts, and the DEIR omitted necessary information and analysis.

- A. Microclimate, soil microbiome or their changes to the vegetation diversity impacts were not addressed in the DEIR.

To have a better, more holistic understanding, Moore-O’Leary et al. 2017 in their publication, *Sustainability of Utility-scale Solar Energy–Critical Ecological Concepts*, used five concepts applicable to the development of a more sustainable, utility-scale solar park for analysis. One of these concepts is the ‘Land-Energy-Ecology Nexus,’ which represents the interactions between land use, energy production, and ecology. Studies evaluating soil carbon cycling and the current understanding of the impact of land-based PV solar developments are currently being done and published. There are published peer-reviewed papers that describe case studies of the interaction between solar developments, animals, and the potential for the disruption of the food chain, by a change in population size. These are not addressed in the DEIR.

B-6

Changes to microclimate relative to solar development and land use is not speculative. According to Vervloesem et al., 2022, the data analysis of the microclimate variables that are measured include the following: photosynthetic active radiation (PAR), surface temperature (T_{surf}), air temperature (T_{air}), and relative humidity (RH). Other components of analyzing for the environmental effects along with the microclimate effects include the data analysis of the vegetation samples include the number of species and their relative cover. The multidimensional functional diversity (FD), or more specifically the distribution of the vegetation according to different bioindicators; and finally, and the land use impact. **Nowhere in the three large documents compiling the DEIR could I find the word, “microclimate.”** This was an issue raised during an earlier public comment period. The Project may impact or could pose a risk to the environment and a microclimate analysis needs to be included to determine if there is an environmental risk and mitigation measures needed if the impact is found significant. In fact, the Department of Energy is keen to further investigate the impact of different solar operations, types and management of vegetation through their InSPIRE projects; thus, the impact of microclimate is not speculative and should be review and analyzed in the DEIR with the currently available science and a number of experts available.

B-7

Within a solar field, concentrated water and water-saturated soil strips will occur following precipitation. This can cause a grid pattern to vegetation within the Project area and potentially change the soil structure, leading to erosion or dust. The spacing of water impose differential plant growth strips which has not be modelled or included in the DEIR. This event occurs and maybe related to the water discharge from the solar panel (Dr. Eric Romich, Professor, The Ohio State University).

4. The DEIR does not propose sufficient mitigation measures to reduce significant environmental impacts to a less-than-significant level.

Within the Solar Only Alternative (see 3-5) it is not clear why “*the BESS is needed to help reduce the potential energy lost from off-site storage facilities. By building a BESS, it would allow energy to be stored on-site and distributed to the grid when needed. With the Solar Only alternative, energy would be directly distributed to the grid.*” There is insufficient description and analysis regarding the benefits and risks for locating the BESS compound (the lithium battery storage compound or chemical energy storage unit) for the statement “minimize line losses as compared with off-site storage.” This is not sufficiently described for one to determine if the benefits to “minimize line losses” outweigh the risk and environmental impacts sufficiently for leaving them on the Project site. The location of lithium battery storage off site adjacent or near the PG&E substation moves any fire risk or run-away-heat reaction closer to the first responders and into an open plain and not within a valley structure only accessible via a single gravel road. According to Dr. Romich (Ohio State University Professor and Extension Field Specialist, Energy Development) the current lithium batteries have approximately a 10-year life span. Periodic replacement and movement, including dropping, shifting or damaging the units can occur. Another issue analysis for the lithium batteries related to keeping them onsite (high risk) relative to the cost to run the transmission line; yet that transmission line is required to be run whether the batteries are present on or off-site. Furthermore, in times of high wind, high fire danger within Spring Valley, the entire Project (solar arrays and lithium batteries) would be required to be offline (recall the cause of the Paradise, California PG&E line). In contrast, if the lithium battery storage unit facility occurred elsewhere (adjacent to the substation) then it would serve as supplemental power source, and it might not be required to go offline.

B-8

Air Quality, Impact 4.3-1, “equipment must be checked and determined to be running in proper condition before the start of work. Idling, staging, and queuing of diesel equipment within 1,000 feet of sensitive receptors shall be limited.” Limited to what value, term or fact, this is non-specific, and as such one is unable to determine if it satisfactorily mitigates the impact. It does not state, prohibited or time restricted, or time of day restricted or the number of diesel equipment. These factors are need for a proper analysis.

IMPACT 4.3-2: What does “*curtail construction activities*” mean? Stop, decrease by 50%, 75%, only use electronic construction equipment and no diesel equipment or dust creating activities? Again, lack of specificity causes inability to do an adequate review of the DEIR and mitigation measures.

What are the contingency control measures when primary controls are ineffective. This is worrisome if already there is some concern that primary controls will be ineffective. Without listing the contingency control measures, the DEIR is not specific and lack definitive factors for reasonable analysis.

B-9

Under IMPACT 4.4-1: There is no comment about the sound and vibrations that will occur to the ground that may impact Burrowing Owls that maybe present more than 150 meters from the project site.

B-10

BIO-2: indicates “greatest buffer (up to 50 feet) should be flagged around the sensitive habitat. This is in conflict with the early statements regarding protection of the Burrowing Owls and Swainson Hawk that require greater protective border. Thus, the mitigation measures need to clearly define that the greatest borders (not the most minimum borders, ie “up to 50 feet”) will be flagged. There is inconsistency in the DEIR as to the mitigation measures to sensitive habitats.

B-11

Why is the speed limit on Spring Valley Road **limited to 15 mph** and then **within the construction site the speed limit is allowed up to 20 mph**. Although not specified here, it is assumed that within the project site, dirt or gravel roads will exist (similar to Spring Valley Road gravel). The increase to 20 mph within the project site is anticipated to create dust and cause elevated particulates in the air (impacting air quality). Explain how 15 mph on Spring Valley Road mitigates dust while 20 mph on the site does not.

B-12

The holistic environmental impact during the decommission of the project is missing. It merely states that a long-term trash abatement program “shall be established ... decommissioning.” This means there is NO defined plan, NO ability to review the plan, and NO ability to include mitigation measures to decommissioning risks. There is no ability to review and assess the risk and risk mitigation if the details of decommission are insufficient.

B-13

BIO-3: Failed to adequately address the impact of sound and its cumulative impacts to sites beyond the 500-foot buffer. The DEIR failed to address all audible factors involved in the project construction (driving, reverse alarms, post installation, etc). All of these contribute to sound and audible disturbances and need to be included in the DEIR. The DEIR does indicate noise minimization with the following: “noise walls” (See Noise), no height given for these walls or structure. The DEIR indicates construction noise would “not exceed 86 dBA at the Project boundary.” I am not convinced the geography of the site allow for containment of the construction noise to be retained within the (no height provided) noise walls and kept below 86 dBA. One only needs to fire a gun to hear the sound travel within Spring Valley. Sound travels in 360 degrees from the source and is three dimensional, not just lateral/horizontal across the ground. Moreover, based on the construction site, a complete noise wall would be required around fueling stations, equipment parking pads, during post installation, and equipment loading and offloading, including the appropriate height (this needs to be provided for analysis) to prevent or determine noise pollution mitigation across Spring Valley. Moreover, noise should be included in the BIO-3 analysis component regarding impact to sensitive species. Again, I reference back to an earlier public comment period to the audio recording file submitted of a solar installation project. The noise impact component has not been sufficiently addressed, mitigated and is/will be a significant ongoing impact during construction and post-construction of this project. The Addendum to the Sound Survey fails to address the issues above in sufficient detail for an environmental review of the impact and mitigation strategies.

B-14

Under Hazards and Hazardous Materials, Impact 4.9, does not describe the cumulative volume of fuel storage (storage containers, equipment tanks, personal vehicles, etc) that will occur for the onsite equipment. The impacted is stated less than significant and no mitigation required. This is

B-15

lacks definitive details and specificity and likely needs some sort of mitigation strategy due to the hazards of diesel and gasoline or other hydrocarbons storage units, particularly larger volumes as used in construction and soil grading. Stored according to regulations or law does little to understand the environmental risks and mitigation strategies used, particularly in a comprehensive and cumulative review of the Project.

B-15

5. The Colusa County General Plan does not allow for the Project at that site and any decision with disregard to the holistic environmental review and analysis to Colusa County General Plan is an abuse of discretion since land development and planning should take a holistic review, receive review and comment (public and governmental agencies) rather than piece-meal approach.

B-16

As indicated and noted in my previous comments, the Project is not compliant with the Colusa County General Plan and is now seeking a Use Permit to get around the noncompliance issue with the Colusa County General Plan. This could be considered an abuse of the process, notice and discretionary decision making, and further setup the County to potential litigation. A general plan is required to undergo its own CEQA. The DEIR's approach is undermining the correct procedure to land use and planning.

6. Safety and well-being to Colusa County is missing to describe the Project as not harming Colusa County or the environment through direct or indirect impacts.

Page ES-2: No where in the Projective Objectives is the word, "safe" or "safety" used. Yet in SB 100 which is California law to achieve 100% of the state's electricity to come from renewable and zero-carbon resources uses the word "safe" or "safety" six times. California is not foregoing safe or safety just to achieve zero-carbon electricity. The Project DEIR needs to consider safety whenever designing and analyzing the impacts and mitigation strategies.

B-17

7. The DEIR contains factual errors and approval assumptions, causing some concerns about credibility of details including the descriptions, risk, and mitigation strategies.

- A. The DEIR should be correct as to the geographic location and description or details of information provided within the documents.

Figure 2-1 shows project location only on the EAST side of Spring Valley Road, yet within the Executive Summary it still includes an address on the West side of Spring Valley Road and includes the description of Section 3 of Township 14 North, Range 4 West which is located on the WEST side of Spring Valley Road.

B-18

"Defenders of Wildlife," (see 1-3) is NOT a public agency.

- B. The DEIR makes statements of approval *assumptions* without the ability of reviewing external agency partners or the public to review or provide analysis of the Project information or mitigation plans.

Note, under “Vegetation Management and Wildfire Prevention Plan shall be submitted to the Williams Fire Protection Authority and the County **for review and approval.**” This statement indicates that the Williams Fire Protection Authority and the County **will be only be allowed to review and approve** the Plan. It should state the following: *Vegetation Management and Wildfire Prevention Plan shall be submitted to the Williams Fire Protection Authority and the County for review, **revision and necessary modification as required**, and if deemed acceptable then Williams Fire Protection Authority and the County will approve the Plan. A draft of the Vegetation Management and Wildfire Prevention Plan is included in the Appendix (and then give designation number).* The italic font is representative text and information that should be in the DEIR for review and analysis.

B-19

Regarding, 2.4.5 PG&E Improvements, the Project does not specify that it has a memorandum of agreement, contract or any other document that would confirm that PG&E would construct the network upgrades as specified in the DEIR (and also noted in section 4.1.7). It appears that the Project may have executed “Interconnection Agreement” and plans to use Cortina 60 kV transmission line through the PG&E utility. However, the available information shows as **a proposed (as filed with IR) as 12/31/2021** (see California ISO Resource Interconnection Management System) **(and it is unknown if this is a definitive, MOU or a taking agreement).** Therefore, it is likely that the this “Interconnection Agreement” reflects an earlier superseded development design. Moreover, the Janus project (Colusa) is in the queue position of 1455. The current “Interconnection Agreement” should be included as an appendix so DEIR reviewers can understand and verify that the Project is legitimate.

B-20

- C. Internal conflicts within the DEIR confound or make the environmental analysis impossible and thus any measure of impact and related mitigation measures impossible.

Under fire, it lists mowing will occur to prevent grass height. Commercial law mowers/tractors can exceed 90 dBA (University of Florida, Environmental Health and Safety). This will be an ongoing activity during the late springtime when sensitive species may be impacted. Normally for this location (Spring Valley), extensive acres of “commercial grass trimming” is not an ongoing activity, particularly to keep grass either non-existent or ~2 inches as stated for fire mitigation. If the solar panel require washing (see 2-15, “cleaning of the solar panel”; see 2-16, unknown frequencies, listed as months to years) (pressure washer, 100 dBA) there is no ongoing mitigation measures for this noise level from occurring on an ongoing basis and at sensitive times of the year. There is an internal conflict (noise associated with ongoing vegetation/solar panel maintenance) with environmental impacts (ongoing noise levels for the duration of the Project) and proposed mitigation strategies (limited to construction activities). The DEIR does not resolve the internal conflict.

B-21

In viewing Figure 2-3 Site Plan, it is not clear how the sound and visual impacts will be mitigated (specified buffer zones that included items such as 50 feet zone, 500 feet zone and 86 or less dBA)

B-22

on the southwestern corner of the Site Plan. The Site Plan and solar panel arrays are setup against the southwestern boundary with no apparent bordering access roads around the entire solar array, including the southwest corner in Figure 2-3 Site Plan. Figure 2-3 is inconsistent with statements in section 2.4.4.6 Access and Circulation. Inconsistency does not allow for an environmental review of the level of significance and assessment of the mitigation measures when an impact occurs.

B-22

Also, relating to Figure 2-3 Site Plan, there is no key, figure legend, or descriptive text related to the purple or yellow or red coloring on Figure 2-3. Without this information, it is impossible to fully analyze the project impact. The DEIR should contain all necessary information for review, analysis and comment.

This project discussed panel section and used the following statement: “would be determined at the detailed Project engineering phase” yet the DEIR states construction would begin summer 2025 (“operational in the summer of 2026” see 2-22). Summer 2025 is less than 9 months away (current date is November 2024). The DEIR was drafted in September (less than 12 months from the proposed construction start date). The final panel selection is vague unless the lead agency’s goal was to be not specific so as to avoid agency and public environmental review over this item. CEQA does not make exception for required information (i.e. cannot claim trade secrets).

Page 2-9 fails to indicate the size of the generator and the size or amount of onsite storage of propane or diesel that will be used to power this generator. Nor are these details apparent from the diagram, 2-5 and 2-6. Interestingly, it is apparent that the fuel tank is adjacent to the 20-foot drive gate. If this the same access gate referenced at the site entry (see 2-15) some concern about egress and ingress may occur. Please include the information regarding the fuel tanks and an alternative location should the fire department not approve having a propane or diesel tank adjacent to an access gate.

B-23

Regarding, 2.4.7.1, citing to the decommissioning, the DEIR uses the term, “primarily non-hazardous.” As most of the site will be covered with unknown type of solar panels (see panel selection “would be determined at the detailed Project engineering phase”), analysis of the DEIR cannot be completed and allow verification of the “non-hazardous” statement. The DEIR needs to either specify the type of solar panel arrays that WILL be used or not make blanket statements about an unknown commodity used and how this unknown commodity is considered “primarily non-hazardous” during decommission.

Under section 2.4.8.1, with the application of pre-emergent herbicide, the DEIR needs to include or address how they will protect surface and ground water or herbicide bioaccumulation or translocation from the site. This is a large site that will then undergo significant grading and topsoil movement. Move over if annual or even more frequent spraying is done, bioaccumulation and soil health are important parameters.

B-24

Section 2.4.8.2, lacks details on the soil recompacted and how much noise (dB and duration) or ground compression will occur during the recompaction of the soil. This information is necessary for the DEIR review.

Section 2.4.8.2 is not specific enough regarding how many steel piles will be driven into the ground as compared to the conventional foundations. Also, little analysis has been done regarding the

B-25

environmental impact and carbon emissions these two methods generate when installing the support poles for the solar panels. The DEIR only indicates that “geotechnical analysis” or “cost-effective” will be used to determine whether steel piles or conventional foundation will be used. For an adequate DEIR, including the ability to comment and analyze the environmental impact, additional information, specifically how many steel and how many conventional foundations will be installed. Also, the associated greenhouse emission (GE) should be included. In addition, the material used for creating the conventional foundations such as concrete, including its transportation is a known carbon emission building product and should be analyzed or compared.

B-25

Section 2.4.8.3 indicates that the BESS would be placed on steel pile, grade-beam or concrete foundations. Again, proposed construction is less than 1 year away (see 2-20, listed as “July 2025”) yet the DEIR fails to specify how the BESS (essentially a chemical storage reaction unit) will be onsite. Without specificity, one cannot provide appropriate public comment on the DEIR. Please specify what will be the supporting structure for the BESS (the chemical storage reaction unit).

Regarding 2.4.8.4, Gen-tie Line Construction and Stringing, the DEIR fails to describe precise location of the new poles or if the pole will occur within the County Right of Way, private property utility easement, private easement, or other arrangement. These poles will be installed by the Applicant (see 4.6-9), yet the DEIR fails to indicate who is responsible for these poles following installation. If the poles remain the private property of the Applicant (non-public utility), then additional information is necessary to evaluate easements and private property rights, including maintaining the appropriate County Right of Way for Spring Valley Road without encroaching upon the private property of others and if the environment will be impacted and by whom or when maintenance is done on the poles or the line or the vegetation around the poles (sprayed or mowed). Does the Project have a memorandum of agreement with the County or the public utility concerning this component? If so it should be included for review to ensure ongoing environmental impacts from the Project are reviewed.

B-26

Regarding hours, the DEIR states that “potentially 8:00 am to 5:00 pm Saturdays and Sundays” (see 2-20) work on the construction site could ensue. The pile-driving audio file submitted as part of the earlier public comment was recorded on a Saturday morning. According to the nearby resident (where the recording occurred), they experienced pile driving noise 7 days a week for months. Again, noise travels in a 360-degree manner and the DEIR fails to detail the mitigation strategy at the southwestern corner of the project likely impacting the environment and residence at that location.

B-27

Regarding, 2.4.8.6, indicates perimeter and internal roads would be present, yet the diagram of the Figure 2-3 Site Plan fails to include this data. What is correct, the written text or Figure 2-3 Site Plan? The DEIR is inconsistent with the information provided and analysis cannot be complete.

B-28

Under Drainage and Water Runoff (2-24), indicates the units are waterproof. The DEIR fails to clarify if they remain waterproof if warped, or there is damage to the metal-weld or the seams seal integrity will remain intact despite high temperatures during either an electronic-chemical reaction, fire or physical impact by equipment. Within the paragraph it states, “runoff from applied water would not contain contaminants as the units are waterproof and the gravel surface would allow the water to percolate into the ground.” High temperatures and fire can cause compromise of containers, resulting in leaks and hazardous spills. The DEIR fails to address how to deal with BESS

B-29

compromised integrity and environmental impact (after allowing the water to percolate into the ground and then what is the plan to mitigate this to prevent predictable ground water contamination). According to the DEIR, the Project “is within the Colusa Basin Watershed which is part of the Sacramento National Refuges Complex” (see 4.1-9).

B-29

Regarding reduced acreage (see 3-2) it is not clear that this analysis is complete nor compliant with CEQA guideline requirements. As the solar panels have yet to be selected and therefore, the solar panel associated efficiency to capture energy has yet to be provided, it is unclear how the DEIR determined that the reduction of overall acreage from 666 to 629 (overall reduction of only 6% of the total acreage) could so significantly impact the Project as to make it not economically viable. The DEIR failed to include a comparative data associated with the selected solar panels, their number, and the setup of the panels. As such, a complete review of the DEIR could not be performed.

B-30

Under the Aesthetics analysis, the simulated conditions (4.1-10 to 4.1-13) failed to include the perimeter road and the impact to aesthetics. These would be considered lines and differences in the colors. The simulated conditions are *incomplete in the DEIR* relative to the earlier Project text descriptions. To fully analyze the impact, these figures should be compliant and simulate the conditions as described in the text.

Moreover, the text for Key Observation Point 8, indicates “[t]his KOP depicts views *focused southeast toward* the Project site.” This is NOT a true statement. Rather, point 8 is a northwest toward the Project site. And, this view also fails to include the perimeter road. This is important since a residential property (located 100 feet south of the Project, near the project’s southwest corner, see 4.3-2) is located at KOP 8 and will look at that view 24/7, including any motion detection lights that turn on and off during darkness. The stimulation should include winter views and darkness with the motion lights on too. The simulated conditions are *incomplete in the DEIR* relative to the earlier Project text descriptions. To fully analyze the impact, these figures should be compliant and simulate the conditions as described in the text. Moreover, as stated in the DEIR, “from KOP 8 approximately 50% of the Project is potentially visible.” (see 4.1-42).

B-31

Under California Land Conservation Act of 1965, the solar use easement does not include the use of an energy storage facility like the proposed BESS. The solar use easement is for “solar power generation” and does not include “storage.”

B-32

Under 4.3 Air Quality, the DEIR failed to indicate the risk of air borne fungi or bacterial spores that may be present in those soils, particularly with the amount of grading and soil movement that would occur. Valley Fever, coccidioidomycosis is caused by fungi spores that are then carried by the wind and inhaled by individuals.

There are at least 3 reports by the Centers for Disease Control of coccidioidomycosis outbreak **among workers constructing solar power facilities** (see CDC Morbidity and Mortality Weekly Report, August 24, 2018). In the CDC analysis, it included that incidence among **solar installation workers was 4.4 to 210.6 times higher than background county rates**, providing evidence that illness was work-related. Moreover, the **CDC recommends** that prevention methods need to be better incorporated into the planning and monitoring of **large solar construction projects and the**

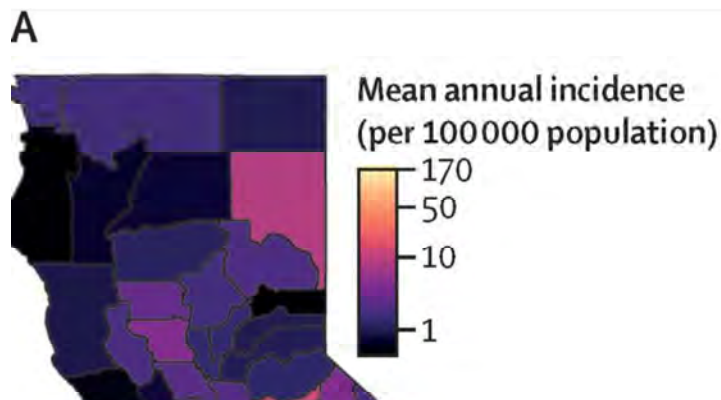
B-33

involvement of public health practitioners into preproject reviews. Nowhere in the DEIR did I locate a discussion over prevention or mitigation of *Coccidioides* spp or the use of public health officials.

According Head et al., 2022 (UC Berkely):

Coccidioidomycosis is an emerging infectious disease caused by the inhalation of spores of the soil dwelling fungal pathogen belonging to the *Coccidioides* genus, which can become airborne through wind erosion or soil disturbance and are amenable to wind dispersion. Infection can lead to a primarily respiratory illness that can last months or might progress to a chronic state in 5–10% of individuals. In California (USA), age-adjusted incidence rates of coccidioidomycosis increased by nearly 8 times from 2000 to 2018, and more than tripled between 2014 and 2018.... Changing climatic factors that influence the distribution of suitable *Coccidioides* habitat could have a major role in the expansion and rise of coccidioidomycosis in California. (individual citation omitted)

As illustrated in the Head et al. study (2022), Colusa County has a higher incident per 100,000 population relative to surrounding counties.



According to the California Department of Public Health, [m]ost cases of Valley fever in California are reported from the Central Valley and Central Coast regions. But Valley fever cases have also been increasing outside of these regions as California experiences more drought. **Valley fever cases are on the rise in California, including in the northern Central Valley** and southern coastal areas of California. (www.cdph.ca.gov)

No where in the DEIR is any consideration of the disruption of the soil, particularly soil that has undergone dry and wet conditions without disruption for years, and the impact to air borne fungi or bacterial spores that are dispersed by the wind. There is no analysis of this impact and when the winds blow, we know that particulates from fire/smoke can be carried for miles if not across county lines.

The DEIR does admit that fugitive (escaped) dust from soil disturbance activities (see 4.3-15) will occur; however, as most individuals involved in construction sites understand, wetting and dust mitigation is not 100% moreover some wetting and dust mitigation interfere with rapid soil grading that would need to occur for the Project (see, 4.3-15, i.e., 11 months for construction). Moreover, the temperature and humidity in another 6 to 9 months is unknown.

Although *Coccidioides* may not be an individual item under regional and local air quality conditions, it is considered a hazard, demonstrates higher incident in Colusa County relative to surrounding counties, and as such should be included in the DEIR for the Project analysis.

According to the CDC, the cumulative total of both confirmed and suspect Coccidioidomycosis case in California for 2024 to date include, 8338. Although farm cultivation involves disruption of the soil, it generally only involves a single individual in a tractor cab. In contrast, the Project estimates that 200 workers will be onsite in that environment. **Thus, there are both short- and long-term impacts to and from the environment regarding the dust and this specific item is not address in the DEIR.**

It is known that animals can contract coccidioidomycosis. Again, there is no review or consideration of this item.

Finally, because dust mitigation and other measures are recommended by public health, it is not evident from the DEIR that adequate water supplies (for dust) are onsite to fully mitigate this public health and environmental threat. In the DEIR (4.11-8), it indicates, the County may apply its police power authority to regulate land use. The County may also prohibit a public health threat. Under normal circumstances, the governing body of the local jurisdiction (board of supervisors or city council) is responsible to take measures as may be necessary to preserve and protect the public health (Health & Saf. Code, §§ 101025, 101450). **Within the DEIR, it is not evident that the lead agency has adequately address this known and demonstrated risk (*Coccidioides* spp. associated with large scale solar installation.**

Some of the DEIR Biological Resource analysis occurred during an unprecedented period of drought from 2020 to 2022 in Colusa County (see 4.4.1-3, Vegetation Community, BSA during the 2020 field surveys). The analysis is going to be significantly impacted by this and may not be accurate. According to California Office of Environmental Health and Hazard Assessment, droughts can have significant environmental impacts and “[d]roughts produce a range of ecological impacts.” Although the DEIR attempted to update some data during the spring of 2024 (lists only late spring/early summer 2024 and not winter BUOW survey data) it does not completely encompass and replace the presented data obtained during 2020 in the DEIR which was collected during an unprecedented period of drought in Colusa County and may not accurately account for the biological resources (including the rare plants) present and thus, the DEIR analysis is not complete. Moreover, these populations may be just recovering after drought and not representative of normal population basis. Finally, did the subsequent biological surveys (2024) find the initial survey work (pre-2023) problematic, if so then a description and declaration should be included.

B-33

B-34

The DEIR should footnote the specific year and time of year from which the individualized data originated, including when the “protocol-level rare plant surveys conducted for the Project” (see 4.4-13, no specific year given).

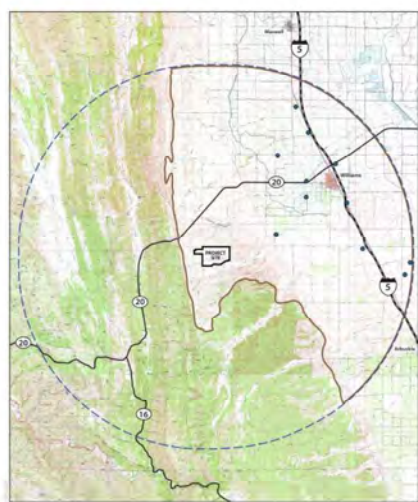
B-34

Moreover, it is rather concerning that the DEIR footnotes an important issue lacking data, “.... survey for burrowing owls will be conducted during the winter of 2024-2025” (see 4.4-2, 4.4.10). Thus, admittedly the DEIR is incomplete by the applicant for sensitive species and as such full and complete impacts cannot be completed.

It is not clear in the DEIR how some of the data was collected after reading statements such as this: “[t]here are no CNDDDB occurrences of this species within 5 miles of the project site” (see 4.4-14 & -15). Please see Google Earth Map below, as supplied by this author, and not part of DEIR. The line represents a straight course of 1.7 miles from the Project. Much of the visual landscape is privately owned and with difficult accessibility on the west and southern sides of the Project. The lands to the southeast of the project would include raptors or other sensitive species presence or their habitat that must be considered within the DEIR review. Yet within the DEIR, the survey purports (Figure 7) to have included these lands in their analysis.



B-35



Moreover, the DEIR assurances that “a qualified biologist shall conduct preconstruction surveys of all potential nesting habitats within the Project site and a 0.5 mile buffer” (see 4.4-52) is questionable and misleading because an earlier statement in the DEIR stated, “on private property and could not be accessed during the survey” (see 4.4-27). Earlier line of site analysis demonstrate (see KOP) that not all views on the horizon can be seen at a distance of 0.5 miles. There are inconsistent statements made in the DEIR and resolution of them are necessary for an accurate presentation of data for analysis to determine the Project impacts.

B-35

Specifically, the Department of California Fish and Game indicate the following for proper survey protocol for Swainson’s hawk:

A qualified raptor biologist with Swainson’s hawk survey experience, approved by the Department and the appropriate lead agency, should conduct surveys in a manner that maximizes the potential to observe the adult Swainson’s hawks and the nest/chicks via visual and audible cues within a **five-mile radius of the project** (emphasis added). All potential nest trees within the **five-mile radius shall be surveyed for presence of nests**. Surveys should be conducted prior to environmental analysis.

B-36

Thus, the DEIR and posed mitigation measures (surveying only 0.5 mile, see ES-8, Sept 2024) for the Swainson’s Hawk do NOT comply with the CFG survey protocol for Swainson’s hawk.

For the Greenhouse Gas Emissions, the DEIR failed to include the materials used for the Project, including all the petrochemical based wire coatings. It does not state where the materials are sourced such as imported from abroad, using a non-USA manufacturer, or manufactured within California or elsewhere in the USA. As anticipated construction (listed as July 2025 in the DEIR, see 4.8-9) then it is likely that these materials are being procured and the Applicant knows where they plan to source construction materials, including the solar panels. A statement as to the source location and sizing of cargo is important to analyze the overall CO2 emissions associated with transportation of building materials and to verify the values provided in the DEIR since some of the earlier information within the DEIR indicates review, verification and/or contesting is required, including understanding and assigning an impact level of the Project. This request on materials and shipment was included in my public comments, see July 31, 2024 (Notice of preparation, DEIR) and I included pictures of these materials being used in a solar project development.

B-37

Regarding 4.9.1.3 Solar Photovoltaic Panels the DEIR indicates that “First Solar has a state-of-the-art facility in Ohio for recycling all the components of solar arrays and claims a 90 percent recoverable rate of materials processed (First Solar 2024)” (see 4.9-4). This is not a completely true statement, per First Solar’s website, “Cadmium and tellurium separation and refining are conducted by a third-party” and “First Solar currently operates recycling facilities in Ohio, Malaysia, Vietnam, Germany, and India.” (see www.firstsolar.com). Also, as material undergo heating and combustion, individual components have differing vapor pressures, to summarily state that the “[n]o emissions from CdTe PV would be released during fires because Cd would dissolve into the molten glass,” may not be a completely accurate statement. Noting the type of substance, the conditions under which it burns (temperature, vapor pressure), and the specific harmful chemicals released or providing a peer-reviewed citation for the summary statement is needed. It’s important

B-38

to understand the potential health impacts and environmental consequences of these emissions. Knowing the types of panels (silicon, thin-film or polymer-based) will also control what is emitted during a “burning or heating process.” The panel types are not specifically provided.

B-38

Under the BESS location (see 4.9-6) initially, the DEIR indicates a minimum spacing of 21 feet yet then the DEIR indicates, “spacing is subject to change at the time of final design.” This makes no sense to set a minimum and then make it subject to change and then attempt to determine impacts. The change could make the spacing smaller or larger and the appropriate DEIR analysis cannot be performed without at least standard established minimum spacing distance given.

Regarding, Automatic Protection, (see page 4.9-6), and as indicated (2-24) “water used during a fire would be used to cool adjacent structures ... runoff from applied water would not contain contaminants as the units are waterproof and the gravel surface would allow the water to percolate into the ground;” yet there is no specific information on the welds, sealing or impact of heat on the welds, sealing, or seams on the BESS units when placed and used in the Project site. Any compromise of the BESS then results in water intrusion and as stated in the DEIR relative to fire, “prolong the internal reaction... thermal runaway... contamination...” Please indicate how the risk and impact was analyzed here and **in combination** with the “spacing is subject to change,” without determinate measurements provided. Vague and indeterminate values in a DEIR will result in the inability to determine the environmental impact. There is no analysis or modeling of the cumulative impact of having the proposed project number of BESS units, side-by-side, in the environmental conditions as present in Spring Valley during the summer time condition when fully operational and completely charged to 100% capacity.

B-39

The DEIR fails to indicate how long non-functioning lithium batteries, targeted for recycling will remain on site and how and the location of these non-functioning batteries will be stored (see 4.9-17) as they are considered hazardous waste (see 4.9-18). This information is needed to analyze the DEIR and overall site plan, including egress/ingress and overall safety of the environment and emergency responders to the site and the impact of the Project.

B-40

On page 4.9-20, the DEIR states relating to fire hazards and risks, “no heat fluxes were recorded at distances of up to 20 to 30 feet from the battery cabinet.” The issue for analysis is the DEIR also states as noted earlier that a minimum spacing of 21 feet will be used then the DEIR indicates, “spacing is subject to change at the time of final design.” Here, we cannot analyze the risk or hazard because the spacing is subject to change and anything less than 20 feet likely has a heat flux. The DEIR indicated fire propagation to adjacent cabinet (BESS unit reference) did not occur (6-inches and 8-feet apart) but it also did not indicate if heating or warping or pressure changes occurred to the adjacent cabinets, and the cumulative impact of several units (reference to BESS) in close proximity. The environmental impact cannot be determined.

B-41

On page 4.9-20, it fails to note the material for which the pressure relief vents (or pouch seams) will be made of (aluminum or steel or some other composite material) or how they will be constructed. The Megpack 2/XL only states, ‘pressure-sensitive vents” or “integral and proprietary explosion mitigation system (deflagration control)” [note trade secrets are not exempted from disclosure for CEQA and DEIR; by analogy it would be the same for proprietary information]. The risk of hazard or environmental impact cannot be analyzed in the DEIR without this information. For example, East

B-42

Palestine Ohio train derailment had **relief valves malfunction** which contributed to the environmental release of hazards into the environment with toxic chemicals that then set a chain reaction of events. As of January 2024, the railroad's costs related to the derailment and **environmental impact were \$1.1 billion**, with \$101 million in insurance payments issued. (see Funk, AP, 2024).

According to the DEIR, the sparkers are located throughout the Megapack at various heights and continuously operate to ensure that any flammable gas build-up is ignited early – limiting the concentration of flammable gas within the unit and activating the pressure-sensitive vents to create a natural ventilation pathway to the exterior. For the Deflagration Control System what is the threshold limit of flammable gas? That value is not given. The TELSA Megpack 2/XL Hazard mitigation analysis does not address site-specific hazards, barriers and mitigation of the battery packs. Also, that specific document also includes the following disclaimer:

This document is not meant to serve as professional and credentialed engineering, legal, technical, or emergency response judgment, should not be used in place of consultation with such appropriate professionals, and you should seek the advice of such appropriate professionals regarding such issues as required. Further, the contents of this document are in no way meant to address specific circumstances, and the contents are not meant to be exhaustive and do not address every potential scenario associated with the subject matter of the document. **Site and circumstance-specific factors and real-time judgment and reason may significantly impact some of the subject matter conveyed in this document.**

One of the more concerning passages in the TELSA Megpack 2/XL Hazard mitigation analysis is the following: **“Toxic and highly toxic gases released during fires and other fault conditions** will not reach concentrations in excess of immediately dangerous to life or health (IDLH) level in the building or adjacent means of egress routes **during the time deemed necessary** to evacuate from that area” (see page 6 of TELSA Megpack 2/XL Hazard mitigation analysis); and “[i]n the unlikely **event of a fire, the system will consume itself slowly in a safe and controlled manner**, without any explosive bursts, projectiles, or unexpected hazards” (page 8 of TELSA Megpack 2/XL Hazard mitigation analysis).

The DEIR fails to provide a comprehensive, clearly organized subsection detailing the risks of the BESS as addressed within the manufacturer materials. The inclusion of conflicting information (not hazardous as described in the main body of the DEIR) and then the manufacturer indicating toxic gases released during fires and fault conditions and the system will consume itself during a fire are difficult to reconcile and analyze the potential environmental risks and mitigation strategies listed.

Table 4.13-7 failed to include pile-driving machine (as noted in section 2-6) and the associated values with the pile-driving machines during construction. The DEIR is not complete.

According to EchoBarrier, pile driving is one of the noisiest construction activities, reaching almost 120 dB from 10 feet away. The DEIR notes that during construction “the temporary increase in noise...is considered to be less than significant.” I would encourage anyone to listen to the audio

B-42

B-43

file submitted during the early public comment period, Monday through Friday, 7am to 7pm; 8am to 5pm Saturday and Sunday for a full week and then make the conclusion if the temporary increase in noise is less than significant. For the Project construction, the pile-driving machine will be installing metal piers into the ground. It essentially causing a nuisance and is a taking of a residence for 11 months due to the excess noise associated with the construction. The tables included in section 4.13 fail to model the noise during construction. The other component of concern is the loss of wildlife that could permanently move from the location due to the months of pile-driving activity and construction noise.

B-43

The DEIR notes that the roller (see 4.13-20) is associated with the worst-case vibration source. If the pile-driving machine is not included in the DEIR section 4 then how can the impact be fully analyzed. The DEIR is incomplete relating to vibrations, sources and impacts.

Section 4.15.4 impact analysis is inconsistent with previously described BESS installation, as Section 4.15.4 states, “[a]ll battery components for the BESS would be installed on concrete pads....” Whereas, earlier, (see Under Drainage and Water Runoff (2-24)), indicates the units placed on “the gravel surface would allow the water to percolate into the ground.” The DEIR is inconsistent in the plans and description and as such environmental impacts cannot be accurately analyzed if varying description and different substrates are used for foundations and/or supports.

B-44

In section 4.17.6 mitigation measures (see 4.17-9), “[d]amage to streets to the extent determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director” does not indicate who determines the damage to the streets and how to resolve a dispute if the Public Work Director indicates the damage is cause by the Project, repair is not satisfactory or done in a timely matter, and the Applicant (the Project) disputes the Public Work Director’s findings. This incomplete method of resolution means the DEIR is incomplete and complete analysis of mitigation measures cannot be completed because the damage may remain unmitigated due to dispute. Foreseeability and predicting impact is an important component of the DEIR process.

B-45

In the executive summary (see ES-22) it indicates within FIRE-1: Wildfire Protection Measures it states, “Zone 2: Grass maintained at stubble height (~ 2 inches)” and “Zone 3: Grass maintained at 4 inches in height” (zone 3 is defined at 0-20 feet from all PV arrays); whereas in 4.20 Wildfires, the DEIR states, “[t]he minimal vegetation maintenance in the areas between the arrays would include vegetation up to 12 inches in height.” It would be anticipated that zone 3 and the area between arrays would overlap. Will some sort of marker be established to ensure the complete 20-foot zone of zone 3 is maintained? It was not clear from the DEIR how this zone would remain consistent and the Project would remain compliant.

B-46

As it is anticipated that workers will spend their entire shifts on site at the Project, there is no statement in the DEIR where workers will take their breaks which include breaks for smoking of tobacco or if similar substances will be allowed. If smoking is prohibited at the Project site then it is foreseeable that workers will relocate outside the Project site to smoke, or attempt to park off site and use their cars for smoking or resting. This may include standing outside the Project site gates or parking cars alongside the Spring Valley Road to be off the Project site. There are no mitigation measures listed in the DEIR for this likely and very foreseeable scenario.

B-47

Per 4.20-19, “[t]he ESRP will also take into account recommendations provided by the BESS supplier” yet no supplier or supplier recommendations are included in the DEIR section for review or analysis in combination with the other statements and the supplied appendix information includes multiple models by the manufacturer. There is no definitive statement as to the exact model of BESS being proposed. Without this specific information, this DEIR is incomplete, and it is impossible to determine if there is inconsistency or conflict between statements made in the DEIR text and what the BESS supplier may recommend. Therefore, the risk and mitigation cannot be determined.

B-48

Per 4.20-20, it indicates “[b]attery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software,” yet earlier in this DEIR, it stated, a minimum spacing of 21 feet will be used then the DEIR indicates, “spacing is subject to change at the time of final design.” With distances changing within the DEIR, there is inconsistency in the information provided, resulting in the inability to analyze the risk and mitigating measures or determine and/or verify the impacts of the Project.

B-49

Under section 4.20-20, it states, “[s]hould the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Protection Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks...” No risk or analysis or impacts were provided for this statement. It is unclear what “it does so at its own risks” means. Does this mean the WFPA is not required to render emergency fire control?

B-50

Under air quality for the distributed solar alternative (see 5-9), the DEIR states, “[t]he Distributed Solar alternative would result in more vehicle trips compared to the proposed Project as on-site construction equipment and worker vehicles would be dispersed throughout the County, requiring multiple, distributed trips’ is not supported by any analysis or data to indicate vehicle trips. The alternative was not analyzed sufficiently under the CEQA guidelines since no data was provided to make this concluding statement above.

Under energy for the distributed solar alternative (see 5-9), the DEIR states “[t]he Distributed Solar alternative would also result in more fuel consumption compared to the proposed Project as on-site construction equipment and worker vehicles would be dispersed throughout the County, requiring multiple, distributed trips” is not supported by any analysis or data to indicate vehicle trips. **The analysis included fossil-fuel trips and emission. Yet, electric cars and trucks are entering our transportation force, and it would be anticipated that solar installers would be using some if not advocating for solar/electric vehicles. There was no analysis to include trip associated with electric vehicles as compared to fossil-fuel vehicles.**

B-51

Per Odens, 2013:

“Less energy is wasted when solar power is produced close to the source of its use. In order for the energy from solar panels to be used, the energy harvested must be tied into the grid, a process requiring electricity lines to be run from the solar panels to a grid location. Not only does this process require more land and land clearing to construct the energy lines, the energy harvested by the panels degenerates as it moves through the lines to the grid. Therefore, as the

distance increases between the solar panels and the place where the energy ties into the grid, a greater percentage of energy is lost.” (internal citations omitted)

The alternative was not analyzed sufficiently under the CEQA guidelines since no data was provided to make this concluding statement, more fuel consumption compared to the proposed Project. Based on Oden, rooftop panels are more efficient for individual homeowner energy use than for energy-generation elsewhere, such as miles away, and then transmitted to home for use.

B-51

In 5.6 The Undergrounded Gen-Tie alternative failed to describe the additional ground disturbance compared to the proposed Project in sufficient detail (width of trench, trench equipment, time to trench, exact location of trench, etc.) to fully analyzed and compare impacts. The only information included was the 4 miles and estimated costs widely ranging without considering the local Colusa County factors that went into the CPUC 2019 cost estimates (location, easement purchases, relocation of other utilities, etc). The CPUC website includes other factors such as population and building density, labor costs, terrain, and geology may result in a range of costs for undergrounding conversion. None of these were itemized within the project DEIR for analysis and impact relative to environmental risk and costs to mitigate. The CPUC provided an average cost of average cost of \$3.8 million per circuit mile of conversion for undergrounding for California.

B-52

Biological Survey Report, (page 5), describes “meandering survey transects” but does not include the number and length of each transect. The details of the DEIR are missing for review and analysis to determine if appropriate detection occurred.

B-53

In conclusion:

The DEIR and its appendices contained over 2000 pages, including various surveys, reports, and manufacturing information. For an individual partnering agency to review this material in 45 days and provide comment is not realistic, particularly when the document is not harmonized. The DEIR contains internal inconsistencies and factual errors, and verification of information presented is required. Not all relevant agencies likely have reviewed the DEIR because relevant information to provide them notice is missing.

If the lead agency was pressured or intimidated through threaten legal litigation by the Applicant to put a problematic DEIR into the State Clearing House and the Public Comment space, then it should come as no surprise to the Applicant when the lead agency must delay the process to acquire additional information, seek supplementation report or additional review period is required. The lead agency is required to take all public comments into consideration. It is likely that the Public comments demonstrate insufficiency of the environmental analysis, insufficiency of the risk assessment and insufficiency of the mitigation. These records may include advise my the lead agency to the applicant that the DEIR would be problematic. Thus, these records would prove useful and measures should be taken to retain them and properly safely archive them.

B-54

Finally, the County is on notice and should maintain all records and correspondence, including email regarding this project addressed to the County and most particularly the lead agency, including Mr. Greg Plucker (as Director of the lead agency) if he intends to retire, end employment or severe his relationship with the County of Colusa. These could be considered relevant documents

or information when considering or evaluating the adequacy, knowledge, and efforts of disclosure surrounding the Project and environmental review.

The current DEIR is inadequate, incomplete and demonstrates a bad faith effort at full disclosure and as such it should be voluntarily withdrawn from the process by the lead agency and/or advocating Applicant.

Cited and uncited references are available upon request.

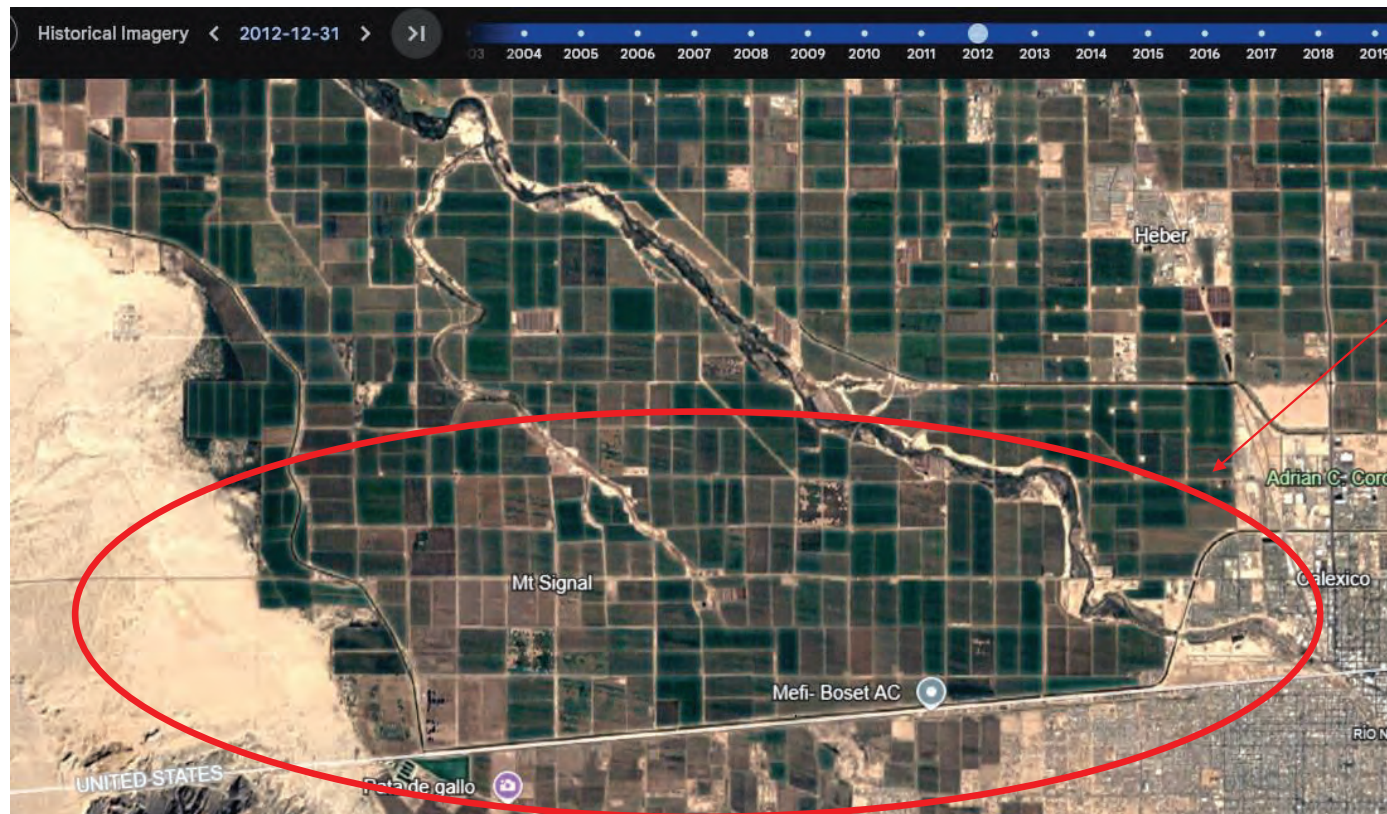
Appendix A_Marsh

DEIR needs to analyze relative to **zone of influence** and loss of farmlands as required by CEQA. By not including solar developments into the LESA analysis, it leads to incorrect analysis relative to farmland loss as well as foreseeable environmental impacts.

- Location of major lines & generation of gen-tie in. Energy generating facilities need or desire to be near the major conveyance lines.
- A high voltage line runs along the county foothills from north to south.
- This predicts where “large solar facility” will be preferred to be placed due to costs associated with transmission connections and cost to acquire open ground.
- These locations are also in a high fire danger and access challenged area.
- Not requiring underground lines set precedence for subsequent solar operations to just tie into overhead lines perpetuating the initial issues identified.
- Allowing BESS set precedence for subsequent solar operations.

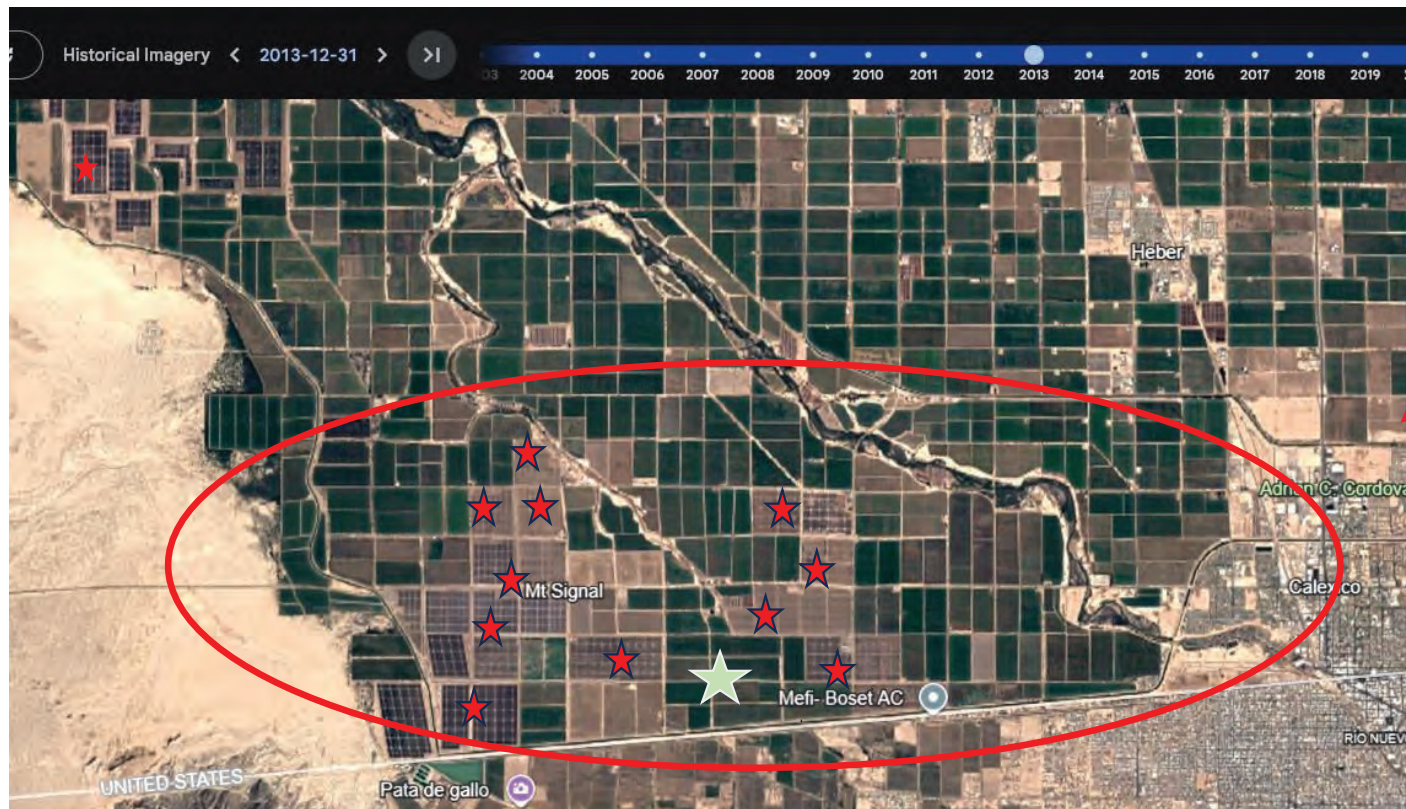
LESA model in DEIR fails to account for solar large scale developments zone of influence (ZOI).

Imperial County California: 2012, ZOI factor



Focus on
changing
landscape

Imperial County California: 2013



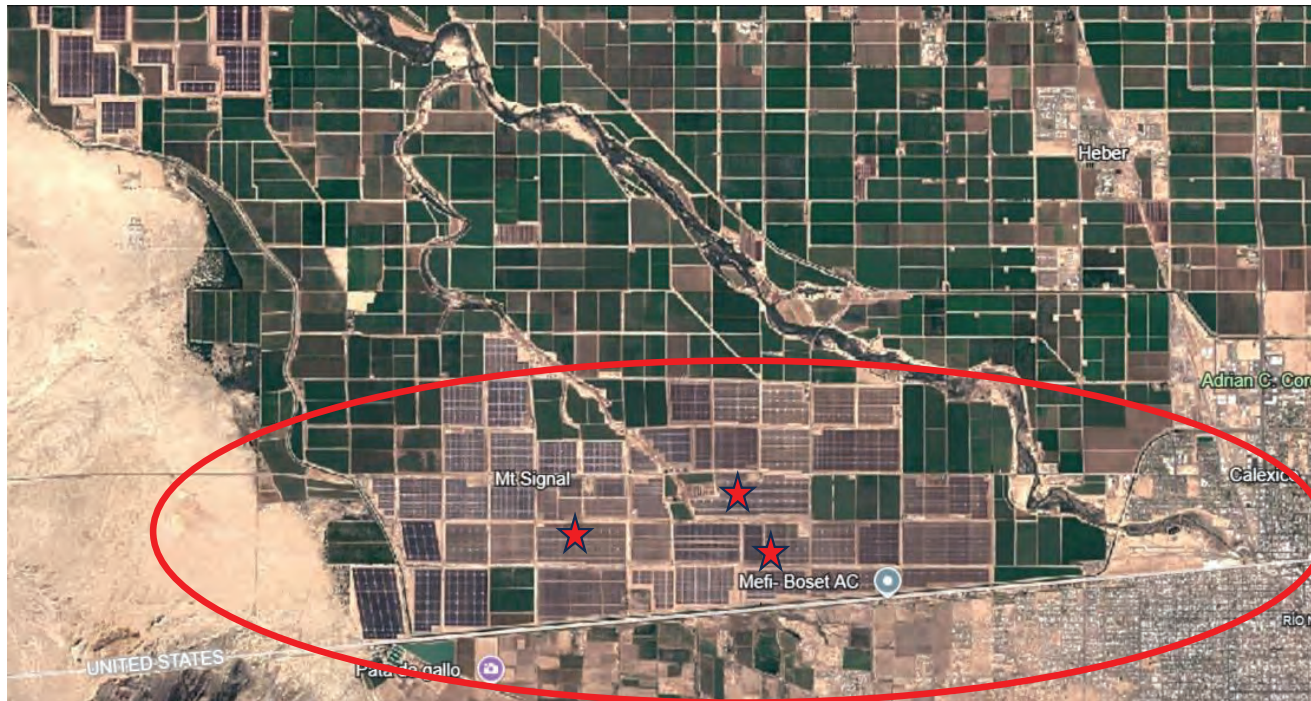
Focus on
changing
landscape &
island of
farmland;



★ = solar
installations, not
all solar is
marked, as too
numerous

Imperial County, California, 2020, ZOI

Focus on
changing
landscape:
Island of
farmland; **GONE**

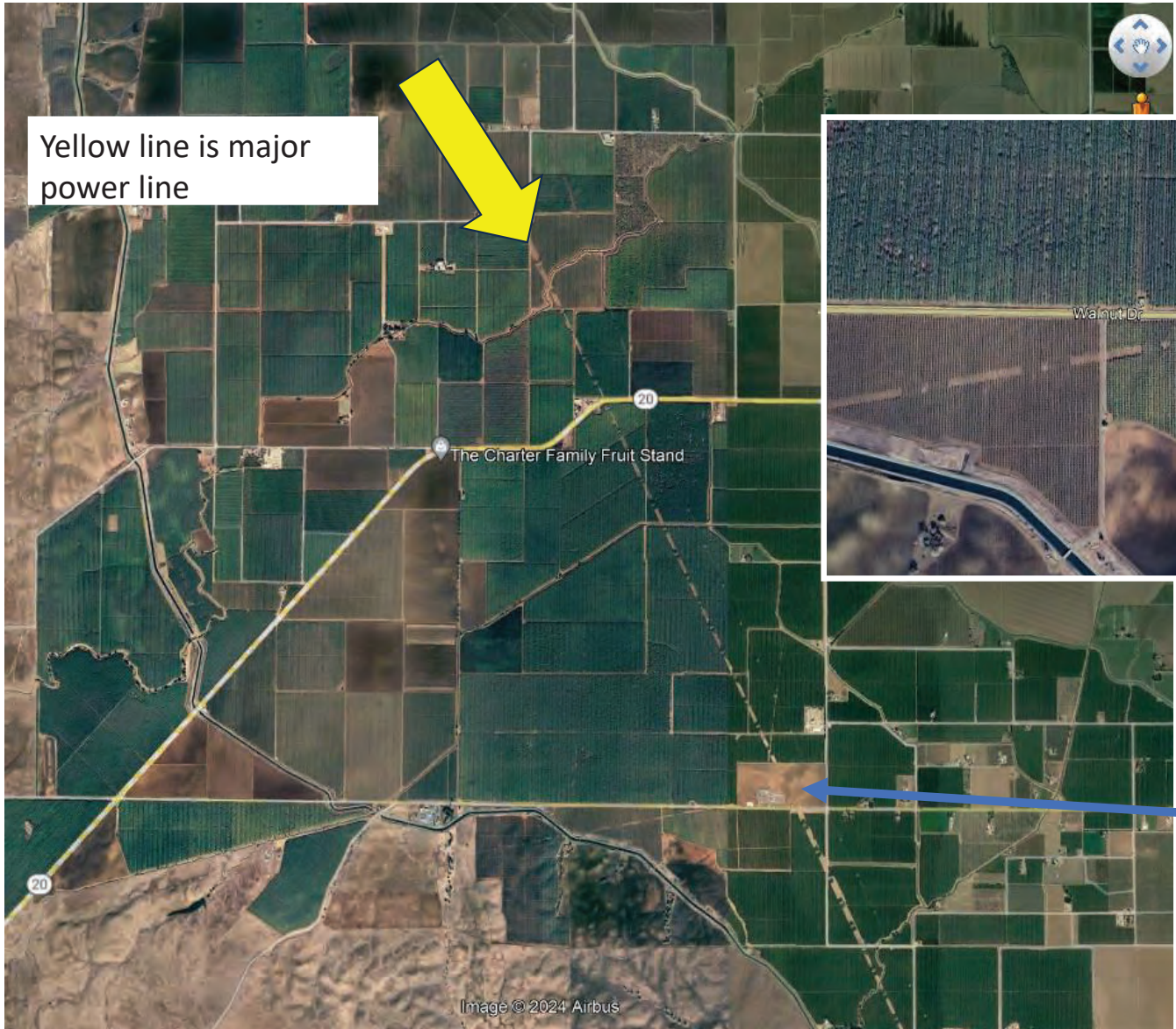


Impact of Solar to Mount Orab, OH, from 2017 to 2022; LESA model in DEIR does not account for solar & ZOI.



Last update (correction) to LESA model Appendices A and B (**dated 2011**) per [Conservation.ca.gov](https://www.conservancy.ca.gov/); Does the DEIR modeling account for changes to solar development; what and how do factor weight impact analysis, ZOI, and are they current and being applied correctly?

- Any Permit, County General plan or ordinance needs to anticipate & correctly model impacts of utility size (large scale) solar developments occurring, particularly if there is a main electrical conduit, substation and/or Gen-tie in nearby.

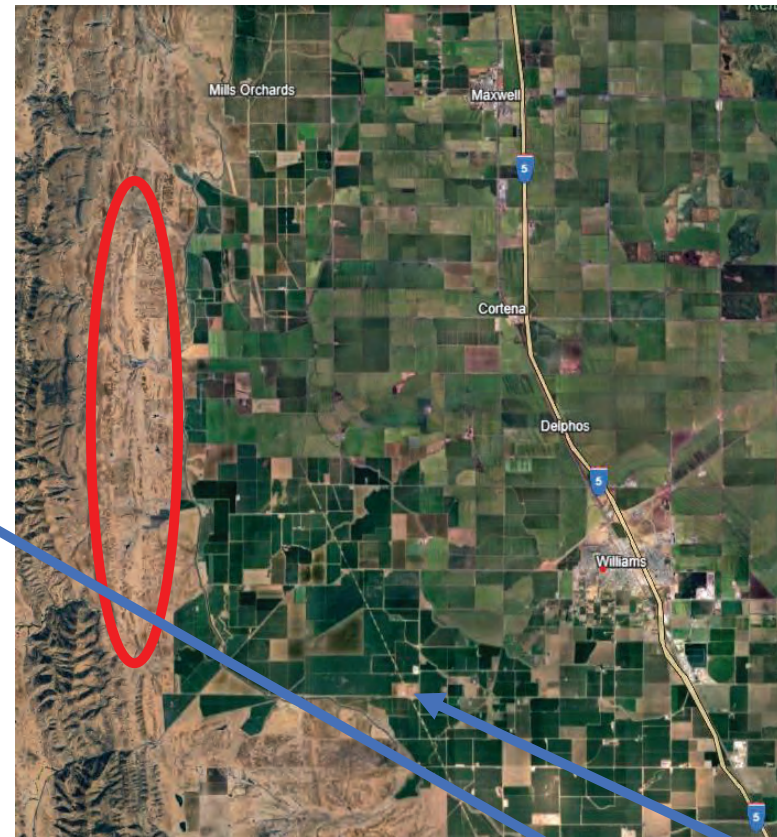
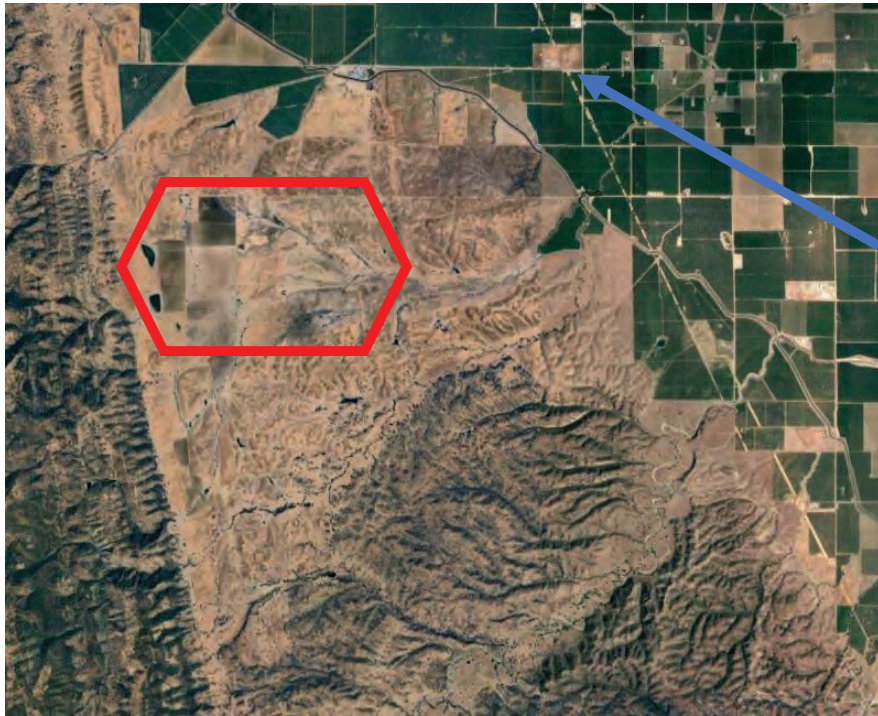


Yellow line is major power line



Substation on Walnut, near Spring Valley Road

Red outlined areas may become solar lands and no longer farmland due to zone of influence by initial >600 ac solar facility and Gen-tie in; could also include south of displayed location below.



Substation
on Walnut,
near Spring
Valley Road

B ANTOINETTE MARSH

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

B-1Response:

These high-level comments will be addressed alongside more specific comments contained throughout the letter.

B-2Response:

The commenter asserts that the EIR lacks reasonable review and analysis by the Lead Agency with regards to the Northeast Site alternative. In accordance with the CEQA Guidelines, § 15126.6, the EIR contains a comparative impact assessment of alternatives to the proposed Project. The primary purpose of an alternatives analysis is to provide decision-makers and the public with a reasonable range of alternatives that could attain most of the basic Project objectives while avoiding or reducing a proposed Project's significant adverse environmental effects. As stated in CEQA Guidelines § 15126.6, and pointed out by the commenter, an EIR need not consider every conceivable alternative to a project, and alternatives can be rejected for failure to meet most of the basic project objectives, infeasibility, or inability to avoid or substantially lessen significant environmental effects.

Feasibility, under CEQA Guidelines § 15126.6(f)(1) includes site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site; however, no single factor establishes a fixed limit on the scope of reasonable alternatives. The Northeast Site alternative was provided in the EIR, as clarified by Mr. Greg Plucker, Planning Director, at the October 30, 2024, Planning Commission hearing, as an example of an off-site alternative, of which there are many, to help demonstrate the potential environmental impacts of relocating the Project to an alternative site.

The commenter also asserts that comments made by Mr. Kelly Ornbaun at the Planning Commission Meeting suggest that the EIR contains information of questionable credibility but does not specify what information is not credible.

B-3Response:

Please refer to response to **B-2**, above.

B-4Response:

The Land Evaluation and Site Assessment (LESA) Model was first developed by the federal Natural Resource Conservation Service (NRCS) and subsequently adapted by the California Department of Conservation to evaluate land use decisions that affect the conversion of

agricultural lands in California (Public Resources Code § 21095). CEQA guidelines state that lead agencies may refer to the LESA Model (1997) as an optional model to use in assessing impacts on agriculture and farmland. The LESA Model is a point-based approach that uses measurable factors to quantify the relative value of agricultural land resources and assist in the determination of the significance of agricultural land conversions. The LESA Model rates the relative quality of land resources based on land capability classification and Storie Index scores, project size, water availability, and surrounding agricultural land ratings. It does not take into account the type of project, such as solar versus residential versus commercial buildings. Appendix C-2, LESA Addendum, of the EIR, did not include an updated LESA analysis as the only component that went into the LESA Model that changed was the project size, further reducing the Project's LESA score from the previously calculated one which determined the Project would result in less than significant impacts.

The effect of non-agriculture development (including solar development) is captured under the Zone of Influence. The Zone of Influence was evaluated in the Surrounding Agricultural Land Rating of the LESA Analysis. This rating is designed to provide a measurement of the level of agricultural land use for lands within the Zone of Influence of the Project area. The LESA Model rates the potential significance of the conversion of an agricultural parcel that has a large proportion of surrounding land in agricultural production more highly than one that has a relatively small percentage of surrounding land in agricultural production.

The Surrounding Protected Resource Land Rating is essentially an extension of the Surrounding Agricultural Land Rating and is scored in a similar manner. Protected resource lands are those lands with long term use restrictions that are compatible with or supportive of agricultural uses of land including: publicly owned lands maintained as park, forest, or watershed resources; Williamson Act contracted lands; and lands with natural resource easements that restrict the conversion of such land to urban or industrial uses. The Surrounding Agricultural Land Rating was calculated to be 100 (or the highest possible score). This score was included in the LESA analysis along with all of the other factors described above. The calculation concluded that the Project will not have a significant impact on agricultural land use, based on land capability classification and Storie Index scores, project size, water availability, and surrounding agricultural land ratings (Zone of Influence).

Solar facilities are not developed in an area due to other solar facilities being located there but because of necessary development criteria such as proximity to a substation and relatively flat landscapes. However, unlike other types of development such as residential, solar facilities do not result in indirect impacts on adjacent agricultural lands that could occur with the conversion of the site from agricultural uses to non-agricultural uses. This type of impact is mainly due to compatibility issues with the adjacent agricultural land still in production. These types of compatibility issues may include nuisance effects to a site from noise, dust, odors, and drift of agricultural chemicals. For incompatible adjacent uses, the adjacent agriculture uses could experience restrictions on the use of agricultural chemicals, complaints regarding noise and dust, and vandalism and pilfering of crops. These conflicts could potentially result in increased costs to the agricultural operation and encourage conversion of additional agricultural lands to urban uses. Solar facilities would not result in this type of indirect impact, would be compatible with agricultural uses, and would not be expected to affect the agricultural use of the adjacent parcels.

The commenter also suggested that the Project may lead to “the ‘sprouting’ of solar farms across the western side of Colusa County thereby impacting current infrastructure and emergency responders who will be required to protect these large monetary investments in the high risk fire zone.” As noted above, solar facilities are not developed in an area due to other solar facilities

being located there, but instead based on particular site-specific development criteria (e.g., proximity to substation, suitability of landscape, access to sufficient transmission capacity, quality of renewable resource, etc.). Further, the implication that this Project will lead to an uncontrolled “sprouting” of other similar solar projects is not an accurate reflection of the County’s land use controls. Any additional solar project would require, at minimum, a Minor Use Permit—assuming the County adopts Energy Production (EP) overlays, which it has not to-date (see Comprehensive Response R14.2)—or a Major Use Permit, if permitted in the underlying zoning (as is the requirement for this Project) and which would be a discretionary approval requiring compliance with CEQA and County approval. Through these land use policies, the County retains control of the approval and siting of future large-scale solar projects.

B-5Response:

The Project is also not anticipated to significantly compromise the long-term agricultural capacity or to significantly displace or impair reasonably foreseeable agricultural use of other contracted parcels in the County. The maps referenced in Appendix A showing regional increases in solar development are from Imperial County and Mount Orab, Ohio, which have seen an increase in solar due to circumstances unique to those areas. Given the site-specific development criteria required for solar projects and the land use controls the County has in place (see response **B-4**) and that no other applications have been filed for solar development in this area of the County, the expansion of solar in the areas identified by commenter in Letter B, Appendix A is not a reasonably foreseeable consequence of the Project. Under CEQA, actions that are not a reasonably foreseeable consequence of a project are not required to be analyzed. *Paulek v. Department of Water Resources* (2014) 231 Cal.App.4th 35, 46. Please also refer to Comprehensive Responses R14.3, R14.4, and R15.1, which discuss the consistency of the Project with surrounding agricultural uses and Williamson Act policies.

B-6Response:

Please refer to Comprehensive Response R17.8, which discusses the scope of studies that must be included in the EIR. In addition, CEQA does not require a lead agency to conduct every test or perform all research, studies, or experimentation at the commenter’s request. Pub Res. Code § 21091(d)(2)(B); 14 Cal. Code Regs. § 15204(a).

B-7Response:

Analyses regarding specific changes to the microclimate associated with a project are not a required study under CEQA. Furthermore, the solar panels will be on a tracking system that will change their orientation throughout the day and, therefore, will not cause long-term shading to the ground or concentrate runoff into specific areas. Any potential fluctuations to the microclimate at the site would be anticipated to be within normal ranges experienced at the Project site and would not appreciably differ from changes in the microclimate and erosion potential associated with existing agricultural practices.

B-8Response:

Please refer to Comprehensive Responses R1.2, R1.5, R2.3, and R2.5, which discuss the BESS technology proposed and its safety features, outline the mitigations measures that would minimize the fire risk on the Project site, and the fire risks associated with the gen-tie (transmission) line. As discussed in Section 2.4.9 of Chapter 2, *Project Description*, on intermittent occasions, the presence of 5 to 30 workers may be required for repairs or replacement of equipment, panel cleaning, and other specialized maintenance. The Project Applicant may be required to replace battery modules and enclosures to restore lost storage capacity, which occurs naturally as the batteries are used. BESS augmentation would occur within areas designated for BESS, as shown on the site plan, and would ensure the Project can maintain the full energy storage capacity approved under the CUP. Any BESS units damaged during construction or depleted during operations and maintenance, would be taken offline, if needed, and repaired or replaced, either by repairing/replacing parts or the BESS unit in its entirety, whichever is needed to meet federal, State, local, and manufacturer safety requirements.

B-9Response:

Please refer to Comprehensive Response R17.8, which addresses the rule of reason and level of detail required by CEQA. Please also refer to Comprehensive Response R9.1, regarding dust suppression. The mitigation measures will be implemented to limit daily emissions to well below the BAAQMD threshold of significance. In addition, the EIR is not required to include a thorough analysis of contingency plans as “CEQA does not require an agency to assume an unlikely worst-case scenario in its environmental analysis.” *High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal.App.5th 102, 126.

B-10Response:

Guidance per the Burrowing Owl Survey Protocol and Mitigation Guidance (California Department of Fish and Game 1993) is to conduct surveys within the Project site and a 150-meter buffer, where accessible, outside of the Project site to account for impacts from factors such as noise and vibration. Per mitigation measure **BIO-1**, a 150-meter buffer will be surveyed during pre-construction impacts to follow this guidance.

B-11Response:

Mitigation measure **BIO-2** refers to a buffer which will be implemented around sensitive habitats such as riparian areas, wetlands, aquatic features, and similar, and does not refer to specific buffers around wildlife that is observed. The buffer distances around special-status species discussed in mitigation measure **BIO-1** will be implemented for the Project.

B-12Response:

The commenter questions why the speed limit for Spring Valley Road is limited to 15 mph, and within the construction site, the speed limit is 20 mph. The 15-mph speed limit for Spring Valley Road is due to an orchard that is located adjacent to the road. This orchard is not in proximity to

the Project site. Out of an abundance of caution, the lower speed limit will also be implemented within the Project site. As such, mitigation measure **BIO-2** of the Final EIR has been updated to include an on-site speed limit of 15 mph, consistent with mitigation measure **AQ-2**. Furthermore, mitigation measure **AQ-2** includes a requirement to apply dust suppressant to Spring Valley Road to further decrease the amount of dust produced during travel along the road.

B-13

Response:

Please refer to Comprehensive Response R7.4, which addresses the scope of environmental review for decommissioning.

B-14

Response:

Please refer to Comprehensive Response R13.1 and R13.2 regarding noise and vibration. The survey buffers described in measure **BIO-3** are standard buffer distances which are surveyed for pre-construction nesting bird surveys. As described in mitigation measure **BIO-1**, pre-construction surveys for Swainson's hawk will cover a 0.5-mile buffer around the Project site.

B-15

Response:

The Draft EIR included the level of specificity required by CEQA. For additional information, please refer to Comprehensive Response R17.8 which addresses the level of detail required by CEQA. Chapter 4.9, *Hazards and Hazardous Materials* provides a sufficient level of detail regarding the scope of impacts from hazardous materials used at the site. See also Comprehensive Response 2 for a discussion of fire-related mitigation that will occur throughout the life of the Project.

B-16

Response:

Please refer to Comprehensive Responses R14.1–R14.4, which address the Project's compliance with the Colusa County General Plan and Zoning Code.

B-17

Response:

CEQA requires a discussion of environmental impacts as well as health and safety impacts associated with the Project. 14 Cal. Code Regs. § 15126.2(a). It does not require the use of specific language regarding safety in the project objectives. 14 Cal. Code Regs. § 15124(b). The EIR analyzes the Project's safety and impact on the environment, as explained in the Comprehensive Responses, and incorporates safety measures into the Project description, as detailed in sections such as Section 2.4.2, *BESS* and 2.4.4, *Other Supporting Infrastructure*.

B-18

Response:

The Executive Summary of the Draft EIR incorrectly included 1961 Spring Valley Road and Section 3 of Township 14 North, Range 4 West, on the U.S. Geological Survey 7.5-minute

Quadrangle Map, as part of the Project. While owned by the same landowner of the Project site, it is not part of the Project. The Project location has been revised to:

“The Project is located approximately 6.5 miles southwest of the City of Williams at 1958 ~~and 1964~~ Spring Valley Road, and is within Sections 1, and 2, ~~and 3~~ of Township 14 North, Range 4 West, on the U.S. Geological Survey 7.5-minute Quadrangle Map.”

B-19

Response:

Please refer to Comprehensive Response R2.3 and R2.9. CEQA allows the use of mitigation plans to be approved by an agency if the EIR describes the mitigation actions that will be considered, adopts clear performance standards for measuring the effectiveness of the measures that are selected, and commits the agency to the mitigation plan. Mitigation measure **FIRE-1** provides sufficient detail regarding the scope and performance standards of the Vegetation Management and Wildfire Prevention Plan and does not prohibit revisions to the plan at the request of the Williams Fire Protection Authority Fire Chief.

B-20

Response:

The commenter asked about any contracts regarding the sale of power between PG&E and the applicant. Refer to Comprehensive Response R17.7. Other considerations, including whether the project is “legitimate” seemingly relating to separate agreements between PG&E and the status of the Project’s queue position for purposes CAISO are speculative and relate to economic considerations that are not relevant to CEQA Per Section 15131 of the CEQA Guidelines. If the Project is not built, there will be no environmental impacts resulting from the Project.

B-21

Response:

As discussed in Section 4.13, *Noise*, of the EIR, the Project will comply with Chapter 13-8 of the Colusa County Zoning Code, ensuring that no individual piece of equipment produces a noise level exceeding 83 dBA at a distance of 25 feet.

The commenter raises concerns over the use of equipment noise to be specifically used for vegetation management and panel washing, citing equipment noise levels provided by the University of Florida (<https://webfiles.ehs.ufl.edu/noiselvl.pdf>). The equipment noise levels from the University of Florida do not provide a distance from which those noise levels were measured, however, if they were taken at 1 foot, then the riding lawn mower producing 90 dBA at 1 foot would produce 62 dBA at 25 feet, and the pressure washer producing 100 dBA at 1 foot would produce 72 dBA at 25 feet—both of which would comply with the County Code requirement to not exceed 83 dBA at 25 feet.

B-22

Response:

Figure 2-3 Site Plan is intended to show key components of the Project and reflect the maximum area of impact. Figure 2-3 does not intend to outline details related to the mitigation measures identified in the EIR. Regarding noise, vibration, and visual impacts, please refer to Comprehensive Responses R13.1, R13.2, and R12.1, respectively. Noise is analyzed in Chapter 4.13 and Mitigation Measure **NOISE-1** would implement construction management protocols to

minimize noise impacts during construction including the use of temporary noise walls that provide 10 to 15 dB of reduction so that construction noise does not exceed 86 dBA at the Project boundary. Visual impacts are analyzed in Chapter 4.1 *Aesthetics*, and it was found that no mitigation measures are necessary to address impacts.

Table EX-1: Summary of Potential Impacts and Mitigation Measures summarizes all impacts associated with the Project and the mitigation measures that would be implemented to reduce impacts to a less than significant level.

B-23Response:

The commenter inquired about the makeup of the solar panels. Please refer to Comprehensive Response R.1.1 for a discussion about the composition of the solar panels. In response to the commenter's inquiry about the generator found in the substation, as described in Section 2.4.1.2 *On-Site Substation*, "an emergency generator for use in the event that the regional transmission system fails would also be located at the substation." Figure 2-5 shows the proposed location of the generator within the substation. The final location of the generator will be determined during the detailed engineering phase of the Project and will comply with minimum clearings as required by the County and Williams Fire Protection Authority, as well as industry-wide standards, including those required by the air pollution control district.

B-24Response:

The potential use of pre-emergent herbicides would be limited to the site preparation phase of construction and formulated to minimize impacts to wildlife, as discussed in Chapter 2, Section 2.4.8.1 of the EIR. With limited use, bioaccumulation is not anticipated. Herbicide use would also be restricted to weather conditions that are suitable for herbicide application, application would be in accordance with federal, state, and County regulations, including the Colusa County Pesticide Use Enforcement Program which is administered by the Colusa County Agricultural Commissioner. In addition, herbicides would be applied by a state-licensed applicator, thereby reducing the likelihood of infiltration to groundwater supplies and translocation. Herbicide application would be similar to existing application of herbicides on agricultural lands throughout the County. As discussed in Section 4.10, *Hydrology and Water Quality*, of the EIR, the Project would comply with Section 402 of the Clean Water Act and obtain a National Pollution Discharge Elimination System (NPDES) stormwater permit, including a Stormwater Pollution Prevention Plan (SWPPP) that includes Project-specific Best Management Practices (BMPs) designed to prevent sediment and other pollutants from contacting stormwater and from moving off site into receiving waters.

B-25Response:

The Draft EIR included the level of specificity required by CEQA. Please refer to Comprehensive Responses R17.1 and R17.8.

B-26Response:

As stated in Section 2.4.3 of the EIR, in order to interconnect the Project with the PG&E Cortina Substation, the Applicant would construct a new 60 kV gen-tie line that would originate from the northwest corner of the Project site at the on-site substation and extend approximately 2 miles within the County ROW along Spring Valley Road to reach Walnut Drive. At Walnut Drive, the gen-tie line will continue within the County ROW for approximately 2 miles along Walnut Drive to the POI at the PG&E Cortina Substation. The Applicant's gen-tie construction would terminate at the PG&E Cortina Substation property line. From their property line, PG&E would construct an approximately 1,000-foot-long span, continuing the gen-tie to the Project's bay within the existing footprint of the PG&E Cortina Substation.

The Applicant would be responsible for maintaining the gen-tie line within the County ROW, and PG&E would be responsible for the portion within their property. The Applicant is pursuing an encroachment permit and/or a franchise agreement with the County for the gen-tie line. No portion of the gen-tie line is proposed within adjacent, private properties.

Please also refer to Comprehensive Responses R17.8.

B-27Response:

Please refer to Comprehensive Response R13.1.

B-28Response:

Figure 2-3 Site Plan is intended to show key components of the Project and reflect the maximum area of impact. Figure 2-3 is intended to complement what is in the text, not to outline every specific portion of the Project. Both Figure 2-3 and the text included in the body of the EIR are complementary to each other and intended to be read in conjunction.

B-29Response:

Please refer to Comprehensive Responses R1.1, R1.2, R1.5, R3.1, and R17.8. Furthermore, the EIR need not analyze every possible scenario.

B-30Response:

A further reduction in acreage to the proposed Project would limit the area available for solar PV panels as the areas for supporting utilities, equipment, internal access roads, and BMPs such as Fire Management Zones, as discussed in Section 4.20 of the EIR, would not be reduced. The Applicant will not reduce critical areas that ensure safe operations and management activities and protect sensitive biologic habitat in order to meet the economic feasibility of the proposed Project under a reduced acreage alternative.

Please also refer to Comprehensive Response R17.8.

B-31Response:

Please refer to response B-22. The perimeter access road will be a low-lying feature that would not impede views of the surrounding hills. In addition, the perimeter road will have similar lines and colors as those of the existing, adjacent Spring Valley Road and the existing farm roads in the vicinity. Due to its visual consistency with these roadways, this feature would result in a weak visual contrast. The addition of this feature in the simulations would not change the findings of the EIR, in that the Project site does not contain significant scenic features. There are no interesting landforms on site; the vegetation has little variety of patterns, forms, textures, or colors; and the scenic features are not unique or rare within a region. The adjacent off-site rolling hills and occasional trees provide interesting scenic features, and the Project (including the perimeter road) would not block views of the hills and trees. As the Project would for most of the day have a weak contrast, it would not significantly change the quality of the site's existing level of visual quality, and would not block views of the adjacent scenery, impacts would be less than significant

As discussed in Impact 4.1-4 of the EIR, the Project is not expected to create a substantial new source of nighttime lighting or daytime glare. The proposed Project will provide external safety lighting for both normal and emergency conditions at the primary access points. Lighting will be designed to provide the minimum illumination needed to achieve safety and security and will be downward facing and shielded to focus illumination in the immediate area. All lighting associated with the Project will be subject to County approval and compliance with Colusa County requirements. Therefore, the Project will have a less than significant impact associated with nighttime lighting.

The commenter states that Section 4.1.3.4 of the Draft EIR incorrectly states that KOP 8 depicts views focused southeast toward the Project site and that "*point 8 is a northwest toward the Project site*" KOP 8 depicts a view towards the northeast. This has been revised in the Final EIR to:

"This KOP depicts views focused ~~south~~northeast toward the Project site."

B-32Response:

The issue of whether a "solar use easement" allows for an energy storage facility like the proposed BESS is irrelevant as no such easement is proposed. Please refer to Comprehensive Response R15.1, which discusses the Project's consistency with the Williamson Act.

B-33Response:

Coccidioidomycosis (CM), often referred to as San Joaquin Valley Fever or Valley Fever, commonly affects people who live in hot dry areas with alkaline soil and varies with the season. The Project site is not located in an area with alkaline soils. This disease, which affects both humans and animals, is caused by inhalation of arthroconidia (spores) of the fungus *Coccidioides immitis* (CI). CI spores are found in the top 2 to 12 inches of soil and the existence of the fungus in most areas is temporary. The CI fungus lives as a saprophyte in dry, alkaline soil. When weather and moisture conditions are favorable, the fungus "blooms" and forms many tiny spores that lie dormant in the soil until they are stirred up by wind, vehicles, excavation, or other ground-moving activities and become airborne. Agricultural workers, construction workers, and other people who work outdoors and are exposed to wind and dust are more likely to contract Valley

Fever. Children and adults whose hobbies or sports activities expose them to wind and dust are also more likely to contract Valley Fever.

The fungus is known to live in the soil in the southwestern United States and parts of Mexico and Central and South America. People and animals can get sick when they breathe in dust that contains the CI spores. This fungus infects the lungs and can cause respiratory symptoms including cough, fever, chest pain, and tiredness. In California, the number of reported Valley Fever cases has greatly increased in recent years with the number of cases tripling from 2015 to 2019 (CDC 2022). The number of Valley Fever cases in the United States has also been steadily increasing over the past few years. In 2022, there was 1 case of Valley Fever in Colusa County, an incidence rate of 4.6 cases per 100,000 people (CDPH 2024).

Currently, no vaccine is available to prevent this infection. Further, there is no effective way to detect and monitor CI growth patterns in the soil. Thus, controlling the growth of the fungus in the environment to reduce the risk to individuals is currently not a viable option. Even if the fungus is present in the soil, earth-moving activities may not result in an increased incidence of Valley Fever. Propagation of *Coccidioides* is dependent on climatic conditions, with the potential for growth and surface exposure highest following early seasonal rains and long dry spells.

Colusa County is not considered a highly endemic region for Valley Fever. In 2022, the California Department of Public Health (CDPH) identified that only 1 of the 7,451 suspected, probable, and confirmed annual cases of coccidioidomycosis recorded for California in 2022 occurred in Colusa County (CDPH 2024).

The primary way to avoid Valley Fever is to limit exposure to the spores. During construction, the implementation of mitigation measure **AQ-2** would provide control measures for fugitive dust emissions and limit the potential for exposure. During operations, mitigation measure **AQ-3** would be implemented, providing additional long-term dust control measures for fugitive dust emissions and further limiting the potential for exposure. Additionally, the Project site is actively used for agricultural activities and regularly experiences ground disturbance, contrary to the commenters assertion that the soils have been without disruption for years. Also, the soils on the site are not alkaline, further limiting the potential for Valley Fever. Therefore, exposure to Valley Fever is not anticipated to result in an impact.

Section 4.3, *Air Quality*, has been updated to include this information regarding Valley Fever.

B-34

Response:

The language in Section 4.4, *Biological Resources*, of the EIR includes a summary of the surveys that were conducted for the Project. As discussed in the EIR, technical reports associated with the surveys can be found in Appendix E, *Biological Resources Reports*. These technical reports describe the timing of all surveys that were conducted and their methodology. Rare plant surveys were conducted in 2024 during normal climatic conditions for the Project site and during the appropriate blooming period for special-status plants that may occur in the vicinity. Similarly breeding season burrowing owl protocol surveys were conducted in 2024 following CDFW guidance, and non-breeding seasons will be conducted between December 1, 2024 and January 2025 per CDFW guidance.

B-35Response:

Please see response **B-34** for further discussion on the planned non-breeding season surveys for burrowing owl. Furthermore, pre-construction surveys for the species will be conducted per mitigation measure **BIO-1** to ensure avoidance of the species, or if avoidance is not feasible a Project-specific mitigation plan will be prepared for CDFW review and approval.

With regard to California Natural Diversity Database (CNDDDB) occurrences, this analysis is conducted using special-status species occurrences which are reported to the California Department of Fish and Wildlife's CNDDDB tool. This background assessment is completed before field surveys are completed. As discussed in Appendix E, *Biological Resources Reports*, surveys for nesting Swainson's hawk were conducted in both 2021 and 2024 and focused in areas that are both within the range of Swainson's hawk and in areas that are suitable habitat for the species. As such, higher elevations and wooded areas were not surveyed as the species does not rely on these habitats for nesting or foraging. The survey area is shown in Figure 3 in the Swainson's Hawk Survey Report included in Appendix E, *Biological Resources Reports*, and as shown in the comment letter. Also, as noted in the Swainson's Hawk Survey Report, the surveyor systematically drove on available roads and accessed publicly accessible areas to conduct the surveys. Where access was limited, these areas were surveyed using binoculars, which is a standard practice for avian surveys and allows for nest locations to be located, even at a distance.

B-36Response:

The 0.5-mile survey buffer from the Project site for Swainson's hawk referenced in mitigation measure **BIO-1** follows CDFW guidance regarding Swainson's hawk pre-construction surveys. Protocol level surveys for the Project were completed in 2020 per the guidance referenced in the comment, and additional follow-up nesting surveys for the species in a 10-mile buffer of the Project site were also conducted in 2021 and 2024 to identify nesting locations. Additional protocol level surveys for the Project are not warranted, and the pre-construction surveys within a 0.5-mile buffer of the Project site per CDFW guidance will be conducted.

B-37Response:

Please refer to Comprehensive Response R17.1, which addresses the scope of greenhouse gas emissions under CEQA.

B-38Response:

The commenter refers to the disposal of the solar panels and repeatedly points to statements that "may not be accurate" but fails to provide plausible reasons why it may not. The fact that First Solar, a multinational corporation with a robust supply chain would outsource part of its operations to a third party does not amount to evidence that the analysis made in the EIR is inadequate.

Please refer to Comprehensive Response R1.1 and, for more information, to Impact 4.9-1 Operations in the EIR, which outlines the impacts of hazardous substances during transportation, use, or disposal of hazardous materials.

B-39

Response:

Minimum spacing between enclosures is determined by the BESS supplier (accounting for the supplier's equipment testing and analysis, including as may have been performed by third party analysis such as that in Hazard Mitigation Analysis included as Appendix G) and the system is designed based on those standards. Even though the spacing is subject to final design, which takes into account the available space on site and how additional components of the system fit within the area designated for the BESS, the minimum spacing required would be maintained as precisely that, a minimum and would be confirmed during the final site plan approval process by the Williams Fire Authority. For information on the composition of the BESS enclosures, please refer to Comprehensive Response R1.5.

B-40Response:

Non-functioning lithium-ion batteries would not be stored on site but rather disposed of immediately upon identifying any malfunction in a manner that is compliant with applicable Local, State, and Federal regulations. Please see Comprehensive Response R1.1.

B-41Response:

Please refer to Response **B-39**, above, for information regarding minimum spacing in BESS units and to Comprehensive Responses R1.1, R1.2, R1.5, and R3.1. for information related to the BESS enclosures and their safety features.

B-42Response:

The commenter refers to language in the Hazard Mitigation Analysis found as part of Appendix G of the Draft EIR and quotes the following: "toxic and highly toxic gases released during fires and other fault conditions will not reach concentrations in excess of immediately dangerous to life or health (IDLH) level in the building or adjacent means of egress routes during the time deemed necessary to evacuate from that area" (see page 6 of TELSA Megapack 2/XL Hazard mitigation analysis)" but provides no additional context.

This quote is taken from the following excerpt from the report (see point 5, below):

Per NFPA 855 §4.1.4.2, Analysis Approval, the Authority Having Jurisdiction (AHJ) shall be permitted to approve the hazardous mitigation analysis as documentation of the safety of the ESS installation provided the consequences of the analysis demonstrate the following:

- 1) Fires will be contained within unoccupied ESS rooms for the minimum duration of the fire resistance rating specified in NFPA 855 §4.3.6.*
- 2) Suitable deflagration protection is provided where required.*
- 3) ESS cabinets in occupied work centers allow occupants to safely evacuate in fire conditions.*
- 4) Toxic and highly toxic gases released during normal charging, discharging, and operation will not exceed the PEL in the area where the ESS is contained.*
- 5) Toxic and highly toxic gases released during fires and other fault conditions will not reach concentrations in excess of immediately dangerous to life or health (IDLH) level in***

the building or adjacent means of egress routes during the time deemed necessary to evacuate from that area.

6) Flammable gases released during charging, discharging, and normal operation will not exceed 25 percent of the LFL.

Under Section 1.3 *Summary of Findings*, ESRC finds that adequate protections are provided for the fault conditions per NFPA 855 §4.1.4 and IFC §1207.1.4.1, as well as for analysis approval requirements per NFPA 855 §4.1.4.2. ESRC also finds that The Tesla Megapack 2/XL is compliant with all applicable Analysis Approval requirements per NFPA 855 §4.1.4.2.

Furthermore, under *NFPA NFPA 855 §4.1.4.3 – Analysis Approval*, ESRC finds that, in relation with what is quoted by the commenter, “Internal Unit level testing conducted of combustion from the Megapack 2/XL indicated that there was no Mercury (Hg) observed, and trace levels of HF far below NIOSH Immediately Dangerous to Life or Health (IDLH) levels”.

The commenter also refers to language included in the same document quoting “[i]n the unlikely event of a fire, the system will consume itself slowly in a safe and controlled manner, without any explosive bursts, projectiles, or unexpected hazards” without providing further context. It is important to note that this language is included in the key findings as part of Section 1.3 *Summary of Findings*, and is part of the excerpt shown below (see the second bullet point):

Additional voluntary destructive testing was conducted by Tesla on a representative Megapack 2/XL. This testing utilized a more aggressive approach than typical UL 9540A testing by initiating a thermal runaway of all 48 cells within a module simultaneously and forcing a catastrophic failure of a battery module. Results of this testing showed that due to the robustness of the system design the following is noted:

- *It is difficult to initiate and maintain any cascading thermal runaway within the unit.*
- ***In the unlikely event of a fire, the system will consume itself slowly in a safe and controlled manner, without any explosive bursts, projectiles, or unexpected hazards.***

For additional information, please refer to pages 6–8 of the Hazard Mitigation Analysis for the Tesla Megapack 2/XL found as part of Appendix G in the Draft EIR. For additional information on hazardous materials, as well as detailed information on the proposed BESS technology, please refer to Comprehensive Responses R1.1, R1.2, R1.5, and R3.1.

B-43

Response:

Please refer to Comprehensive Response R13.1. Per mitigation measures **BIO-1** and **BIO-3** construction free buffers will be established around special-status species and nesting birds to minimize the potential for any noise related impacts. Construction activities are anticipated to have a similar impact on wildlife as existing agricultural practices on the Project site.

B-44

Response:

Section 2.4.11.3 of the EIR discusses components of the Project’s ESRP, as part of mitigation measure **FIRE-1**. Chapter 2, *Project Description*, of the EIR has been updated to clarify the gravel

surface mentioned in the Drainage and Water Runoff discussion is the gravel surface of the BESS area, within which the BESS units and their concrete foundations would be installed. The gravel surface not only allows for water infiltration, but also serves as a fire buffer, as discussed in Section 4.20, *Wildfire*, of the EIR.

Section 2.4.11.3 of the EIR has been amended as follows:

Drainage and Water Runoff: *Water used during a fire would be used to cool adjacent structures as a precaution to ensure that fire would not spread to adjacent units. However, as detailed in the Hazard Mitigation Analysis, it is unlikely that a fire could spread between units even during the worst-case scenario. Runoff from the applied water would not contain contaminants as the units are waterproof, and the gravel surface of the BESS area surrounding the BESS units would allow the water to percolate into the ground.*

B-45

Response:

Please refer to Comprehensive Response R8.3 regarding post-construction inspections by the Applicant and County Public Works staff. Please also refer to Comprehensive Response R17.8, regarding the scope of analysis required for EIRs.

B-46

Response:

Section 4.20, *Wildfire*, Impact 4.20-2 of the EIR discusses the results of the fire behavior modeling for the proposed Project site. The modeling determined that at minimum, vegetation should be maintained to 12 inches in height. This is restated under Impact 4.20-3. However, as discussed under both impacts, the Applicant is proposing to maintain vegetation under and around the solar PV panels to a maximum height of 4 inches, to provide additional fire safety.

Impact 4.20-3 has been revised as follows:

*"In accordance with mitigation measure **FIRE-1**, as detailed below, which requires the development of a Vegetation Management and Wildfire Prevention Plan that specifies that the site should be free of combustible vegetation with ground cover maintained to a maximum height of ~~424~~ inches ~~adjacent and beneath~~ at 0-20 feet from all the solar racking PV arrays, and include Fuel Modification Zones around the BESS and Substation, ~~and outside of the PV solar arrays~~, as well as along the project site perimeter."*

B-47

Response:

Please refer to Comprehensive Response R17.8, regarding the scope of analysis required for EIRs. This comment also does not speak to significant environmental issues relevant to CEQA.

B-48

Response:

Please refer to Comprehensive Responses R1.1, R1.2, R1.5, and R3.1.

B-49Response:

Please refer to Response **B-39**, above, for information regarding minimum spacing in BESS units and to Comprehensive Responses R1.1, R1.2, R1.5, and R3.1. for information related to the BESS enclosures and their safety features.

B-50Response:

The commenter refers to the statement “it does so at its own risk” and asserts that no analysis of said “risk” is included in the EIR.

Proceeding at risk in this context is intended to mean that, in the case that the Project Owner were to place more than one battery storage [enclosure] on site prior to obtaining approval from the WFPA of the UL 9540 certification or the testing equivalent, *it would do so at its own risk* because the enclosures would need to be removed if the WFPA decides not to approve them. The Project Owner would not take on this risk because it will have received all required approvals from Colusa County, including being administered a building permit, prior to start of construction and before taking delivery of Project components on site. Furthermore, as detailed in Comprehensive Response R1.5, the proposed BESS technology meets UL 9540 requirements and would thus be accepted by the WFPA.

For more information on the scope of analysis for EIRs and the rule of reason, please refer to Comprehensive Response R17.8.

B-51Response:

Please refer to Comprehensive Response R17.8. Moreover, the Applicant did not assume any electric vehicle use for the Project’s equipment, and including their use for the Project but not in an alternative to the Project would not provide a reasonable comparison upon which to base potential changes to environmental impacts.

B-52Response:

Please refer to Comprehensive Responses R6.2 and R17.8. Additionally, the commenter cites CPUC cost estimates and factors taken into consideration for underground conversion. However, as noted by the commenter, the reference cited is for conversion to undergrounding for existing power lines as opposed to new construction.

B-53Response:

Use of meandering transects is a standard practice for conducting botanical surveys, and the surveys followed CDFW guidance per Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (2018). These surveys covered all potential rare plant habitat within the Project site and no additional surveys or analysis are warranted.

Please refer to Comprehensive Response R17.8, regarding the level of detail required for EIRs.

B-54Response:

The County published the EIR consistent with CEQA and the CEQA Guidelines. It will follow all record retention laws where appropriate.



Janus Solar and Battery Storage project's Draft Environmental Impact Report (DEIR)
(SCH #2024061043) Due 11/13/2024

Submitted 11/11/2024

To:
Planning Commission
Greg Plucker, Community Development Director
County of Colusa
Via email to gplucker, prodriguez, tjorgensen

From: Stephen and Karan Marsh

After reviewing the content of the September 27, 2024, Draft Environmental Impact Report (DEIR) and the potential environmental impacts from this project, this letter is to document our continued concern and opposition of the proposed Janus Solar and Battery Storage project at Walnut Road and Spring Valley in Williams, CA. **Please confirm receipt of this email.**

SUMMARY: We are extremely concerned the Colusa County would consider such a costly project without following the County's government's standard operating procurement procedures, getting competitive bids and given your own comments of your Notice of Availability:

"Given the size and scope of the project, staff determined that the project could have potential significant effects upon the environment."

Significant is defined as: Impacts that exceed the defined standards of significance and require mitigation.

The County and their hired contractors have described this as a **discretionary** project. Definitions include, but are not limited to:

- Require the exercise of judgment or deliberation when deciding to approve or disapprove a particular activity.
- Are based on best practices, preferences, or expert judgment rather than mandatory requirements.
- Involve actions during project implementation based on factors such as costs, safety, convenience, weather conditions, or resource availability.

September 27, **2024**, DEIR **fails** to disclose or produce:

1. Competitive Bid: A comparison of costs, timelines and abilities from other solar providers to ensure the best possible contractor group is selected for this effort. RWE is one of several other solar companies which could bid on installing a solar plant. RWE's abilities may be special but they are not unique to other solar competitors. Without the ability to compare abilities and cost the county cannot achieve efficiency and economy in the procurement of services, supplies, and equipment. The county and taxpayers lose the ability for maximum value for each dollar of expenditure.

2. Content of any Development Agreement, i.e., “Tolling Agreement” between the developer, PG&E, and the County. A Development Agreement identified in the last sentence, page 1 of the Notice of Completion & Environmental Document Transmittal. Refer to Cancellation of Solar Project in Colusa County **2024-25** Final Budget.

The following DEIR Deficiencies are listed below and further defined in the next table:

1. The Colusa County Board of Supervisors already denied this project via Resolution No.23-006 on 9/23/**2023**.
2. California Energy Commission, AB 205, signed into law June **2022**
3. Fiscal And Economic
4. Data Accuracy and Missing References
5. DEIR does not equal Agenda
6. Missing MOUs
7. Inflated costs
8. Wildfire Mitigation
9. Missing Local Job Hire Details
10. Decommission

Table of Deficiencies			
	Item	Recommendation	Concern
1.	The Colusa County Board of Supervisors denied this project via Resolution No.23-006 on 9/23/2023.	Deny this 2024 request based on the reasons contained in this table, and due to: 1. No changes adopted in the Colusa County 2030 General Plan protections. 2. This 9/27/2024 DEIR version contains conflicting details between the 2023 denied submission and 2024 draft submission.	<p>The General Plan permits solar IF production supports agriculture. This September 2024 DEIR submission is silent on their power's intended end user. Neither the February 2023 attempt nor this September 2024 report indicates the Colusa County residents would enjoy this power nor a reduction in power price due to proximity.</p> <p>Volume 1, 4.11.2.2 Local Objective AG 2-A: Expand Opportunities for Economic Development AND Increased Agricultural Production by Allowing Agricultural Processing Facilities and Uses Directly Supporting Agriculture in All Agricultural Land Use Categories.</p> <p>We support landowners' right to perform business on their land, within the confines of existing law and their budget. Stricter scrutiny and approvals are required once a landowner seeks to circumvent governing policies and requests government funding as is in this case.</p> <p>The denied 2023 DEIR identified the wrong street address as the site location, was without financial basis and provided inaccurate information. The 2024 DEIR expands these errors.</p> <p>Emails between developers and public service officials relating to financial contributions conflict with the 2023 EIR's stated contributions. The contributions are absent from the 2024 draft.</p> <p>Section 2.4.11.5, pg 2-24 "...Applicant agrees to make an annual contribution to WFPA for each year the Project is in operation..." and "...and to provide training for first responders...."</p>
		C-4	

C-5

C-6

C-7

C-8

Table of Deficiencies			
	Item	Recommendation	Concern
2.	California Energy Commission, AB 205, signed into law June 2022	The California Energy Commission licenses solar thermal plants above 50 megawatts.	The DEIR fails to discuss California Energy Commission's relation to this project.
3.	Fiscal And Economic	<p>Prior to the decision on this project, a Fiscal and Economic Analysis must be presented to understand the Return on the Investment to the County and to each resident taxpayer. Doing so will provide clear and accountable payment obligations for workforce, taxes, and materials during construction, through operations and decommission by the County or the Developer, should this project be approved.</p>	<p>The fiscal analysis must include a detailed tax analysis with solar credits by line item, property tax reductions by line item, expected revenue and expenses by year, annual public service donations, payments for City of Williams water, as well as expected financial obligations during construction and operations.</p> <p>For example, Assessor Parcel Numbers (APN) 018-050-005 and 018-050-006, which are approximately 630.5 and 255.7 acres, respectively, for a total area of 886.2 acres. If the land is leased, the County will not see an increase in property tax relative to the APNs. The Fiscal Analysis must define what components of the project are taxable and which have solar exclusions.</p> <p>Will the County be required to cover power transmissions cost from project site to Southern California? The missing PG&E Commitment to take power (Memorandum of Understanding) would address such fiscal obligations, should this project be approved. And would confirm Colusa residents receive no direct electrical benefit from this project.</p> <p>As a reminder, the January 9, 2023 fiscal analysis included Colusa County would be required to pay over \$7.4 million during the construction process for labor and materials without identifying income or fund sources. The above-mentioned analysis failed to include the basis for revenue and income.</p> <p>There are oftentimes months and years ramp up time to secure government funding. The DEIR's projected 2025 start year does not allow</p>
		C-10	

C-9

C-11

Table of Deficiencies			
	Item	Recommendation	Concern
			<p>ample time for the County to complete its budget process to secure funding.</p> <p>4.15, page 4.15-4 “...Due to the property tax exclusion of the solar project, property tax dollars that would normally be collected to pay for the costs of County public services would be drastically reduced. However, the developer has included in the project definition the payment of a public services...”</p>
4.	Data Accuracy and Missing References	Demand To Eliminate Incorrect Site Address – it’s not a typo	<p>Prior to the decision, the County of Colusa must direct staff to remove the fraudulent use of the neighbor’s 1830 SPV property address as the site location, refer to Tetra Tech’s Report¹. We expect that reference removed from the website and background immediately.</p> <p>Volume 1, page 4.5-20 Volume 2, Part 3, Appendix A: pages 280+ 47 references within the ES-1, PDF Page 361 through page 550, Phase I Environmental Site Assessment</p> <p>The government is using the wrong data to make these crucial decisions. Colusa County inaccurately continues to reference and analyze the neighbor’s property at 1830 Spring Valley Road, Williams, CA 95987 for inclusion within the Janus Solar and Battery project. Prior reference was an accident. This error was brought to CDD’s and the BOS’ attention last year and was viewed as a mistake by the project site’s owner. The project site’s owner immediately removed their inaccurate signage. However, the County continues to display incorrect data which is now considered fraudulent on the County’s part. Refer to DEIR Volume 2 on the County website.</p>

C-11

C-12

¹ [Janus Solar DEIR SCH-2024061043_Vol-2-Appendixes-Part-3](#), opened 11/9/2024, 47 1830 references.

Table of Deficiencies				
	Item	Recommendation	Concern	
5.	DEIR does not equal Agenda	The State Clearinghouse DEIR No. 2024061043 does not document the developer's proposed financial contribution to the Williams Fire Department identified in the County Agenda	For clarity, The County of Colusa's agendas are not officially part of the DEIR. As a reminder, this detail should be included in the missing fiscal analysis of either the draft or final EIR.	C-13
6.	Missing MOUs	PGE MOU not provided	A "Taking Agreement" aka MOU, from PGE committing to taking generated power, if project is approved, has not been provided. 10/25/24 UPDATE: Calfire is listed on the Notice of Completion, but not found online.	C-14
			CA Department of Forestry & Fire Protection response is absent from: Notice of Completion Transmittal Form Summary Form for Electronic Document Submittal CalFIRE Comment Volume 1, page 2-15 Indian Reservation with # residents 2 miles downwind from site.	C-15
7.	Inflated costs	It is not in the County's best interest to approve RWE's inflated costs for this Janus project.	The specified site is mostly clear rolling hills and flat pastureland without forest or pavements which would increase trench costs. The DEIR (5-19) estimates the cost for constructing new overhead transmission ranging from \$1 million to \$11 million per mile while the cost to convert existing overhead transmission to underground is between \$6 million to \$100 million per mile . Compare that cost to PG&E's 2023 Stakeholder Report ² "we constructed and energized 364 miles of underground (burying powerlines in the highest fire threat areas) unit cost to below \$3 million per mile ."	C-17

C-16

² [*2023 Joint Annual Report to Shareholders](#)

Table of Deficiencies			
	Item	Recommendation	Concern
8.	Wildfire Mitigation	Recommend County open and maintain the road from the SPV to Arbuckle via the Cortina Reservation to enable an escape route before any construction for wildfire escape.	<p>If water cannot put out battery fires, what other fire suppression mediums will be available on site and on responder's fire rigs?</p> <p>Appendix K provides a mitigation recommendation of 2" mowed grasses and fire behavior overviews without the presence of solar panels and battery storage facilities. This mitigation is not typical of miles of pastureland with active grazing.</p> <p>As of 10/27/2024 the adjacent property APN # 018-005-020 & 018-050-040 across the SPV gravel road appears to be prepped for a hay crop and will become a fire hazard summer of 2025. Summer is the planned project start, should the project be approved.</p> <p>In October 2024, PGE shuts down power along SPV due to high winds to eliminate anticipated wildfires.</p>
		C-18	
9.	Missing Local Job Hire Details	Recommend the DEIR develop a Sample Workforce Table by position and by percentage to show their basis for planned hires from Colusa County residents, rather than the "six-county regional area".	<p>Define "Colusa six-county" in the DEIR.</p> <p>Define how many Local 46 members will be assigned to this project. Supporters of this project based their position on the promise of being hired. Analysis cannot be completed without the basis of these numbers.</p> <p>Volume 1, 4.14-3 "...it is anticipated that a majority of the construction workforce would be hired from the existing workforce in the <i>Colusa six-county</i> regional area."</p> <p>Volume 1, 5-11 "....a majority of the construction workers would be hired from the existing workforce in the regional area."</p> <p>Section 4.15 page 4.15-4 "...the developer has entered into an agreement with the WFPA to fund a full-time, 24-hours a day, 365 days a year permanent fire fighter to ensure full-time fire staff is available to respond to any fire that may occur..."</p>

C-19

C-20

C-21

C-22

C-23

C-24

Table of Deficiencies			
	Item	Recommendation	Concern
10.	Decommission	Should the project be approved, recommend the developer fund an account to cover the decommission cost including a 3% annual increase for such purposes after the project's 35 years, through the year 2058. The decommission cost should be included in fiscal analysis.	Per 10/28/24 phone call with Sales Manager, Ashley Pardi, the landfill does not take e-waste. The DEIR does not contain a MOU with the Yuba County Ostrom Road Landfill, should this project be approved. If the Ostrom Road Landfill is not available, <u>the developer expects “the County would be required to create and implement a plan for additional capacity.”</u> 4.19.6 Cumulative Impacts, page 4.19-9

C-25

C-26

High Level Project Description Comparison

02032023 EIR Final	10302024 DEIR Agenda	Comment
a) 4.1-mile -long overhead,	a) 4-mile -long,	.1 decrease
b) 60 kilovolt gen-tie line	b) 60 kV gen-tie line.	No change
c) N/A	c) generate up to 80 megawatts and	Generation
d) store up to 80 megawatts 1,024-acre site,	d) store up to 80 megawatts, or 320 megawatt hours (MWh) ,	Same megawatts, less acreage
e) 768 acres of the 1,024-acre site would be used	e) 666 acres of the 886 - acre site would be used.	less acreage
f) owned by a private landowner in unincorporated western Colusa County.	f) Owned by the Project site landowner and located across Spring Valley Road from the Project?	No increase in property tax rate?
g) 196,000 solar panels over 738 acres	g) 196,000 solar panels plus BES within 666 acres?	Same number of panels and BESS on 72 less acres?

C-27

C STEPHEN AND KARAN MARSH

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

C-1Response:

This comment relates to the cost of the Project and procurement procedures. The comment mistakenly suggests that the Project is a County-initiated project to be undertaken by the County and which would be subject to County procurement procedures that might apply to a County-initiated project. Rather, the Project is a private undertaking initiated by the Applicant and subject to County approval. A decision on the merits of the Project will be made by the County's decision-makers, who will consider all comments submitted. In general, the comment does not address a significant environmental issue and therefore requires no further response. See 14 Cal. Code Regs., §§ 15088(c), 15132(d), and 15204(a).

C-2Response:

This comment relates to a competitive bidding process, which is not a significant environmental issue and therefore requires no further response. See 14 Cal. Code Regs., § 15088(c), 15132(d), and 15204(a). In addition, the comment mistakenly suggests that the Project is a County-initiated project to be undertaken by the County and which would be subject to County procurement procedures that might apply to a County-initiated project. Rather, the Project is a private undertaking initiated by the Applicant and subject to County approval. A decision on the merits of the Project will be made by the County's decision-makers, who will consider all comments submitted.

C-3Response:

As detailed in Section 2.4.11.7, *Public Services Contribution*, the Development Agreement (DA) is a voluntary agreement between the Applicant and the County through which the Applicant agrees to provide certain public benefits to the County in order to obtain vested rights to develop the Project pursuant to corresponding provisions of the California Government Code and the County Code. See California Government Code, §§ 65864 et seq. CEQA requires a list of all permits and/or approvals that a project requires, and the DA is appropriately included in this list for the Project. See Section 2.5, *Permits and Approvals*; see also 14 Cal. Code Regs., § 15124(d). An EIR need not discuss a DA in detail as part of its analysis. *East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 291. The DA will be included in the materials for public hearing prior to the Planning Commission's hearing for a recommendation on that agreement in compliance with State and County law and again prior to the Board of Supervisors' decision regarding the Project. It is unclear to the County how the final portion of the comment (i.e., "Refer to Cancellation of Solar Project in Colusa County 2024-25 Final Budget.") relates to the DA, however, in any case, the economic effects of a Project are not treated as a significant effect on the environment under CEQA. See 14 Cal. Code Regs., § 15131.

C-4Response:

The commenter refers to the prior CUP application (No. 20-01). The prior CUP application was denied, and the applicant subsequently filed new applications for a new project which is addressed in the current EIR. Accordingly, comments regarding efforts to approve the prior CUP application, or to content in the EIR for the prior project, are not relevant to the current Project and are not germane to the sufficiency of the CEQA analysis.

C-5Response:

Regarding the Project's compatibility with the General Plan, please refer to Comprehensive Responses R14.1, R14.2, 14.3, and R14.4. The Project's compatibility with the General Plan objective referenced in the comment, Objective AG 2-A, is analyzed in **Table 4.11-1, *Consistency Analysis with Colusa County General Plan for Land Use***. Objective AG 2-A is an example of a General Plan policy that seeks to preserve the critical role of agriculture in the County. The Project would not interfere with the County's ability to allow agricultural processing activities and uses that directly support agriculture in all agricultural land use categories, as required by the objective.

Reviewing the implementing sub-policies and actions for Objective AG 2-A further clarifies that energy generation for off-site use is allowed in agricultural zones *with a Use Permit*. Policy AG 2-1 describes certain "agricultural-related industrial support operations that shall be permitted [i.e., permitted by-right] on agricultural lands." This category includes "energy for on-site use," which the Project is not—the Project is "energy for off-site use." Action AG 2-A (implementing Policy AG 2-1) further directs revisions to the Zoning Ordinance that to "establish definitions and standards in the Zoning Ordinance that differentiate between facilities that support agricultural uses, such as those directly necessary for processing, packaging, distribution, and on-site energy production, and those facilities that are industrial or commercial in nature and do not directly support agricultural activities and are not appropriate for development, without a Conditional Use Permit, in an agricultural zoning classification."

Subsequent to the adoption of the General Plan, the County implemented this Action AG 2-A by adopting amendments to the Zoning Ordinance that set forth conditionally permitted uses (i.e., uses permitted subject to issuance of a Minor Use Permit or Use Permit) within agricultural zoning classifications, including the zones that apply to the Project site (F-A) and gen-tie (F-A). Energy generation for off-site use is permitted with a Use Permit in both the F-A and E-A agricultural zoning classifications.

In response to the portion of this comment that relates to the end-user of the power produced by the Project, Section 4.6, *Energy*, clarifies that the Project would connect to the existing PG&E Cortina Substation via a new 60 kV gen-tie line to distribute electricity to customers within the local and regional grid by PG&E.

C-6Response:

This comment does not address a significant environmental issue and therefore does not require a response. See 14 Cal. Code Regs., § 15088(c), 15132(d), and 15204(a). In any case, the comment is incorrect to the extent that the assertion is that the Project will require government funding from the County. The Project is a private undertaking and not a County funded or subsidized project.

C-7Response:

Please refer to **HC-54** and **B-18**.

C-8Response:

The prior CUP application was denied, and the applicant subsequently filed new applications for a new project which is addressed in the current EIR. Accordingly, comments regarding the content in the EIR for the prior project are not relevant to the current Project or the associated CEQA analysis. Section 2.4.11.5, *Williams Fire Protection Authority Agreement*, describes the voluntary agreement between the Applicant and WFPA, which was proposed as part of the Project, for general enhancement of WFPA services within its service area, as well as a commitment to provide training and coordinate on development of the emergency response plan. The agreement is not for the purpose of funding (in whole or in part) the construction of any new or modified facilities (and indeed, Chapter 4.15 of the EIR provides substantial evidence for the determination that the Project will not require the provision of new or physically altered public facilities, including for fire services) that would have the potential to result in a significant impact on the environment, and is therefore the agreement is appropriately not further analyzed in the EIR.

C-9Response:

The Applicant requests, among other permits and approvals (see Section 2.5, *Permits and Approvals*), a Use Permit from the County to develop the Project. AB 205 is a reference to recent state legislation that allows the California Energy Commission (CEC) to supersede local agency land use permitting and certify qualifying projects using its independent siting authority (also known as the “Opt-In Certification Program”). Projects that “opt-in” and seek certification from CEC essentially bypass local approvals to obtain state-level certification to proceed with a Project. The ability to bypass local approvals also means that the County, for example, would not have control of the conditions that are required of and/or the public benefits provided by a project. Here, the Applicant applied for a Use Permit from the County and is not seeking certification under the AB 205 opt-in procedure. Therefore, AB 205 is not relevant and the “Opt-In Certification Program” is appropriately not discussed in the EIR.

C-10Response:

The comment relates to fiscal impacts and states, in part, that a “Fiscal and Economic Analysis must be presented understand the Return on the Investment to the County and to each resident taxpayer.” The CEQA Guidelines (see 14 Cal. Code Regs., § 15131) establish that the economic effects of a project are not treated as a significant effect on the environment, therefore, a fiscal impact analysis is not required to be included in the EIR. However, it is anticipated that the economic benefits of the project will be discussed as part of the Project’s staff report for information purposes.

C-11Response:

To the extent this comment relates to a fiscal impact analysis, property taxes, or any potential agreements concerning the purchase of power between the Applicant and PG&E, such economic analysis or information is not germane to environmental impacts and not required by CEQA (see response to comment **C-10**). In any case, the comment is incorrect to the extent that the assertion is that the County will be responsible for the costs of developing, operating or decommissioning the Project. Such costs will be the responsibility of the Applicant as the Project is a private undertaking and not a County funded or subsidized project.

C-12Response:

Please refer to **HC-54**. 1830 Spring Valley Road is not included in the Executive Summary of the EIR. The Phase I ESA (Appendix G of the EIR) includes 1830 Spring Valley Road as an adjacent property (see Section 3.8 of the Phase I ESA) and includes Historical Review Documentation (Appendix E of the Phase I ESA) that includes an ERIS City Directory that provides information on the surrounding environment to inform the impact analysis of nearby sites with current or former hazardous substance releases with the potential to migrate onto the proposed Project site (see Section 24.2.3 of the Phase I ESA). 1830 Spring Valley Road is included in the City Directory as an adjacent property, not as part of the Project. The Phase I ESA also includes previous Environmental Reports (Appendix F of the Phase I ESA), including an earlier Phase I ESA which did incorrectly identify 1830 Spring Valley Road as part of an earlier version of the Project . The Project boundaries change is discussed in Section 4.2.6 of the Phase I ESA. Out of an abundance of caution, 1830 Spring Valley Road has been removed from the previous Phase I ESA, where it was included as part of the Project (see Appendix F of the Final EIR).

C-13Response:

Section 2.4.11.5, *Williams Fire Protection Authority Agreement*, describes the voluntary agreement between the Applicant and WFPA, which the Applicant proposed as part of the Project, for general enhancement of WFPA services within its service area, as well as a commitment to provide training and coordinate on development of the emergency response plan. The agreement is not for the purpose of funding (in whole or in part) the construction of any new or modified facilities, and is therefore not further analyzed in the EIR. As stated above, Chapter 4.15 of the EIR provides substantial evidence for the conclusion that the Project will not require the

construction of any new or modified public facilities, including those relating to fire protection services.

C-14Response:

Please refer to Comprehensive Response R17.7.

The comment relates to potential agreements concerning the purchase of power between the Applicant and PG&E. This type of economic consideration is not relevant to the CEQA analysis per CEQA Guidelines Section 15131, and therefore appropriately not included in the EIR.

C-15Response:

The State's Clearinghouse website details the State Agencies which were sent the Notice of Preparation for the Draft EIR, as well as which State Agencies were sent the Draft EIR for review. Although CAL FIRE received both these notices, no comments from CAL FIRE have been received to date on the Project.

C-16Response:

This comment relates to inflated costs, which does not address a significant environmental issue and therefore requires no further response. See 14 Cal. Code Regs., § 15088(c), 15132(d), and 15204(a). A decision on the merits of the Project will be made by the County's decision makers, who will consider all comments submitted.

C-17Response:

The commenter is referring to the estimated costs of undergrounding the Project gen-tie. Please refer to Comprehensive Response R6.2 which outlines estimated costs for constructing new underground transmission infrastructure in California as per the California Public Utilities Commission and California Investor-Owned Utilities.

C-18Response:

Please refer to Comprehensive Responses R3.2, R3.3, and R3.4. The Cortina Reservation is sovereign tribal land, and the County does not have jurisdiction to mandate access through the area.

C-19Response:

For information about fire suppression please see Comprehensive Responses R2.3, and R3.5. As for the mediums available on the responder's fire rigs, that will be up to the discretion of the Williams Fire Protection Authority and other joint agencies (including CAL FIRE).

C-20Response:

Please refer to Comprehensive Response R2.3 for a discussion about fire mitigation measures and vegetation management.

C-21Response:

The commenter is concerned about adjacent properties becoming a potential for wildfire hazard. Please refer to Comprehensive Response R2.3 which outlines how the Project would mitigate wildfire risks. Additionally, if approved, the Project could be under construction during summer of 2025 and Spring Valley Road would act as a natural fire break in the unlikely event of a fire, in addition to the mitigation measures listed in Comprehensive Response R2.3.

C-22Response:

Please refer to response **HC-14**.

Comprehensive Responses R2.1, R2.2, R2.3, R2.5, R2.6, R2.7, R2.8, R2.9, R2.10, R3.1, R3.2, R3.3, R3.4, and R3.5 further address fire safety. PG&E's public safety power shutoff program is administered by PG&E independently of the Project.

C-23Response:

Please refer to Comprehensive Response 16.1 for a discussion about local hiring policies. Section 4.14, *Population and Housing*, of the EIR discusses the Project's workforce and the County's six-county regional area. The six-county regional area includes Colusa, Glenn, Lake, Mendocino, Tehama, and Trinity Counties, as included in Section 4.14.1 of the EIR, which discusses the Project's existing conditions, including population growth and housing within those six counties. There are approximately 3,500 union carpenters in these counties who will be prioritized when staffing the Project to the extent possible. Comments requesting specific numbers of workers from particular unions or trades that may be employed relate to economic and social considerations and are not relevant to the CEQA analysis. To the extent the source of the workforce is potentially relevant to the evaluation of environmental impacts, e.g., pertaining to vehicle trips during the construction period, the EIR fully evaluates any such potential impacts. See e.g., Comprehensive Response R8.1.

C-24Response:

See responses to comments **C-8** and **C-13**. As noted in these responses, the Section 2.4.11.5, *Williams Fire Protection Authority Agreement*, describes the agreement between the Applicant and WFPA for general enhancement of WFPA services within its service area, as well as a commitment to provide training and coordinate on development of the emergency response plan. The agreement is not for the purpose of funding (in whole or in part) the construction of any new or modified facilities that would have the potential to result in a significant impact on the environment, and is therefore the agreement is appropriately not further analyzed in the EIR. As stated above, Chapter 4.15 of the EIR provides substantial evidence that the Project will not require any new or modified public facilities, including those relating to fire protection.

C-25

Response:

Please see Comprehensive Responses R7.1–R7.4, which outline the decommissioning bond and decommissioning procedures.

C-26Response:

Please refer to responses **HC-45** and **HC-62**.

C-27Response:

This comment is a table comparing information about the prior project (CUP Application No. 20-01). The prior CUP application was denied, and the Applicant subsequently filed new applications for a new project which is addressed in the current EIR. Accordingly, information regarding the prior project is not relevant to the sufficiency of the CEQA analysis for this Project. The language “No increase in property tax rate” (highlighted) suggests that property taxes should have been considered in the EIR, however the CEQA Guidelines (see 14 Cal. Code Regs., § 15131) establish that the economic effects of a project are not treated as a significant effect on the environment, therefore, a fiscal impact analysis is not required to be included in the EIR. Although not required, it is anticipated that the Staff Reports prepared for the Project will include some discussion of current and future property tax changes.

November 9, 2024



To: Greg Plucker
Colusa County Community Development Agency
Colusa County as Lead Agency for Janus Solar and Battery Storage Project

From: Myers-Marsh Mutual Water Company
Annamarie Louie, Secretary

Re: Janus Solar and Battery Storage Project, Draft Environmental Impact Report (DIER)
(dated September 2024) Public Comment

Sent via email: gplucker@countyofcolusa.com

The Myers-Marsh Mutual Water Company (MMMWC) receives and delivers Bureau of Reclamation (BR) water. As County of Colusa is aware through prior official interactions the MMMWC has a contract with the BR for this activity.

Colusa County Community Development Agency is lead agency for the DEIR; therefore, the MMMWC is making you aware that the DEIR statement relative to "limited access to water," or information about the lack of potential irrigable lands in Spring Valley may not be a correct statement.

An official resolution by MMMWC indicates that the MMMWC would consider annexation of lands within Spring Valley as serviceable lands so long as the benefitting parcels would be compliant with the MMMWC and associated BR requirements.

We would kindly ask you to confirm receipt of the above information.

D-1

D MYERS-MARSH MUTUAL WATER COMPANY

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

D-1Response:

The County acknowledges that it is the lead agency for purposes of CEQA review. The comment asserts that references in the Draft EIR that the Project site has “limited access to water” “may not be a correct statement.”

The statement that the Project site has limited access to water is correct for purposes of CEQA. Under the statute, the County is required to evaluate potential environmental impacts relative to environmental conditions as they exist when the Notice of Preparation is published. 14 Cal. Code Regs., § 15125(a). Existing physical conditions normally constitute the baseline physical conditions by which the lead agency determines whether an impact is significant. *Ibid.* Under the baseline physical conditions applicable to the Project site, there is no irrigation infrastructure, nor is there any existing irrigation contract for the delivery of water. Indeed, the property has never been irrigated. Thus, the existing physical conditions with respect to access to water are accurately described in the Draft EIR.

As the commenter acknowledges, the delivery of water from MMMWC would require, among other things, subsequent discretionary approvals, including annexation. Beyond that, irrigation infrastructure (e.g., ditches, pumps and canals) would need to be constructed to deliver water to the Project, particularly at levels sufficient for commercial agriculture.

While the CEQA Guidelines (14 Cal. Code Regs., § 15125(a)(1)) acknowledge that the lead agency may define the environmental baseline relative to conditions “expected when the project becomes operational” when doing so is “necessary to provide the most accurate picture practically possible of the project’s impacts,” that situation is not applicable to the Project.

The commenter acknowledges that MMMWC would “consider” annexation. No substantial evidence exists to support the position that the site will be irrigated as of the expected commencement of Project operation, or even beyond that time. Indeed, mere speculation that about what could happen in the future (e.g., that MMMWC would consider annexation and the comment that the Draft EIR’s statement that the Project site has limited access to water “may not be an accurate statement”) does not amount to substantial evidence for purposes of CEQA. 14 Cal. Code Regs., § 15064. Accordingly, modifying the baseline, or assuming the likelihood of the site being irrigated for the purpose of evaluating any environmental impact would be inconsistent with CEQA.

The commenter makes reference to an official resolution of MMMWC—without describing the date of the resolution or a resolution number rendering it capable of identification—that purportedly states that MMMWC would “consider annexation” of lands in Spring Valley for purposes of providing irrigation water. This too, is speculative and does not amount to substantial evidence that the Project either has currently or will in the reasonably foreseeable future have access to irrigation water. 14 Cal. Code., Regs., § 15064. Merely averring the site could obtain access to water in the future after discretionary approvals, determinations of compliance with

MMMWC and Bureau of Reclamation, and then the completion of necessary construction and the availability of sufficient water via the Central Valley Project does not amount to substantial evidence.

received
11/12/2024

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November 12, 2024

Greg Plucker, Director
County of Colusa Community Development Dept.
1213 Market Street
Colusa, CA 95932

Re: Janus Solar and Battery Storage Project

Dear Mr. Plucker:

Please be advised that we represent Jean Terkildsen, Elizabeth Ferrini Katsaris and Matthew Ferrini, who are the owners of real property adjacent to the proposed Janus Solar and Battery Storage Project. On behalf of our clients, we make the following comments to the Draft Environmental Impact Report (DEIR) for the Janus Solar and Battery Storage Project.

COMMENTS WITH REGARD TO ENVIRONMENTAL ANALYSIS.

4.1 AESTHETICS.

This project contemplates the construction and operation of 196,000 solar panels to be placed on metal framework structures that would range between 6 and 13 feet above grade. The project would be located upon a 886 acre site with an estimated 666 acres being utilized for the placement of solar panels and battery storage. The solar panels would be dark blue or black in color. The subject property is located within an area of Colusa County known as Spring Valley. Historically, and currently, the property is an area of grassland hills utilized for grazing. This area remains in large part in its natural state and provides for natural views of the lower portions of the California coastal range and the Northern Sacramento Valley below.

There can be no questions that the project will significantly alter the aesthetic views of Spring Valley for the anticipated 35 years of the project's duration. Rather than views of the natural vegetation, which vary from brilliant green grasses in the spring and early summer to dry grasses in the summer and fall, the aesthetics of the 886 acres will be reformed into a dark blue or black reflective mass of glass and metal.

E-1

While the DEIR seeks to minimize the value of the existing aesthetics there can be no argument that the existing aesthetics will be significantly impacted.

E-1

While beauty may be in the eye of the beholder, my clients dispute the conclusion that the visual impacts would be less than significant. The recognition that there would be significant visual impacts must be recognized and dealt with within the Environmental Impact Report for this project.

4.9 HAZARDS AND HAZARDOUS MATERIALS.

The Janus project includes a 4 acre battery energy storage system (BESS). Within the BESS would be located lithium ion batteries. While the DEIR recognizes the potential for fire, thermal runaway conditions and explosion as potential impacts, it concludes that the impact would be less than significant because fire, thermal runaway and/or explosion would be contained within the modules.

E-2

However, if there were to be an extreme condition resulting in fire, thermal runaway or explosion, there is no analysis as to the impacts of escaping chemicals and/or gases, whether resulting from fire prevention activities, venting and exhaust or explosion. Without a full analysis of the hazards resulting from a catastrophic incident, the DEIR lacks sufficient analysis with respect to hazards and hazardous materials.

4.10 HYDROLOGY AND WATER QUALITY.

A project results in significant impacts to hydrology if it would:

Result in substantial erosion or siltation on or off site;

Substantially increases the rate or amount of surface runoff in a manner which would result in flooding on or off site; or

Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

E-3

The proposed project will result in 196,000 solar panels. The panels, although not specifically identified, will most likely be approximately 3 feet wide by 7 feet tall resulting in each panel consisting of 21 square feet. While the DEIR states that the project would introduce minimal stationary impervious surfaces, such is not the case. Rather, the solar panels that are contemplated are

impervious and will create over 4,000,000 square feet of impervious surface. Rain water that falls on the panel will fall to the low edge of the panel and will then flow through the natural drainage course. Rather than rain water being spread across the totality of the property as it is now, the project will result in an increase in runoff and potential channeling, erosion and overtaking of the current drainage system.

E-3

The DEIR does not address any of these concerns and therefore it is impossible for a determination to be made that there is less than a significant impact with regard to hydrology and drainage.

4.11 LAND USE AND PLANNING.

An EIR must discuss any inconsistencies between the proposed project and applicable general plans. 14 Cal. Code Regs Section 15125(b). A conflict between the project and provisions of a general plan will normally be evidence of a significant environmental effect.

E-4

When the Colusa County General Plan was adopted, it included as its first element an element not required under state law, but of critical importance to the citizens of Colusa. That element is the Agriculture Element.

The introduction to the Agriculture Element states the following: "Farming and relating agricultural industries are not only the background of Colusa County's economy, they also play a central role in the way of life of County residents and help define the character of the County. Throughout the development of the Colusa County General Plan, County residents, stake holders, business leaders and elected officials identified the protection of agricultural lands and the expansion of agricultural opportunities as some of the most critical issues to be addressed in the General Plan."

E-5

The Agriculture Element contains goals, objectives, policies and action items geared towards the protection of agricultural lands, the expansion of agricultural operations, and the reduction of conflicts between agricultural and non-agricultural land uses."

Identified below are numerous provisions of the Colusa County General Plan that we believe the proposed project is inconsistent with.

Objective AG1-A: "Recognize that agricultural land is the County's greatest natural asset and take appropriate measures to restrict the conversion of agricultural lands to non-agricultural

uses."

Policy AG1-8: "Protect agricultural lands from urban encroachment by limiting the extension of urban service facilities and infrastructure, particularly public water and sewer."

Policy AG1-9: "Encourage the conservation of agricultural lands using available programs that provide benefit to the County and/or farmers."

Action AG1-A: "Monitor the conversion of agricultural lands (AG, AU and AT) located outside of urban and urban reserve areas to non-agricultural uses."

Policy AG1-12: "Agricultural uses shall continue to be protected through ongoing adherence to the implementation of the County's Right to Farm Ordinance (Colusa County Code Chapter 34, Farming Practices)."

Objective AG2-A: "Expand opportunities to economic development and increased agricultural production by allowing agricultural processing facilities and uses directly supporting agriculture in all agricultural land use categories."

Policy AG2-1: "Agricultural related industrial support operations shall be permitted on agriculture lands. Such uses may include, but are not limited to, processing, assembly, distribution and warehousing of agricultural materials and commodities and alternative energy systems that provide energy for on-site uses. These uses should be permitted on agricultural lands as principal permitted uses subject to the standards of the Zoning Ordinance provided the following findings are made:

a. The use provides a needed service to the surrounding agricultural area which cannot be provided more efficiently within designated industrial or commercial uses or which requires location to a non-urban area because of unusual site requirements, operational characteristics or proximity to agricultural goods and products....

Policy AG2-4: "The exploration and extraction of oil, gas and other mineral resources may be allowed on agricultural grounds, provided the activity is conducted in a way that minimizes interference with agricultural operations and does not result in permanent loss of the agricultural viability of the land."

Policy AG2-5: "Encourage and supply the development of new agricultural related industries featuring alternative energy,

E-5

utilization of agricultural waste, biofuels, and solar or wind farms."

Policy LU1-7: "The land use map may be amended from time to time to ensure that there is an adequate supply of industrial, commercial, public service, residential, and other lands to serve the County's economic needs. However, agricultural and open space lands shall not be re-designated or developed for urban or residential uses unless:

The proposed use is necessary for the economic agricultural and social well being of the County.

The proposed use will not conflict with existing or anticipated uses in the vicinity."

Goal LU-2: "Maintain agriculture as the paramount land use in the County and ensure land use and planning decisions support a strong agricultural economy."

Objective LU-2A: "Conserve and protect agricultural lands through a variety of strategies, including general planning, zoning, taxation, and easements."

Policy LU2-2: "Ensure that future development and land use decisions protect the integrity of agriculture and do not in any way create a hardship for the County's farmers."

Policy LU2-3: "Ensure that lands presently in agricultural uses that do not adjoin existing communities continue to be designated for agricultural uses and are protected through the County's land use regulations."

Policy LU2-5: "Require lands designated Agricultural General, Agricultural Transition or Agricultural Uplands to remain designated for agricultural use, including businesses or uses that directly support County agricultural activities for at least the duration of the planning period, with the exception of lands re-designated consistent with the requirements of Policy LU1-7."

Policy LU2-6: "Discourage the division of land in agricultural areas if the division is not for the purpose of farming or other agricultural activities or if the division precludes the future opportunity to farm the ground."

Policy LU2-10: "Restrict mining activities such as the extraction of oil, gas, or other materials and natural resources, to avoid or minimize to a level of non-significance, impacts and to avoid

E-5

or minimize conflicts with agricultural uses and farming activities. Enforce land use compatibility provisions of the Williamson Act when such activities impact contracted lands."

Policy OSR 1-11: "To the maximum extent feasible, the significant open space resources in the County, such as the western foothills, Indian Valley, and Bear Valley should remain visually undisturbed."

Policy CON 2-4: "Allow alternative energy production infrastructure (such as solar panel arrays) that limits energy generation to the amount necessary to support on-site uses in all land use designations as a principally permitted use, provided that the project complies with the following:

- a. Does not detract from the visual character from the area and are either screened or designed to blend with the other uses on the site.
- b. Is sized to produce energy in amounts comparable with the amount demanded by on-site uses.
- c. Does not exceed noise standards.
- d. Does not create a nuisance to adjacent properties."

The DEIR's conclusion that the project is consistent with each and every general plan goal and policy referenced within the DEIR is totally lacking in any evidentiary support. The proposed project converts 886 acres of agricultural upland property from its current agricultural use to a commercial/industrial solar and battery electrical utility use. The project goal has absolutely no tie to agriculture and will provide no support of any type to the Colusa County agricultural environment. The DEIR further serves to degrade the property and its agricultural use and benefits. Cattle ranching and sheep ranching have been an integral part of Colusa County's agricultural heritage since statehood. To suggest that this project is consistent with the numerous general plan policies and goals ignores the true facts and circumstances and equates to a desired conclusion without any factual basis. Conclusions absent a factual basis are not favored under the EIR process. The conclusions of consistency need to be revised and analyzed as significant environmental impacts.

The subject property upon which the project would be constructed is currently subject to a Williamson Act contract. While the DEIR references that the Williamson Act contract terms are

E-5

E-6

E-7

currently under review, the DEIR recognizes that new provisions that would permit property in the Williamson Act to be utilized as an industrial commercial utility site are not currently in place. The DEIR needs to evaluate the inconsistency with the Williamson Act contract as it presently stands and not by what possible changes to Williamson Act contracts might be in the future.

E-7

4.20 WILDFIRE.

The proposed project includes an overhead 60KV power line four miles in length along the County right of way on Spring Valley Road and Walnut Drive. The project location is in a recognized high fire zone and power has been shutoff by PG&E in this area because of high winds two times for several days each within the past two weeks. While the DEIR makes reference in alternatives to the project to undergrounding the power line, it dismisses that alternative as being too expensive.

E-8

The DEIR should include an analysis of the safety, or lack thereof, of the type of proposed power lines, poles and connectors, together with whether an overhead transmission wire of such height and length will impact the ability of nearby property owners to procure and obtain fire insurance for their property and improvements and whether the cost of acquiring such insurance will be affordable. The public is entitled to such information particularly in light of the current insurance crisis in the State of California. Local residents should not have to bear a lack of affordable fire insurance to permit a project such as that proposed to be constructed.

E-9

DECOMMISSIONING

The project contemplates that at the end of its 35 year term of operation that the solar arrays, batteries, the battery storage systems and other components of the project will be decommissioned. While the DEIR mentions decommissioning, the only condition with regard to decommissioning is that a performance bond will be required. The issue of decommissioning should be of utmost important and concern to the County of Colusa and the public. If at the end of its operational term, or before, should the project become no longer economically feasible, the project operator may very well no longer be solvent, and it must be anticipated that the project could be abandoned. Such an abandonment could leave the County of Colusa, and its citizens, responsible for decommissioning. In view of these possibilities, the DEIR should have fully studied and analyzed the issue of decommissioning, the cost of said decommissioning some 35 years hence, and whether securing and obtaining a bond is even feasible or possible. The DEIR is devoid of any studies with respect

E-10

to decommissioning and the economic requirements to decommission a project of this size and scope. The DEIR merely references that at some point in the future an unknown individual or individuals will make some estimate as to decommissioning costs and a bond amount will be fixed. Leaving such a paramount issue for future determination is not favored under California law. The decision makers, and the public are entitled to be fully advised with respect to an issue as important as decommissioning a project that will include 196,000 solar panels together with their tracking arrays and a battery storage complex of 4 acres. The failure to study, analyze and determine the best methods to ensure that the decommissioning of the project occur must be a component of this DEIR. Failure to include such pertinent information renders the DEIR inadequate, and results in the project exposing the County of Colusa and its citizens to a potential significant environmental and economic impact.

E-10

MITIGATION MONITORING

An additional significant omission from the DEIR is the discussion of an appropriate and effective Mitigation and Monitoring and Reporting Program. The lead agency must adopt a reporting or a monitoring program that is designed to ensure compliance with the adopted mitigative measures. While the DEIR contains numerous mitigation measures there is no discussion as to how those measures will be monitored to ensure compliance and what consequence will be imposed upon the project operator should required mitigation measures not be employed. The DEIR should have reviewed and recommended specific means and manners for the monitoring to occur. This is particularly incumbent in our County in light of the fact that our Community Development Department, which includes the planning division, has extremely limited resources and may not have persons capable or competent of understanding and being in a position to determine whether the required mitigation is in fact being employed. The decision makers, and the public, are entitled to be fully advised as to how the monitoring and reporting for compliance of mitigative measures will proceed, who will be responsible for reporting, who will incur the cost of mitigation monitoring and what will be the consequences if there is non-compliance? The DEIR fails to address this very significant issue and at times places monitoring in the hands of the contractor which is a complete abdication of mitigation monitoring.

E-11

The failure to appropriately study, review and establish appropriate parameters for an effective mitigation monitoring and reporting program should be addressed in the DEIR.

PROJECT ALTERNATIVES.

A requirement of an EIR is to include within the document, alternatives to the project. The DEIR does include a chapter on project alternatives. However, the alternatives considered within the DEIR do not include what we consider to be the most appropriate alternative which would be to locate a project of this size and scope within an area of the County designated for and zoned for industrial purposes which includes solar energy systems. This omission is significant and should be addressed as a part of the environmental review process.

E-12

We appreciate your consideration of these comments and we will look forward to receiving your meaningful responses to them.

Very truly yours,

CLARK & NELSON

By 
David R. Nelson

DRN:d

cc: Jean Terkildsen
Elizabeth Ferrini Katsaris
Matthew Ferrini

E CLARK & NELSON

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

E-1Response:

Please refer to Comprehensive Response R12.1 and Section 4.1 of the EIR, *Aesthetics*, which discuss the Project's impacts on viewshed and aesthetics. The EIR properly analyzed Project aesthetics in accordance with significance thresholds in Appendix G of the CEQA Guidelines and did not find significant impacts related to aesthetics or viewshed.

The EIR acknowledges that the Project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting and would be visible from adjacent locations along Spring Valley Road. The EIR discusses how the colors, regular geometric forms and horizontal lines associated with the solar arrays and associated infrastructure would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, when evaluating the Project's contrast with existing agricultural lands, it is important to note that the vegetative ground cover on the Project site would be visible below the solar panels and consistent with the existing vegetation in the area. In addition, during the majority of the day, the panels will be oriented closer to a horizontal alignment that allows views through the Project site, reducing attention to and contrast from the Project.

As discussed in the EIR, the Project would substantially change the characteristics of the site from agricultural to man-made structures; however, the Project site does not contain significant scenic features. There are no interesting landforms on site; the vegetation has little variety of patterns, forms, textures, or colors; and the scenic features are not unique or rare within a region. The adjacent off-site rolling hills and occasional trees provide interesting scenic features, and the Project would not block views of these hills and trees. As the Project would for most of the day have a weak contrast, it would not significantly change the quality of the site's existing level of visual quality, and would not block views of the adjacent scenery, impacts would be less than significant.

E-2Response:

Please refer to Comprehensive Response R1.1.

E-3Response:

Please refer to Comprehensive Responses R.4.1 and R4.2. As discussed in Section 4.10, *Hydrology and Water Quality*, of the EIR, while the solar panels are impervious surfaces, they would tilt to track the sun, therefore, any rainwater falling on them would slide off and infiltrate the surrounding ground surface. Additionally, the Project would be compliant with the NPDES Construction General Permit, including the associated SWPPP and BMPs, and with comply with

Section 44.2-20.20 of the Colusa County Zoning Code which requires there is no net increase in offsite drainage flows, including peak flows during a storm event.

E-4Response:

Please refer to Comprehensive Responses R14.1, R14.2, R14.3, and R14.4 regarding the Project's consistency with the Colusa County General Plan.

E-5Response:

Please refer to Comprehensive Responses R14.1, R14.3, and R14.4 regarding the Project's consistency with the General Plan's agricultural element and goals. EIR Section 4.11, *Land Use/Planning*, includes a detailed evaluation of the Project relative to the General Plan and Zoning Code and concludes that the Project would not "cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." Table 4.11-1, *Consistency Analysis with Colusa County General Plan*, analyzes the Project's consistency with the relevant objectives, policies, and goals of the General Plan, including many of those identified by the commenter.

The County has determined through its General Plan process that solar is compatible with ongoing agricultural uses in the vicinity. In particular, General Plan Policy AG 2-5 identifies solar farms as an agricultural-related industry that the County seeks to encourage and support. The General Plan also provides specific guidance for the evaluation of certain uses that are compatible with agricultural lands, like alternative energy production (including solar). On-site solar that supports agriculture-related industries is a permitted use allowed "by right" (i.e., without the issuance of a Use Permit); off-site solar is also a compatible use, subject to a Use Permit. The Project aligns with these policies, and the applicant is seeking the proper approvals based on the County's adopted policies.

The Project also does not conflict with the County's overarching goal to maintain and enhance agriculture as the County's most critical land use (see e.g., Goal AG-2). As evaluated in Section 4.2, *Agriculture and Forestry Resources*, the Project is not located on Prime farmland and the landowner's existing dryland cattle grazing operation will continue on other portions of the property without reducing the size of the herd as a result of the Project. The Project also does not cause land to be rezoned or redesignated to an urban use.

In addition, AG 2-5 was included in the 2012 General Plan EIR as a policy to mitigate potential impacts from Greenhouse Gases. Policies CON 2-2 and CON 2-3, which encourage the development of solar facilities and allow solar in areas with agricultural land use designations with a Use Permit, were developed to mitigate potential significant impacts from an increase in stationary sources.

Thus, General Plan policies, objectives, and goals pertaining to the maintenance and protection of agricultural uses identified by commenter do not conflict with solar development. In addition, the Project will not conflict in other ways by interfering with the ability to conduct other agricultural activities in the County, requiring rezoning to urban uses, involving mining activities, or resulting

in the permanent loss of farmland, as the Project site will be restored to its existing state upon decommissioning.

E-6Response:

Please refer to the response to comments **E-4** and **E-5** above for a discussion of the Project's consistency with the General Plan. Further, General Plan consistency under CEQA is a determination of overall compatibility with the terms of the applicable plan and not "rigid conformity with every detail." See *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal. App. 4th 656, 678. The Project will be constructed on non-prime agricultural land (with no irrigation connection), the property will not be re-zoned for urban uses, and the property owner will integrate the use with ongoing grazing operations. The Project is consistent with the General Plan's vision of passive, off-site solar that is compatible with agriculture subject to a Use Permit.

E-7Response:

Please refer to Comprehensive Response R15.1 and Section 4.2, *Agriculture and Forestry Resources*, regarding the Project's compatibility with the Williamson Act. While the County is working on a comprehensive update to the County's Williamson Act Program, the Project was analyzed under the current contract adopted by the County under Resolution 02-82.

E-8Response:

Please refer to Comprehensive Response R2.4 and R6.2.

E-9Response:

Please refer to response **HC-3**.

E-10Response:

Please refer to Comprehensive Responses R7.1, R7.2, R7.3, and R7.4 regarding decommissioning plans and securing the costs for decommissioning. The applicant will be required to post a bond as a requirement of the Use Permit to ensure that funds will be available for decommissioning.

E-11Response:

A Mitigation Monitoring and Reporting Program (MMRP) is not part of the EIR but is part of the CEQA process. As required by Cal. Pub. Res. Code § 21081.6:

"The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be

designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.”

An MMRP will be included as part of the Planning Staff Report, provided to County decisionmakers for their review.

E-12**Response:**

Please refer to Comprehensive Responses R17.8.



November 13, 2024

Submitted to: Greg Plucker
Colusa County Community Development Agency
Colusa County as Lead Agency for Janus Solar Project

Submitted by: Adam Borchard

Sent via e-mail: gplucker@countyofcolusaca.gov

Dear Mr. Plucker:

This letter is submitted during the public comment period on the Draft Environmental Impact Report (DEIR) related to the proposed Janus Solar Project, for which Colusa County Community Development Agency is the lead agency.

Commenting in my individual capacity as a water and natural resource policy professional in California, the comments in this letter pertain to the sections of the DEIR related to groundwater resources. Throughout the DEIR, including the Water Supply Assessment, the project applicant states multiple claims, assertions, and assumptions unfounded or unsupported by accompanying explanation about the project's benefits for the county's groundwater resources.

Due to a lack of adequate explanation, as lead agency, the Colusa County Community Development Agency should ask the project applicant the following questions:

- | | |
|---|-----|
| 1. Is the project applicant claiming that the project location will become a groundwater recharge site or facility? | F-1 |
| 2. Has the project applicant consulted the Colusa Groundwater Authority regarding the project site and its hydrologic characteristics? | F-2 |
| 3. What was the full scope of the consultation by the Colusa Groundwater Authority? | F-3 |
| 4. Who at the Colusa Groundwater Authority did the project applicant consult? | F-4 |
| 5. What are the professional qualifications, expertise, and experience of the staff at the Colusa Groundwater Authority who was consulted by project applicant? | F-5 |
| 6. When did project applicant consult with the Colusa Groundwater Authority? | F-6 |
| 7. Did the staff at the Colusa Groundwater Authority physically inspect the project site? | F-7 |

8. Was the proposed project's groundwater resource impacts reviewed under consideration of the latest version of the Colusa Groundwater Authority's groundwater sustainability plan, or GSP?	F-8
9. Did the project applicant consult or retain, as a subject matter expert, a hydrologist, geologist, soil scientist, environmental scientist, or natural resources specialist regarding the proposed project and the project site's hydrologic, soil, geologic, topographic, and seismic characteristics?	F-9
10. If a subject matter expert was consulted or retained, what is the expert's name?	F-10
11. If a subject matter expert was consulted or retained, what are the expert's professional qualifications, expertise, and experience?	F-11
12. If a subject matter expert was consulted or retained, is or was the expert an employee of project applicant?	F-12
13. If a subject matter expert was consulted or retained, was the expert an independent third party?	F-13
14. If a subject matter expert was consulted or retained, did or does the expert have a financial, pecuniary, or other property interest in project applicant and its business activities and operations?	F-14
15. If a subject matter expert was consulted or retained, what was the full scope of the consultation?	F-15
16. If a subject matter expert was consulted or retained, when did the consultation occur?	F-16
17. If a subject matter expert was consulted or retained, did the expert physically inspect the project site?	F-17
18. If a subject matter expert was consulted or retained and if a physical inspection of the project site occurred, when did the inspection occur?	F-18
19. If a subject matter expert was consulted or retained, did the expert produce written or verbal reports or offer recommendations?	F-19
20. If a subject matter expert was consulted or retained, was the expert familiar with the latest version of the Colusa Groundwater Authority's GSP at the time of consultation on behalf of the project applicant?	F-20
21. Did the project applicant consult or retain multiple subject matter experts, and if so, did they offer conflicting observations, recommendations, or reports?	F-21

Without adequately addressing the questions above, the DEIR's analysis regarding groundwater resources is insufficient.

Thank you for the opportunity to submit this letter, and I appreciate your consideration of my comments.

Sincerely,

Adam Borchard

F ADAM BORCHARD

The commenter asks a series of questions regarding the role of the Colusa Groundwater Authority (CGA) in the Project's approval process. CGA is a joint powers authority responsible for implementing the Sustainable Groundwater Management Act in the Colusa County.

The Project is a solar project and is not required to consult or solicit consultation from CGA (CWC Chapter 5 § 10725-10726.9). However, any potential groundwater impacts from a project are required to be disclosed under SB 610, which requires that a project be supported by a water supply assessment (WSA) if the project is subject to CEQA and is an industrial project of more than 40 acres in size. In compliance with SB 610, this Project has developed a WSA, which assesses potential impacts to the Colusa Subbasin using the best available water budgeting data from CGAs GSP (Appendix H of the DEIR). Additionally, the CGA, like any other organization, can comment on discretionary projects through the public review process. The CGA has not commented on this Project.

The County has reviewed this comment letter and, in summary, the commenter does not identify any new significant environmental impacts not addressed in the EIR or WSA, but rather asks a series of questions outside the context of environmental impacts. An EIR does not need to provide all information requested by reviewers, as long as the report, when looked at as a whole, reflects a good faith effort at full disclosure. 14 Cal. Code Regs § 15204(a). The County has prepared the following in the interest of providing the best response possible given the ambiguity.

F-1Response:

Please refer to Comprehensive Response R5.2.

F-2Response:

Please refer to Comprehensive Response R17.8. The Project utilized publicly available information published by the Colusa Groundwater Authority in its analyses.

F-3Response:

Please refer to Comprehensive Response R17.8.

F-4Response:

Please refer to Comprehensive Response R17.8.

F-5Response:

Please refer to Comprehensive Response R17.8.

F-6Response:

Please refer to Comprehensive Response R17.8 and response **F-2**.

F-7Response:

Please refer to Comprehensive Response R17.8.

F-8Response:

Please refer to Comprehensive Response R5.2.

F-9Response:

Please refer to Comprehensive Response R17.8. Additionally, Chapter 6 of the Final EIR has been updated to include additional technical Subject Matter Experts who prepared the EIR and supporting documents.

F-10Response:

Please refer to Comprehensive Response R17.8. Additionally, Chapter 6 of the Final EIR has been updated to include additional technical Subject Matter Experts who prepared the EIR and supporting documents.

F-11Response:

Please refer to Comprehensive Response R17.8.

F-12Response:

Please refer to Comprehensive Response R17.8.

F-13Response:

Please refer to Comprehensive Response R17.8.

F-14Response:

Please refer to Comprehensive Response R17.8.

F-15Response:

Please refer to Comprehensive Response R5.2 and R17.8.

F-16Response:

Please refer to Comprehensive Response R17.8.

F-17Response:

Please refer to Comprehensive Response R17.8.

F-18Response:

Please refer to Comprehensive Response R17.8.

F-19Response:

Please refer to Comprehensive Response R17.8. Additionally, Chapter 6 of the Final EIR has been updated to include additional technical Subject Matter Experts who prepared the EIR and supporting documents.

F-20Response:

Please refer to Comprehensive Response R17.8.

F-21Response:

Please refer to Comprehensive Response R17.8. Additionally, Chapter 6 of the Final EIR has been updated to include additional technical Subject Matter Experts who prepared the EIR and supporting documents.

Greg Plucker



From: Annamarie Louie <annamarie.marsh@gmail.com>
Sent: Tuesday, November 12, 2024 4:28 PM
To: Greg Plucker; Patricia Rodriguez; Tiffany Jorgensen
Subject: Public comments for DEIR

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To: Greg Plucker
Colusa County Community Development Agency
Colusa County as Lead Agency for Janus Solar and Battery Storage Project

From: Annamarie Marsh Louie
Sent via email: gplucker@countyofcolusaca.gov

This is regarding public comment on the DEIR related to Janus Solar and Battery Storage Project for which Colusa County Community Development Agency is the lead agency.

My comments regarding the DEIR (Draft Environmental Impact Report) are the following:

1. The DEIR failed to adequately consider feasible alternatives to the project as required by CEQA.

There are alternative areas within Colusa County that provide for a safer location for the proposed solar facility. There are other areas closer to Colusa that would be more suited for larger solar energy projects.

Roof-top or individual residential solar installations are not adequately addressed in the DEIR. Residents all over California are benefiting by providing power on their own property and reducing their electric bills while allowing multi-use such as some small scale farming and grazing of sheep, I see substantial benefit in individual residential solar development. The analysis on this alternative is insufficient in the DEIR.

G-1

2. The DEIR failed to consider the cumulative impacts especially in relation to reasonably foreseeable future projects in the adjacent area.

The location of the solar facility in high fire danger areas is irresponsible and endangers the safety of all county residents as well as the delicate flora and fauna of the western foothills region. The area is also extremely difficult to access quickly for first responders. The DEIR fails to address the added resources needed to deal with additional solar developments should they follow in the western foothill area and the added pressure and environmental impacts that will occur with these developments.

G-2

3. The DEIR failed to adequately address significant environmental impacts, and the DEIR omitted necessary information and analysis.

The health, safety and wellbeing of the Colusa County residents is my concern as well as the delicate environment of the western foothills. Mitigation measures aren't adequately assessed.

G-3

Thank you.

Please confirm receipt of this emailed letter.

G ANNAMARIE MARSH LOUIE

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

G-1Response:

The commenter states that the EIR fails to address rooftop or individual residential solar installations, but does not explain how such an approach would meet the Project's objectives. As discussed in Section 5.4, *Distributed Solar*, this alternative was analyzed in depth in the EIR and was rejected because it would not be an efficient or effective alternative. In particular, it would be difficult to meet the Project objective of generating 80 MW of electricity because neither the Project applicant nor the County controls access to privately-owned rooftops within the County's jurisdiction. This alternative would also not assist in meeting the CPUC Energy Storage Framework and Design Program objective because it would not include energy storage, such as the BESS included in the proposed Project.

G-2Response:

The commenter states that the EIR fails to consider the impact of installing the Project in an area with fire risks. The EIR addresses these risks as discussed in Comprehensive Responses R2.1, R2.2, R2.3, R2.8, R2.9, and R2.10. The comment does not raise new information that has not already been considered in the EIR.

G-3Response:

The commenter states that environmental impacts and their mitigation measures were not addressed throughout the EIR. The EIR includes an in-depth analysis of the Project's potential environmental impacts, including Section 4.4, which discusses impacts on biological resources. Please refer to Comprehensive Response R17.8, regarding the level of detail required by CEQA.

November 12, 2024



Submitted to: Greg Plucker
Colusa County Community Development Agency
Colusa County as Lead Agency for Janus Solar Project

Submitted by: Bernadette Marsh

Sent via e-mail: gplucker@countyofcolusaca.gov

Dear Mr. Plucker:

This letter is submitted during the public comment period on the Draft Environmental Impact Report (DEIR) related to the proposed Janus Solar Project, for which Colusa County Community Development Agency is the lead agency.

Below are my comments regarding the DEIR:

1. The DEIR failed to adequately consider feasible alternatives to the project as required by the California Environmental Quality Act, also known as CEQA.

There are alternative areas within Colusa County that provide for a safer location of the proposed solar facility. There are other areas that would be more suited for solar energy projects, including land adjacent to the city of Colusa, where residential, commercial, and industrial customers could more appropriately benefit from this proposed project.

Given recent service unreliability of Pacific Gas & Electric (PG&E) and electric service disruptions due to public safety power shutoffs in anticipation of increased fire danger in rural wildland and rangeland areas of northern California (such as the proposed project site), the county should consider establishing a microgrid for Colusa.

Roof-top or individual residential solar installations are also not adequately addressed in the DEIR. As I personally have one on my own property, which produces reduced residential power and electric bills and allows co-grazing of sheep, I see substantial benefit in individual residential solar development. The analysis on this alternative is insufficient in the DEIR.

2. The DEIR failed to consider the cumulative impacts, especially in relation to reasonably foreseeable future projects in the adjacent area.

The location of the solar facility at the proposed project site will promote subsequent additional solar development in an area with known fire hazard, risk, and danger that is difficult to access by first responders. The DEIR fails to address the added resources needed to deal with additional solar developments in the western foothill area and the added pressure and environmental impacts that will reasonably and foreseeably occur.

H-2

3. The DEIR failed to adequately address significant environmental impacts, and the DEIR omitted necessary information and analysis.

My concerns relate to the health, safety, and wellbeing of Colusa County residents, the environment, as well as the workforce that would be required to install that facility. The dust mitigation, associated soil erosion, and the overall solar installation are not adequately described, and as such, the mitigation measures cannot be adequately assessed.

H-3

Thank you for the opportunity to submit this letter and for your consideration of my comments during the public comment period.

Sincerely,

Bernadette Marsh

H BERNADETTE MARSH

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

H-1Response:

Please refer to responses **HC-22** regarding the evaluation of alternative locations and **HC-1** and **HC-14** regarding PG&E service disruptions.

The commenter also states that the EIR fails to address rooftop or individual residential solar installations but does not explain how such an approach would meet the Project's objectives. As discussed in Section 5.4, *Distributed Solar*, this alternative was analyzed in depth in the EIR and was rejected because it would not be an efficient or effective alternative. In particular, it would be difficult to meet the Project objective of generating 80 MW of electricity because neither the Project applicant nor the County controls access to privately-owned rooftops within the County's jurisdiction. This alternative would also not assist in meeting the CPUC Energy Storage Framework and Design Program objective because it would not include energy storage, such as the BESS included in the proposed Project. Please also refer to Comprehensive Responses R17.8 regarding the scope of review required under CEQA.

H-2Response:

The commenter states that the EIR fails to consider the impact of installing the Project in an area with fire risks. The EIR addresses these risks as discussed in Comprehensive Responses R2.1, R2.2, R2.3, R2.8, R2.9, and R2.10. The comment does not raise new information that has not already been considered in the EIR.

H-3Response:

The commenter states concerns regarding the health and safety impacts of the Project. Section 4.3, *Air Quality*, of the EIR includes fugitive dust mitigation measures that would result in less than significant impacts with their implementation. Section 4.10, *Hydrology and Water Quality*, of the EIR discusses the Project's compliance with the NPDES Construction General Permit, including an associated SWPPP and BMPs, as well as compliance with § 44.2-20.20 of the Colusa County Zoning Code, which requires there is no net increase in offsite drainage flows, including peak flows during a storm event. Please also refer to Comprehensive Response R.9.1, which discusses dust mitigation and response **E-3** regarding the Project's drainage.



November 13, 2024

Greg Plucker
Colusa Community Development Director
1213 Market Street
Colusa, CA 95932

Re: DEIR- Janus Solar Project

Dear Mr. Plucker:

The following is a partial list of concerns which have not been satisfactorily addressed in the "new "DEIR.

Alternative Sites:

As discussed at the Public Comment Meeting- there is no alternative site being seriously considered. This is a requirement of the DEIR and must be addressed.

I-1

Fire Protection and Water Supply:

This site is in a high fire zone. In the month of October alone, the PG&E found it necessary to shut the power off for several days due to high winds. Spring Valley Road is a gravel, one way road. How is this problem going to be solved?

I-2

A 50,000-gallon water tank, located on the project site, is to be serviced by the City of Williams. What agreement, cost and availability, has been reached with the city? There will be drought years during the thirty-five-year lease.

I-3

Williamson Act:

The property has not been removed from this act. What effect will this removal have on adjacent landowners? You can't have it both ways, the site should either be in or out.

I-4

Property Taxes and Insurance:

Has the affect on adjoining landowners been considered in the DEIR?

Financial Commitments and Agreements:

Increase in property taxes?

Jobs for 200 workers?

Money for schools and recreation?

Closure of the facility in 35 years?

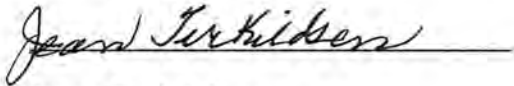
An economic study should be required to answer these concerns.

I-5

NO SIGNIFICANT IMPACT (on who) is not an acceptable response to these comments.

I-6

Sincerely,

A handwritten signature in cursive script, reading "Jean Terkildsen", written over a horizontal line.

Jean Terkildsen

I JEAN TERKILDSSEN

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

I-1Response:

Please refer to response **HC-22**.

I-2Response:

Please refer to response **HC-1** and **HC-14**.

I-3Response:

Section 4.17.4, *Utilities and Service Systems: Impact Analysis* and Appendix H, *Water Supply Assessment* discusses the water supply for the Project. The commenter also asked about contracts between the applicant and the City of Williams concerning a water tank on the site. Per Section 15131 of the CEQA Guidelines, this information is not relevant to CEQA and is therefore not addressed in the EIR. However, the City of Williams has confirmed water availability for the Project.

I-4Response:

Please refer to Comprehensive Response R15.1 regarding the Project's consistency with the Williamson Act. The Project is also not anticipated to compromise the long-term agricultural capacity or to significantly displace or impair reasonably foreseeable agricultural use of other contracted parcels in the County. No substantial evidence for purposes of CEQA or otherwise has been provided to suggest that the Project will result in such impacts to other properties. See Impact 4.2-2, analyzing whether the Project conflicts with existing zoning for agricultural use or a Williamson Act contract.

I-5Response:

The fiscal aspects of a project are not required to be included in the environmental impacts analysis, and the commenter does not allege that any particular fiscal analysis relevant to a potential environmental impact is lacking. Economic considerations generally are not relevant to the CEQA analysis. See 14 Cal. Code Regs., § 15131. However, this issue is of concern, and it is anticipated that the staff reports prepared for the Project will provide information on this topic.

I-6

Response:

The County has prepared responses in accordance with CEQA Guidelines.



November 12, 2024

To: Greg Plucker
Colusa County Community Development Agency
Colusa County as Lead Agency for Janus Solar and Battery Storage Project

From: Antoinette Marsh, MS, PhD
Sent via email: gplucker@countyofcolusa.com

This document (and attached appendix) is for public comment on the DEIR related to Janus Solar and Battery Storage Project for which Colusa County Community Development Agency is the lead agency.

Below I pose several issues/comment/concerns regarding the DEIR (Draft Environmental Impact Report).

1. The DEIR failed to adequately consider feasible alternatives to the project as required by CEQA.
2. The DEIR failed to consider the cumulative impacts especially in relation to reasonably foreseeable future projects in the adjacent area.
3. The DEIR failed to adequately address significant environmental impacts, and the DEIR omitted necessary information and analysis.
4. The DEIR does not propose sufficient mitigation measures to reduce significant environmental impacts to a less-than-significant level.
5. The Colusa County General Plan does not allow for the Project at that site and any decision with disregard to the holistic environmental review and analysis to Colusa County General Plan is an abuse of discretion since land development and planning should take a holistic review, receive comment and review (public and governmental agencies) rather than piece-meal approach.
6. Safety and well-being to Colusa County is missing to describe the Project as not harming Colusa County or the environment through direct or indirect impacts.
7. The DEIR contains factual errors and approval assumptions, causing some concerns about credibility of details including the descriptions, risk, and mitigation strategies.

1. The DEIR failed to adequately consider feasible alternatives to the project as required by CEQA.

A. Lack of reasonable review and analysis by the Lead Agency

One of the requirements of a CEQA is to consider and evaluate alternatives to the proposed project. The inclusion of the Northeast site containing 15 contiguous parcels totaling approximately 917 acres without any demonstration of consultation with the owner(s) of those parcels is shorting the CEQA processes, procedures and requirements. Moreover, it is inefficient use of agencies time and resources to include a site without any due diligence to determine the viability of the site as a feasible alternative. The lead agency recklessly included this site in the DIER. Under CEQA, “[b]efore using a draft prepared by another person, the Lead Agency shall subject the draft to the agency’s own review and analysis. The draft EIR which is sent out for public review must reflect the

independent judgment of the Lead Agency. The Lead Agency is responsible for the adequacy and objectivity of the draft EIR.” (see CEQA Statutes and Guidelines)

Mr. Plucker, as a county employee could easily determine who owned the “Northeast site” after reviewing the DEIR (prior to release for public comment) and determine if this was a properly listed feasible alternative to be included in the review and analysis. A reasonable lead agency official would be on notice after seeing that “the Applicant does not have the Northeast Site under site control” (see DEIR 3-5) to further investigate under his own review and analysis. However, that was not done, and it was discovered during a County-hosted meeting *after the DEIR was disseminated to the required governmental agencies* and the public that the “Northeast site” was not available, nor was the current owner(s) aware of the listing of the “Northeast site” in the DEIR. (comment by Mr. Kelly Orbaum, Planning Commission Meeting, October, 2024).

Furthermore, inclusion of the Northeast site and comment by Mr. Kelly Orbaum suggests that the DEIR contains questionable credible information. Moreover, within the DEIR, (3-1), it states, “[a]n EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.” Why then is DEIR making a representation of Mr. Kelly Orbaum’s property as an alternative site that is speculative and not compliant with CEQA Guidelines in evaluating alternative locations? It is a knowingly waste of government resources to have included the Northeast site.

B. Inability of other agencies and the public to adequately consider feasible alternatives.

The Lead Agency shall not knowingly release a deficient document hoping that public comments will correct defects in the document. Section 21083, Public Resources Code; Reference: Sections 21082 and 21082.1, Public Resources Code; Russian Hill Improvement Association v. Board of Permit Appeals, 44 Cal. App. 3d 158 (1975). The DEIR remains on the Colusa County website for Public Review. Yet, this alternative site (as required under CEQA), remains within the DEIR and essentially governmental agencies and the public (unless they attended the County-hosted meeting) are *unaware of this reckless inclusion of non-factually correct data* which is a significant part of the CEQA process and analysis. It is also wasteful of governmental agencies’ time and resources to have them evaluate an alternative site, including the analysis within the DEIR when a reasonable individual would confirm (or at least even attempt to contact the owner) for the availability of approximately 917 acres for the Project.

2. The DEIR failed to consider the cumulative impacts especially in relation to reasonably foreseeable future projects.

A. The zone of influence and land use should be part of the cumulative impacts analysis, particularly relating to loss of farmland to large concentration of utility sized solar developments sprouting, growing and taking over large tracts of lands.

In science there is a maxim, “garage data in: garage science out” likewise when evaluating the LESA modeling and impact to loss of farmland one could say, *outdated modeling and inappropriate scoring and weighting leads to inaccurate (outdated) impact analysis and the wrong conclusions.*

In the 1997 California Agricultural Land Evaluation and Site Assessment Model (LESA), nowhere is the word “solar” used; however, water and zone of influence is. One could indicate that the zone of influence for solar development is a new variable that *is not accounted* for in the LESA model as it was not envisioned over 25 years ago in 1997 when the model was developed, nor likely when the LESA 2011 Appendices A and B (now over a decade old) were developed. Although the LESA model provides some basic information for the reviewer, **the generation of solar tracts now need to consider how one solar development will influence and cause additional solar developments to occur within the same or nearby geographic areas.** There is now adequate evidence to implement this into a model for farmland loss.

Solar facility development accounted for 17,192 acres of urban development between 2016 and 2018. Solar facility construction was a significant component of the urban increases in Imperial (91%), Kern (73%), Los Angeles (67%), and Fresno (63%) counties. (see www.conservation.ca.gov)

The LESA Model data for the DEIR is relying on data from the LESA Model (dated 2/2/2021) score of 55.94. Although the Applicant obtained a subsequent memo (Jennifer Merrick, 9/14/2024), the memo merely repeated the 2/2/2021 information, did not perform an updated LESA Modeling and merely summarized and indicated the Project is “occupying a smaller area and would further lessen the potential for the Project to result in significant loss of farm.” Ms. Merrick provided no values, no calculations nor tables to support this statement. LESA Model data are required under CEQA.

“Finding optimal sites for the construction of solar farms is a complex task with many factors to be taken into account (environmental, social, legal and political, technical-economic, etc.), which classic site selection models do not address efficiently” (see Guaita-Pradas et al., 2019). Solar radiation intensity, temperature, and wind are factors that this 2019 scientific peer-reviewed publication addresses which is not included in the DEIR. Moreover, this publication indicates that “traditional plans for PVP investments have been somewhat arbitrary, mainly because planners of solar power plant projects have barely considered analyzing them at a regional scale.”

Land is a non-renewable natural resource, and it is important that the DEIR add the planned, sustainable, appropriate and zone of influence that the Project may have such as setting a zone of influence and the “sprouting” of solar farms across the western side of Colusa County thereby impacting current infrastructure and emergency responders who will be required to protect these large monetary investments in the high risk fire zone.

- B. Solar developments demonstrate a zone of influence in California and the Midwest with progressive loss of farmlands, resulting in large solar tracts in a highly concentrated manner using rural area.

To support this zone of influence impact and the need to include it in the DEIR, please see Appendix A_Marsh, demonstrating a visual progress of the loss of farmlands associated with solar developments. Also, the need to include and consider this in the DEIR is critical, particularly since the factors are present or are proposed for the Project location (transmission lines, substation, lack of population to displace). Thus, Appendix A is a visual display of the area and foothill region of western Colusa County to demonstrate that once the Gen-tie and the Project is built then it is

reasonably foreseeable that additional lands will undergo solar development, likely resulting in significant environmental impacts due to the overall landscape changes (soil-biome, wind, erosion, microclimate, security fencing, vertebrates and invertebrates and their foraging and migration needs) that occur with 10,000 acres under solar panels. This is not speculative as it is an observable fact or event in Southern California and across the Midwest with some of the largest farmland tract losses occurring in Ohio.

3. The DEIR failed to adequately address significant environmental impacts, and the DEIR omitted necessary information and analysis.

- A. Microclimate, soil microbiome or their changes to the vegetation diversity impacts were not addressed in the DEIR.

To have a better, more holistic understanding, Moore-O’Leary et al. 2017 in their publication, *Sustainability of Utility-scale Solar Energy–Critical Ecological Concepts*, used five concepts applicable to the development of a more sustainable, utility-scale solar park for analysis. One of these concepts is the ‘Land-Energy-Ecology Nexus,’ which represents the interactions between land use, energy production, and ecology. Studies evaluating soil carbon cycling and the current understanding of the impact of land-based PV solar developments are currently being done and published. There are published peer-reviewed papers that describe case studies of the interaction between solar developments, animals, and the potential for the disruption of the food chain, by a change in population size. These are not addressed in the DEIR.

Changes to microclimate relative to solar development and land use is not speculative. According to Vervloesem et al., 2022, the data analysis of the microclimate variables that are measured include the following: photosynthetic active radiation (PAR), surface temperature (T_{surf}), air temperature (T_{air}), and relative humidity (RH). Other components of analyzing for the environmental effects along with the microclimate effects include the data analysis of the vegetation samples include the number of species and their relative cover. The multidimensional functional diversity (FD), or more specifically the distribution of the vegetation according to different bioindicators; and finally, and the land use impact. **Nowhere in the three large documents compiling the DEIR could I find the word, “microclimate.”** This was an issue raised during an earlier public comment period. The Project may impact or could pose a risk to the environment and a microclimate analysis needs to be included to determine if there is an environmental risk and mitigation measures needed if the impact is found significant. In fact, the Department of Energy is keen to further investigate the impact of different solar operations, types and management of vegetation through their InSPIRE projects; thus, the impact of microclimate is not speculative and should be review and analyzed in the DEIR with the currently available science and a number of experts available.

Within a solar field, concentrated water and water-saturated soil strips will occur following precipitation. This can cause a grid pattern to vegetation within the Project area and potentially change the soil structure, leading to erosion or dust. The spacing of water impose differential plant growth strips which has not be modelled or included in the DEIR. This event occurs and maybe related to the water discharge from the solar panel (Dr. Eric Romich, Professor, The Ohio State University).

4. The DEIR does not propose sufficient mitigation measures to reduce significant environmental impacts to a less-than-significant level.

Within the Solar Only Alternative (see 3-5) it is not clear why *“the BESS is needed to help reduce the potential energy lost from off-site storage facilities. By building a BESS, it would allow energy to be stored on-site and distributed to the grid when needed. With the Solar Only alternative, energy would be directly distributed to the grid.”* There is insufficient description and analysis regarding the benefits and risks for locating the BESS compound (the lithium battery storage compound or chemical energy storage unit) for the statement “minimize line losses as compared with off-site storage.” This is not sufficiently described for one to determine if the benefits to “minimize line losses” outweigh the risk and environmental impacts sufficiently for leaving them on the Project site. The location of lithium battery storage off site adjacent or near the PG&E substation moves any fire risk or run-away-heat reaction closer to the first responders and into an open plain and not within a valley structure only accessible via a single gravel road. According to Dr. Romich (Ohio State University Professor and Extension Field Specialist, Energy Development) the current lithium batteries have approximately a 10-year life span. Periodic replacement and movement, including dropping, shifting or damaging the units can occur. Another issue analysis for the lithium batteries related to keeping them onsite (high risk) relative to the cost to run the transmission line; yet that transmission line is required to be run whether the batteries are present on or off-site. Furthermore, in times of high wind, high fire danger within Spring Valley, the entire Project (solar arrays and lithium batteries) would be required to be offline (recall the cause of the Paradise, California PG&E line). In contrast, if the lithium battery storage unit facility occurred elsewhere (adjacent to the substation) then it would serve as supplemental power source, and it might not be required to go offline.

Air Quality, Impact 4.3-1, “equipment must be checked and determined to be running in proper condition before the start of work. Idling, staging, and queuing of diesel equipment within 1,000 feet of sensitive receptors shall be limited.” Limited to what value, term or fact, this is non-specific, and as such one is unable to determine if it satisfactorily mitigates the impact. It does not state, prohibited or time restricted, or time of day restricted or the number of diesel equipment. These factors are need for a proper analysis.

IMPACT 4.3-2: What does *“curtail construction activities”* mean? Stop, decrease by 50%, 75%, only use electronic construction equipment and no diesel equipment or dust creating activities? Again, lack of specificity causes inability to do an adequate review of the DEIR and mitigation measures.

What are the contingency control measures when primary controls are ineffective. This is worrisome if already there is some concern that primary controls will be ineffective. Without listing the contingency control measures, the DEIR is not specific and lack definitive factors for reasonable analysis.

Under IMPACT 4.4-1: There is no comment about the sound and vibrations that will occur to the ground that may impact Burrowing Owls that maybe present more than 150 meters from the project site.

BIO-2: indicates “greatest buffer (up to 50 feet) should be flagged around the sensitive habitat. This is in conflict with the early statements regarding protection of the Burrowing Owls and Swainson Hawk that require greater protective border. Thus, the mitigation measures need to clearly define that the greatest borders (not the most minimum borders, ie “up to 50 feet”) will be flagged. There is inconsistency in the DEIR as to the mitigation measures to sensitive habitats.

Why is the speed limit on Spring Valley Road **limited to 15 mph** and then **within the construction site the speed limit is allowed up to 20 mph**. Although not specified here, it is assumed that within the project site, dirt or gravel roads will exist (similar to Spring Valley Road gravel). The increase to 20 mph within the project site is anticipated to create dust and cause elevated particulates in the air (impacting air quality). Explain how 15 mph on Spring Valley Road mitigates dust while 20 mph on the site does not.

The holistic environmental impact during the decommission of the project is missing. It merely states that a long-term trash abatement program “shall be established ... decommissioning.” This means there is NO defined plan, NO ability to review the plan, and NO ability to include mitigation measures to decommissioning risks. There is no ability to review and assess the risk and risk mitigation if the details of decommission are insufficient.

BIO-3: Failed to adequately address the impact of sound and its cumulative impacts to sites beyond the 500-foot buffer. The DEIR failed to address all audible factors involved in the project construction (driving, reverse alarms, post installation, etc). All of these contribute to sound and audible disturbances and need to be included in the DEIR. The DEIR does indicate noise minimization with the following: “noise walls” (See Noise), no height given for these walls or structure. The DEIR indicates construction noise would “not exceed 86 dBA at the Project boundary.” I am not convinced the geography of the site allow for containment of the construction noise to be retained within the (no height provided) noise walls and kept below 86 dBA. One only needs to fire a gun to hear the sound travel within Spring Valley. Sound travels in 360 degrees from the source and is three dimensional, not just lateral/horizontal across the ground. Moreover, based on the construction site, a complete noise wall would be required around fueling stations, equipment parking pads, during post installation, and equipment loading and offloading, including the appropriate height (this needs to be provided for analysis) to prevent or determine noise pollution mitigation across Spring Valley. Moreover, noise should be included in the BIO-3 analysis component regarding impact to sensitive species. Again, I reference back to an earlier public comment period to the audio recording file submitted of a solar installation project. The noise impact component has not been sufficiently addressed, mitigated and is/will be a significant ongoing impact during construction and post-construction of this project. The Addendum to the Sound Survey fails to address the issues above in sufficient detail for an environmental review of the impact and mitigation strategies.

Under Hazards and Hazardous Materials, Impact 4.9, does not describe the cumulative volume of fuel storage (storage containers, equipment tanks, personal vehicles, etc) that will occur for the onsite equipment. The impacted is stated less than significant and no mitigation required. This is

lacks definitive details and specificity and likely needs some sort of mitigation strategy due to the hazards of diesel and gasoline or other hydrocarbons storage units, particularly larger volumes as used in construction and soil grading. Stored according to regulations or law does little to understand the environmental risks and mitigation strategies used, particularly in a comprehensive and cumulative review of the Project.

5. The Colusa County General Plan does not allow for the Project at that site and any decision with disregard to the holistic environmental review and analysis to Colusa County General Plan is an abuse of discretion since land development and planning should take a holistic review, receive review and comment (public and governmental agencies) rather than piece-meal approach.

As indicated and noted in my previous comments, the Project is not compliant with the Colusa County General Plan and is now seeking a Use Permit to get around the noncompliance issue with the Colusa County General Plan. This could be considered an abuse of the process, notice and discretionary decision making, and further setup the County to potential litigation. A general plan is required to undergo its own CEQA. The DEIR's approach is undermining the correct procedure to land use and planning.

6. Safety and well-being to Colusa County is missing to describe the Project as not harming Colusa County or the environment through direct or indirect impacts.

Page ES-2: No where in the Projective Objectives is the word, "safe" or "safety" used. Yet in SB 100 which is California law to achieve 100% of the state's electricity to come from renewable and zero-carbon resources uses the word "safe" or "safety" six times. California is not foregoing safe or safety just to achieve zero-carbon electricity. The Project DEIR needs to consider safety whenever designing and analyzing the impacts and mitigation strategies.

7. The DEIR contains factual errors and approval assumptions, causing some concerns about credibility of details including the descriptions, risk, and mitigation strategies.

- A. The DEIR should be correct as to the geographic location and description or details of information provided within the documents.

Figure 2-1 shows project location only on the EAST side of Spring Valley Road, yet within the Executive Summary it still includes an address on the West side of Spring Valley Road and includes the description of Section 3 of Township 14 North, Range 4 West which is located on the WEST side of Spring Valley Road.

"Defenders of Wildlife," (see 1-3) is NOT a public agency.

- B. The DEIR makes statements of approval *assumptions* without the ability of reviewing external agency partners or the public to review or provide analysis of the Project information or mitigation plans.

Note, under “Vegetation Management and Wildfire Prevention Plan shall be submitted to the Williams Fire Protection Authority and the County **for review and approval.**” This statement indicates that the Williams Fire Protection Authority and the County **will be only be allowed to review and approve** the Plan. It should state the following: *Vegetation Management and Wildfire Prevention Plan shall be submitted to the Williams Fire Protection Authority and the County for review, **revision and necessary modification as required**, and if deemed acceptable then Williams Fire Protection Authority and the County will approve the Plan. A draft of the Vegetation Management and Wildfire Prevention Plan is included in the Appendix (and then give designation number).* The italic font is representative text and information that should be in the DEIR for review and analysis.

Regarding, 2.4.5 PG&E Improvements, the Project does not specify that it has a memorandum of agreement, contract or any other document that would confirm that PG&E would construct the network upgrades as specified in the DEIR (and also noted in section 4.1.7). It appears that the Project may have executed “Interconnection Agreement” and plans to use Cortina 60 kV transmission line through the PG&E utility. However, the available information shows as a **proposed (as filed with IR) as 12/31/2021** (see California ISO Resource Interconnection Management System) **(and it is unknown if this is a definitive, MOU or a taking agreement).** Therefore, it is likely that the this “Interconnection Agreement” reflects an earlier superseded development design. Moreover, the Janus project (Colusa) is in the queue position of 1455. The current “Interconnection Agreement” should be included as an appendix so DEIR reviewers can understand and verify that the Project is legitimate.

- C. Internal conflicts within the DEIR confound or make the environmental analysis impossible and thus any measure of impact and related mitigation measures impossible.

Under fire, it lists mowing will occur to prevent grass height. Commercial law mowers/tractors can exceed 90 dBA (University of Florida, Environmental Health and Safety). This will be an ongoing activity during the late springtime when sensitive species may be impacted. Normally for this location (Spring Valley), extensive acres of “commercial grass trimming” is not an ongoing activity, particularly to keep grass either non-existent or ~2 inches as stated for fire mitigation. If the solar panel require washing (see 2-15, “cleaning of the solar panel”; see 2-16, unknown frequencies, listed as months to years) (pressure washer, 100 dBA) there is no ongoing mitigation measures for this noise level from occurring on an ongoing basis and at sensitive times of the year. There is an internal conflict (noise associated with ongoing vegetation/solar panel maintenance) with environmental impacts (ongoing noise levels for the duration of the Project) and proposed mitigation strategies (limited to construction activities). The DEIR does not resolve the internal conflict.

In viewing Figure 2-3 Site Plan, it is not clear how the sound and visual impacts will be mitigated (specified buffer zones that included items such as 50 feet zone, 500 feet zone and 86 or less dBA)

on the southwestern corner of the Site Plan. The Site Plan and solar panel arrays are setup against the southwestern boundary with no apparent bordering access roads around the entire solar array, including the southwest corner in Figure 2-3 Site Plan. Figure 2-3 is inconsistent with statements in section 2.4.4.6 Access and Circulation. Inconsistency does not allow for an environmental review of the level of significance and assessment of the mitigation measures when an impact occurs.

Also, relating to Figure 2-3 Site Plan, there is no key, figure legend, or descriptive text related to the purple or yellow or red coloring on Figure 2-3. Without this information, it is impossible to fully analyze the project impact. The DEIR should contain all necessary information for review, analysis and comment.

This project discussed panel section and used the following statement: “would be determined at the detailed Project engineering phase” yet the DEIR states construction would begin summer 2025 (“operational in the summer of 2026” see 2-22). Summer 2025 is less than 9 months away (current date is November 2024). The DEIR was drafted in September (less than 12 months from the proposed construction start date). The final panel selection is vague unless the lead agency’s goal was to be not specific so as to avoid agency and public environmental review over this item. CEQA does not make exception for required information (i.e. cannot claim trade secrets).

Page 2-9 fails to indicate the size of the generator and the size or amount of onsite storage of propane or diesel that will be used to power this generator. Nor are these details apparent from the diagram, 2-5 and 2-6. Interestingly, it is apparent that the fuel tank is adjacent to the 20-foot drive gate. If this the same access gate referenced at the site entry (see 2-15) some concern about egress and ingress may occur. Please include the information regarding the fuel tanks and an alternative location should the fire department not approve having a propane or diesel tank adjacent to an access gate.

Regarding, 2.4.7.1, citing to the decommissioning, the DEIR uses the term, “primarily non-hazardous.” As most of the site will be covered with unknown type of solar panels (see panel selection “would be determined at the detailed Project engineering phase”), analysis of the DEIR cannot be completed and allow verification of the “non-hazardous” statement. The DEIR needs to either specify the type of solar panel arrays that WILL be used or not make blanket statements about an unknown commodity used and how this unknown commodity is considered “primarily non-hazardous” during decommission.

Under section 2.4.8.1, with the application of pre-emergent herbicide, the DEIR needs to include or address how they will protect surface and ground water or herbicide bioaccumulation or translocation from the site. This is a large site that will then undergo significant grading and topsoil movement. Move over if annual or even more frequent spraying is done, bioaccumulation and soil health are important parameters.

Section 2.4.8.2, lacks details on the soil recompacted and how much noise (dB and duration) or ground compression will occur during the recompaction of the soil. This information is necessary for the DEIR review.

Section 2.4.8.2 is not specific enough regarding how many steel piles will be driven into the ground as compared to the conventional foundations. Also, little analysis has been done regarding the

environmental impact and carbon emissions these two methods generate when installing the support poles for the solar panels. The DEIR only indicates that “geotechnical analysis” or “cost-effective” will be used to determine whether steel piles or conventional foundation will be used. For an adequate DEIR, including the ability to comment and analyze the environmental impact, additional information, specifically how many steel and how many conventional foundations will be installed. Also, the associated greenhouse emission (GE) should be included. In addition, the material used for creating the conventional foundations such as concrete, including its transportation is a known carbon emission building product and should be analyzed or compared.

Section 2.4.8.3 indicates that the BESS would be placed on steel pile, grade-beam or concrete foundations. Again, proposed construction is less than 1 year away (see 2-20, listed as “July 2025”) yet the DEIR fails to specify how the BESS (essentially a chemical storage reaction unit) will be onsite. Without specificity, one cannot provide appropriate public comment on the DEIR. Please specify what will be the supporting structure for the BESS (the chemical storage reaction unit).

Regarding 2.4.8.4, Gen-tie Line Construction and Stringing, the DEIR fails to describe precise location of the new poles or if the pole will occur within the County Right of Way, private property utility easement, private easement, or other arrangement. These poles will be installed by the Applicant (see 4.6-9), yet the DEIR fails to indicate who is responsible for these poles following installation. If the poles remain the private property of the Applicant (non-public utility), then additional information is necessary to evaluate easements and private property rights, including maintaining the appropriate County Right of Way for Spring Valley Road without encroaching upon the private property of others and if the environment will be impacted and by whom or when maintenance is done on the poles or the line or the vegetation around the poles (sprayed or mowed). Does the Project have a memorandum of agreement with the County or the public utility concerning this component? If so it should be included for review to ensure ongoing environmental impacts from the Project are reviewed.

Regarding hours, the DEIR states that “potentially 8:00 am to 5:00 pm Saturdays and Sundays” (see 2-20) work on the construction site could ensue. The pile-driving audio file submitted as part of the earlier public comment was recorded on a Saturday morning. According to the nearby resident (where the recording occurred), they experienced pile driving noise 7 days a week for months. Again, noise travels in a 360-degree manner and the DEIR fails to detail the mitigation strategy at the southwestern corner of the project likely impacting the environment and residence at that location.

Regarding, 2.4.8.6, indicates perimeter and internal roads would be present, yet the diagram of the Figure 2-3 Site Plan fails to include this data. What is correct, the written text or Figure 2-3 Site Plan? The DEIR is inconsistent with the information provided and analysis cannot be complete.

Under Drainage and Water Runoff (2-24), indicates the units are waterproof. The DEIR fails to clarify if they remain waterproof if warped, or there is damage to the metal-weld or the seams seal integrity will remain intact despite high temperatures during either an electronic-chemical reaction, fire or physical impact by equipment. Within the paragraph it states, “runoff from applied water would not contain contaminants as the units are waterproof and the gravel surface would allow the water to percolate into the ground.” High temperatures and fire can cause compromise of containers, resulting in leaks and hazardous spills. The DEIR fails to address how to deal with BESS

compromised integrity and environmental impact (after allowing the water to percolate into the ground and then what is the plan to mitigate this to prevent predictable ground water contamination). According to the DEIR, the Project “is within the Colusa Basin Watershed which is part of the Sacramento National Refuges Complex” (see 4.1-9).

Regarding reduced acreage (see 3-2) it is not clear that this analysis is complete nor compliant with CEQA guideline requirements. As the solar panels have yet to be selected and therefore, the solar panel associated efficiency to capture energy has yet to be provided, it is unclear how the DEIR determined that the reduction of overall acreage from 666 to 629 (overall reduction of only 6% of the total acreage) could so significantly impact the Project as to make it not economically viable. The DEIR failed to include a comparative data associated with the selected solar panels, their number, and the setup of the panels. As such, a complete review of the DEIR could not be performed.

Under the Aesthetics analysis, the simulated conditions (4.1-10 to 4.1-13) failed to include the perimeter road and the impact to aesthetics. These would be considered lines and differences in the colors. The simulated conditions are *incomplete in the DEIR* relative to the earlier Project text descriptions. To fully analyze the impact, these figures should be compliant and simulate the conditions as described in the text.

Moreover, the text for Key Observation Point 8, indicates “[t]his KOP depicts views *focused southeast toward* the Project site.” This is NOT a true statement. Rather, point 8 is a northwest toward the Project site. And, this view also fails to include the perimeter road. This is important since a residential property (located 100 feet south of the Project, near the project’s southwest corner, see 4.3-2) is located at KOP 8 and will look at that view 24/7, including any motion detection lights that turn on and off during darkness. The stimulation should include winter views and darkness with the motion lights on too. The simulated conditions are *incomplete in the DEIR* relative to the earlier Project text descriptions. To fully analyze the impact, these figures should be compliant and simulate the conditions as described in the text. Moreover, as stated in the DEIR, “from KOP 8 approximately 50% of the Project is potentially visible.” (see 4.1-42).

Under California Land Conservation Act of 1965, the solar use easement does not include the use of an energy storage facility like the proposed BESS. The solar use easement is for “solar power generation” and does not include “storage.”

Under 4.3 Air Quality, the DEIR failed to indicate the risk of air borne fungi or bacterial spores that may be present in those soils, particularly with the amount of grading and soil movement that would occur. Valley Fever, coccidioidomycosis is caused by fungi spores that are then carried by the wind and inhaled by individuals.

There are at least 3 reports by the Centers for Disease Control of coccidioidomycosis outbreak **among workers constructing solar power facilities** (see CDC Morbidity and Mortality Weekly Report, August 24, 2018). In the CDC analysis, it included that incidence among **solar installation workers was 4.4 to 210.6 times higher than background county rates**, providing evidence that illness was work-related. Moreover, the **CDC recommends** that prevention methods need to be better incorporated into the planning and monitoring of **large solar construction projects and the**

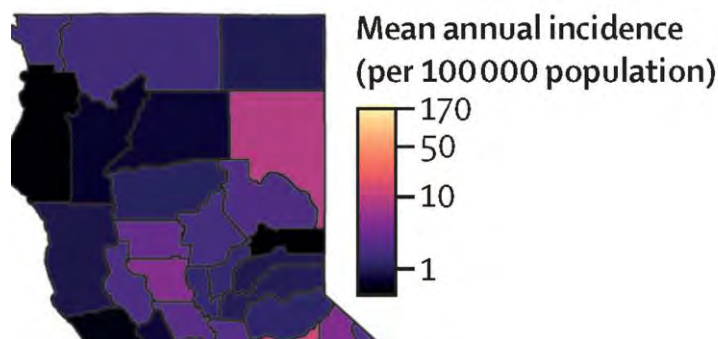
involvement of public health practitioners into preproject reviews. Nowhere in the DEIR did I locate a discussion over prevention or mitigation of *Coccidioides* spp or the use of public health officials.

According Head et al., 2022 (UC Berkely):

Coccidioidomycosis is an emerging infectious disease caused by the inhalation of spores of the soil dwelling fungal pathogen belonging to the *Coccidioides* genus, which can become airborne through wind erosion or soil disturbance and are amenable to wind dispersion. Infection can lead to a primarily respiratory illness that can last months or might progress to a chronic state in 5–10% of individuals. In California (USA), age-adjusted incidence rates of coccidioidomycosis increased by nearly 8 times from 2000 to 2018, and more than tripled between 2014 and 2018.... Changing climatic factors that influence the distribution of suitable *Coccidioides* habitat could have a major role in the expansion and rise of coccidioidomycosis in California. (individual citation omitted)

As illustrated in the Head et al. study (2022), Colusa County has a higher incident per 100,000 population relative to surrounding counties.

A



According to the California Department of Public Health, [m]ost cases of Valley fever in California are reported from the Central Valley and Central Coast regions. But Valley fever cases have also been increasing outside of these regions as California experiences more drought. **Valley fever cases are on the rise in California, including in the northern Central Valley** and southern coastal areas of California. (www.cdph.ca.gov)

No where in the DEIR is any consideration of the disruption of the soil, particularly soil that has undergone dry and wet conditions without disruption for years, and the impact to air borne fungi or bacterial spores that are dispersed by the wind. There is no analysis of this impact and when the winds blow, we know that particulates from fire/smoke can be carried for miles if not across county lines.

The DEIR does admit that fugitive (escaped) dust from soil disturbance activities (see 4.3-15) will occur; however, as most individuals involved in construction sites understand, wetting and dust mitigation is not 100% moreover some wetting and dust mitigation interfere with rapid soil grading that would need to occur for the Project (see, 4.3-15, i.e., 11 months for construction). Moreover, the temperature and humidity in another 6 to 9 months is unknown.

Although *Coccidioides* may not be an individual item under regional and local air quality conditions, it is considered a hazard, demonstrates higher incident in Colusa County relative to surrounding counties, and as such should be included in the DEIR for the Project analysis.

According to the CDC, the cumulative total of both confirmed and suspect Coccidioidomycosis case in California for 2024 to date include, 8338. Although farm cultivation involves disruption of the soil, it generally only involves a single individual in a tractor cab. In contrast, the Project estimates that 200 workers will be onsite in that environment. **Thus, there are both short- and long-term impacts to and from the environment regarding the dust and this specific item is not address in the DEIR.**

It is known that animals can contract coccidioidomycosis. Again, there is no review or consideration of this item.

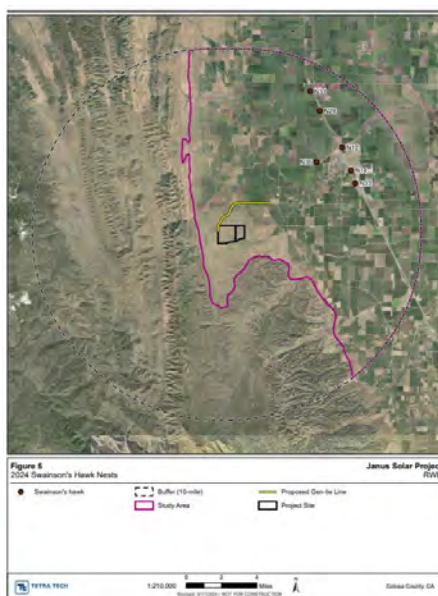
Finally, because dust mitigation and other measures are recommended by public health, it is not evident from the DEIR that adequate water supplies (for dust) are onsite to fully mitigate this public health and environmental threat. In the DEIR (4.11-8), it indicates, the County may apply its police power authority to regulate land use. The County may also prohibit a public health threat. Under normal circumstances, the governing body of the local jurisdiction (board of supervisors or city council) is responsible to take measures as may be necessary to preserve and protect the public health (Health & Saf. Code, §§ 101025, 101450). **Within the DEIR, it is not evident that the lead agency has adequately address this known and demonstrated risk (*Coccidioides* spp. associated with large scale solar installation.**

Some of the DEIR Biological Resource analysis occurred during an unprecedented period of drought from 2020 to 2022 in Colusa County (see 4.4.1-3, Vegetation Community, BSA during the 2020 field surveys). The analysis is going to be significantly impacted by this and may not be accurate. According to California Office of Environmental Health and Hazard Assessment, droughts can have significant environmental impacts and “[d]roughts produce a range of ecological impacts.” Although the DEIR attempted to update some data during the spring of 2024 (lists only late spring/early summer 2024 and not winter BUOW survey data) it does not completely encompass and replace the presented data obtained during 2020 in the DEIR which was collected during an unprecedented period of drought in Colusa County and may not accurately account for the biological resources (including the rare plants) present and thus, the DEIR analysis is not complete. Moreover, these populations may be just recovering after drought and not representative of normal population basis. Finally, did the subsequent biological surveys (2024) find the initial survey work (pre-2023) problematic, if so then a description and declaration should be included.

The DEIR should footnote the specific year and time of year from which the individualized data originated, including when the “protocol-level rare plant surveys conducted for the Project” (see 4.4-13, no specific year given).

Moreover, it is rather concerning that the DEIR footnotes an important issue lacking data, “.... survey for burrowing owls will be conducted during the winter of 2024-2025” (see 4.4-2, 4.4.10). Thus, admittedly the DEIR is incomplete by the applicant for sensitive species and as such full and complete impacts cannot be completed.

It is not clear in the DEIR how some of the data was collected after reading statements such as this: “[t]here are no CNDDDB occurrences of this species within 5 miles of the project site” (see 4.4-14 & -15). Please see Google Earth Map below, as supplied by this author, and not part of DEIR. The line represents a straight course of 1.7 miles from the Project. Much of the visual landscape is privately owned and with difficult accessibility on the west and southern sides of the Project. The lands to the southeast of the project would include raptors or other sensitive species presence or their habitat that must be considered within the DEIR review. Yet within the DEIR, the survey purports (Figure 7) to have included these lands in their analysis.



Moreover, the DEIR assurances that “a qualified biologist shall conduct preconstruction surveys of all potential nesting habitats within the Project site and a 0.5 mile buffer” (see 4.4-52) is questionable and misleading because an earlier statement in the DEIR stated, “on private property and could not be accessed during the survey” (see 4.4-27). Earlier line of site analysis demonstrate (see KOP) that not all views on the horizon can be seen at a distance of 0.5 miles. There are inconsistent statements made in the DEIR and resolution of them are necessary for an accurate presentation of data for analysis to determine the Project impacts.

Specifically, the Department of California Fish and Game indicate the following for proper survey protocol for Swainson’s hawk:

A qualified raptor biologist with Swainson’s hawk survey experience, approved by the Department and the appropriate lead agency, should conduct surveys in a manner that maximizes the potential to observe the adult Swainson’s hawks and the nest/chicks via visual and audible cues within a **five-mile radius of the project** (emphasis added). All potential nest trees within the **five-mile radius shall be surveyed for presence of nests**. Surveys should be conducted prior to environmental analysis.

Thus, the DEIR and posed mitigation measures (surveying only 0.5 mile, see ES-8, Sept 2024) for the Swainson’s Hawk do NOT comply with the CFG survey protocol for Swainson’s hawk.

For the Greenhouse Gas Emissions, the DEIR failed to include the materials used for the Project, including all the petrochemical based wire coatings. It does not state where the materials are sourced such as imported from abroad, using a non-USA manufacturer, or manufactured within California or elsewhere in the USA. As anticipated construction (listed as July 2025 in the DEIR, see 4.8-9) then it is likely that these materials are being procured and the Applicant knows where they plan to source construction materials, including the solar panels. A statement as to the source location and sizing of cargo is important to analyze the overall CO2 emissions associated with transportation of building materials and to verify the values provided in the DEIR since some of the earlier information within the DEIR indicates review, verification and/or contesting is required, including understanding and assigning an impact level of the Project. This request on materials and shipment was included in my public comments, see July 31, 2024 (Notice of preparation, DEIR) and I included pictures of these materials being used in a solar project development.

Regarding 4.9.1.3 Solar Photovoltaic Panels the DEIR indicates that “First Solar has a state-of-the-art facility in Ohio for recycling all the components of solar arrays and claims a 90 percent recoverable rate of materials processed (First Solar 2024)” (see 4.9-4). This is not a completely true statement, per First Solar’s website, “Cadmium and tellurium separation and refining are conducted by a third-party” and “First Solar currently operates recycling facilities in Ohio, Malaysia, Vietnam, Germany, and India.” (see www.firstsolar.com). Also, as material undergo heating and combustion, individual components have differing vapor pressures, to summarily state that the “[n]o emissions from CdTe PV would be released during fires because Cd would dissolve into the molten glass,” may not be a completely accurate statement. Noting the type of substance, the conditions under which it burns (temperature, vapor pressure), and the specific harmful chemicals released or providing a peer-reviewed citation for the summary statement is needed. It’s important

to understand the potential health impacts and environmental consequences of these emissions. Knowing the types of panels (silicon, thin-film or polymer-based) will also control what is emitted during a “burning or heating process.” The panel types are not specifically provided.

Under the BESS location (see 4.9-6) initially, the DEIR indicates a minimum spacing of 21 feet yet then the DEIR indicates, “spacing is subject to change at the time of final design.” This makes no sense to set a minimum and then make it subject to change and then attempt to determine impacts. The change could make the spacing smaller or larger and the appropriate DEIR analysis cannot be performed without at least standard established minimum spacing distance given.

Regarding, Automatic Protection, (see page 4.9-6), and as indicated (2-24) “water used during a fire would be used to cool adjacent structures ... runoff from applied water would not contain contaminants as the units are waterproof and the gravel surface would allow the water to percolate into the ground,” yet there is no specific information on the welds, sealing or impact of heat on the welds, sealing, or seams on the BESS units when placed and used in the Project site. Any compromise of the BESS then results in water intrusion and as stated in the DEIR relative to fire, “prolong the internal reaction... thermal runaway... contamination...” Please indicate how the risk and impact was analyzed here and **in combination** with the “spacing is subject to change,” without determinate measurements provided. Vague and indeterminate values in a DEIR will result in the inability to determine the environmental impact. There is no analysis or modeling of the cumulative impact of having the proposed project number of BESS units, side-by-side, in the environmental conditions as present in Spring Valley during the summer time condition when fully operational and completely charged to 100% capacity.

The DEIR fails to indicate how long non-functioning lithium batteries, targeted for recycling will remain on site and how and the location of these non-functioning batteries will be stored (see 4.9-17) as they are considered hazardous waste (see 4.9-18). This information is needed to analyze the DEIR and overall site plan, including egress/ingress and overall safety of the environment and emergency responders to the site and the impact of the Project.

On page 4.9-20, the DEIR states relating to fire hazards and risks, “no heat fluxes were recorded at distances of up to 20 to 30 feet from the battery cabinet.” The issue for analysis is the DEIR also states as noted earlier that a minimum spacing of 21 feet will be used then the DEIR indicates, “spacing is subject to change at the time of final design.” Here, we cannot analyze the risk or hazard because the spacing is subject to change and anything less than 20 feet likely has a heat flux. The DEIR indicated fire propagation to adjacent cabinet (BESS unit reference) did not occur (6-inches and 8-feet apart) but it also did not indicate if heating or warping or pressure changes occurred to the adjacent cabinets, and the cumulative impact of several units (reference to BESS) in close proximity. The environmental impact cannot be determined.

On page 4.9-20, it fails to note the material for which the pressure relief vents (or pouch seams) will be made of (aluminum or steel or some other composite material) or how they will be constructed. The Megpack 2/XL only states, “pressure-sensitive vents” or “integral and proprietary explosion mitigation system (deflagration control)” [note trade secrets are not exempted from disclosure for CEQA and DEIR; by analogy it would be the same for proprietary information]. The risk of hazard or environmental impact cannot be analyzed in the DEIR without this information. For example, East

Palestine Ohio train derailment had **relief valves malfunction** which contributed to the environmental release of hazards into the environment with toxic chemicals that then set a chain reaction of events. As of January 2024, the railroad's costs related to the derailment and **environmental impact were \$1.1 billion**, with \$101 million in insurance payments issued. (see Funk, AP, 2024).

According to the DEIR, the sparkers are located throughout the Megapack at various heights and continuously operate to ensure that any flammable gas build-up is ignited early – limiting the concentration of flammable gas within the unit and activating the pressure-sensitive vents to create a natural ventilation pathway to the exterior. For the Deflagration Control System what is the threshold limit of flammable gas? That value is not given. The TELSA Megpack 2/XL Hazard mitigation analysis does not address site-specific hazards, barriers and mitigation of the battery packs. Also, that specific document also includes the following disclaimer:

This document is not meant to serve as professional and credentialed engineering, legal, technical, or emergency response judgment, should not be used in place of consultation with such appropriate professionals, and you should seek the advice of such appropriate professionals regarding such issues as required. Further, the contents of this document are in no way meant to address specific circumstances, and the contents are not meant to be exhaustive and do not address every potential scenario associated with the subject matter of the document. **Site and circumstance-specific factors and real-time judgment and reason may significantly impact some of the subject matter conveyed in this document.**

One of the more concerning passages in the TELSA Megpack 2/XL Hazard mitigation analysis is the following: **“Toxic and highly toxic gases released during fires and other fault conditions** will not reach concentrations in excess of immediately dangerous to life or health (IDLH) level in the building or adjacent means of egress routes **during the time deemed necessary** to evacuate from that area” (see page 6 of TELSA Megpack 2/XL Hazard mitigation analysis); and “[i]n the unlikely **event of a fire, the system will consume itself slowly in a safe and controlled manner**, without any explosive bursts, projectiles, or unexpected hazards” (page 8 of TELSA Megpack 2/XL Hazard mitigation analysis).

The DEIR fails to provide a comprehensive, clearly organized subsection detailing the risks of the BESS as addressed within the manufacturer materials. The inclusion of conflicting information (not hazardous as described in the main body of the DEIR) and then the manufacturer indicating toxic gases released during fires and fault conditions and the system will consume itself during a fire are difficult to reconcile and analyze the potential environmental risks and mitigation strategies listed.

Table 4.13-7 failed to include pile-driving machine (as noted in section 2-6) and the associated values with the pile-driving machines during construction. The DEIR is not complete.

According to EchoBarrier, pile driving is one of the noisiest construction activities, reaching almost 120 dB from 10 feet away. The DEIR notes that during construction “the temporary increase in noise...is considered to be less than significant.” I would encourage anyone to listen to the audio

file submitted during the early public comment period, Monday through Friday, 7am to 7pm; 8am to 5pm Saturday and Sunday for a full week and then make the conclusion if the temporary increase in noise is less than significant. For the Project construction, the pile-driving machine will be installing metal piers into the ground. It essentially causing a nuisance and is a taking of a residence for 11 months due to the excess noise associated with the construction. The tables included in section 4.13 fail to model the noise during construction. The other component of concern is the loss of wildlife that could permanently move from the location due to the months of pile-driving activity and construction noise.

The DEIR notes that the roller (see 4.13-20) is associated with the worst-case vibration source. If the pile-driving machine is not included in the DEIR section 4 then how can the impact be fully analyzed. The DEIR is incomplete relating to vibrations, sources and impacts.

Section 4.15.4 impact analysis is inconsistent with previously described BESS installation, as Section 4.15.4 states, “[a]ll battery components for the BESS would be installed on concrete pads...” Whereas, earlier, (see Under Drainage and Water Runoff (2-24)), indicates the units placed on “the gravel surface would allow the water to percolate into the ground.” The DEIR is inconsistent in the plans and description and as such environmental impacts cannot be accurately analyzed if varying description and different substrates are used for foundations and/or supports.

In section 4.17.6 mitigation measures (see 4.17-9), “[d]amage to streets to the extent determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director” does not indicate who determines the damage to the streets and how to resolve a dispute if the Public Work Director indicates the damage is cause by the Project, repair is not satisfactory or done in a timely matter, and the Applicant (the Project) disputes the Public Work Director’s findings. This incomplete method of resolution means the DEIR is incomplete and complete analysis of mitigation measures cannot be completed because the damage may remain unmitigated due to dispute. Foreseeability and predicting impact is an important component of the DEIR process.

In the executive summary (see ES-22) it indicates within FIRE-1: Wildfire Protection Measures it states, “Zone 2: Grass maintained at stubble height (~ 2 inches)” and “Zone 3: Grass maintained at 4 inches in height” (zone 3 is defined at 0-20 feet from all PV arrays); whereas in 4.20 Wildfires, the DEIR states, “[t]he minimal vegetation maintenance in the areas between the arrays would include vegetation up to 12 inches in height.” It would be anticipated that zone 3 and the area between arrays would overlap. Will some sort of marker be established to ensure the complete 20-foot zone of zone 3 is maintained? It was not clear from the DEIR how this zone would remain consistent and the Project would remain compliant.

As it is anticipated that workers will spend their entire shifts on site at the Project, there is no statement in the DEIR where workers will take their breaks which include breaks for smoking of tobacco or if similar substances will be allowed. If smoking is prohibited at the Project site then it is foreseeable that workers will relocate outside the Project site to smoke, or attempt to park off site and use their cars for smoking or resting. This may include standing outside the Project site gates or parking cars alongside the Spring Valley Road to be off the Project site. There are no mitigation measures listed in the DEIR for this likely and very foreseeable scenario.

Per 4.20-19, “[t]he ESRP will also take into account recommendations provided by the BESS supplier” yet no supplier or supplier recommendations are included in the DEIR section for review or analysis in combination with the other statements and the supplied appendix information includes multiple models by the manufacturer. There is no definitive statement as to the exact model of BESS being proposed. Without this specific information, this DEIR is incomplete, and it is impossible to determine if there is inconsistency or conflict between statements made in the DEIR text and what the BESS supplier may recommend. Therefore, the risk and mitigation cannot be determined.

Per 4.20-20, it indicates “[b]attery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software,” yet earlier in this DEIR, it stated, a minimum spacing of 21 feet will be used then the DEIR indicates, “spacing is subject to change at the time of final design.” With distances changing within the DEIR, there is inconsistency in the information provided, resulting in the inability to analyze the risk and mitigating measures or determine and/or verify the impacts of the Project.

Under section 4.20-20, it states, “[s]hould the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Protection Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks...” No risk or analysis or impacts were provided for this statement. It is unclear what “it does so at its own risks” means. Does this mean the WFPA is not required to render emergency fire control?

Under air quality for the distributed solar alternative (see 5-9), the DEIR states, “[t]he Distributed Solar alternative would result in more vehicle trips compared to the proposed Project as on-site construction equipment and worker vehicles would be dispersed throughout the County, requiring multiple, distributed trips’ is not supported by any analysis or data to indicate vehicle trips. The alternative was not analyzed sufficiently under the CEQA guidelines since no data was provided to make this concluding statement above.

Under energy for the distributed solar alternative (see 5-9), the DEIR states “[t]he Distributed Solar alternative would also result in more fuel consumption compared to the proposed Project as on-site construction equipment and worker vehicles would be dispersed throughout the County, requiring multiple, distributed trips” is not supported by any analysis or data to indicate vehicle trips. **The analysis included fossil-fuel trips and emission. Yet, electric cars and trucks are entering our transportation force, and it would be anticipated that solar installers would be using some if not advocating for solar/electric vehicles. There was no analysis to include trip associated with electric vehicles as compared to fossil-fuel vehicles.**

Per Odens, 2013:

“Less energy is wasted when solar power is produced close to the source of its use. In order for the energy from solar panels to be used, the energy harvested must be tied into the grid, a process requiring electricity lines to be run from the solar panels to a grid location. Not only does this process require more land and land clearing to construct the energy lines, the energy harvested by the panels degenerates as it moves through the lines to the grid. Therefore, as the

distance increases between the solar panels and the place where the energy ties into the grid, a greater percentage of energy is lost.” (internal citations omitted)

The alternative was not analyzed sufficiently under the CEQA guidelines since no data was provided to make this concluding statement, more fuel consumption compared to the proposed Project. Based on Oden, rooftop panels are more efficient for individual homeowner energy use than for energy-generation elsewhere, such as miles away, and then transmitted to home for use.

In 5.6 The Undergrounded Gen-Tie alternative failed to describe the additional ground disturbance compared to the proposed Project in sufficient detail (width of trench, trench equipment, time to trench, exact location of trench, etc.) to fully analyzed and compare impacts. The only information included was the 4 miles and estimated costs widely ranging without considering the local Colusa County factors that went into the CPUC 2019 cost estimates (location, easement purchases, relocation of other utilities, etc). The CPUC website includes other factors such as population and building density, labor costs, terrain, and geology may result in a range of costs for undergrounding conversion. None of these were itemized within the project DEIR for analysis and impact relative to environmental risk and costs to mitigate. The CPUC provided an average cost of average cost of \$3.8 million per circuit mile of conversion for undergrounding for California.

Biological Survey Report, (page 5), describes “meandering survey transects” but does not include the number and length of each transect. The details of the DEIR are missing for review and analysis to determine if appropriate detection occurred.

In conclusion:

The DEIR and its appendices contained over 2000 pages, including various surveys, reports, and manufacturing information. For an individual partnering agency to review this material in 45 days and provide comment is not realistic, particularly when the document is not harmonized. The DEIR contains internal inconsistencies and factual errors, and verification of information presented is required. Not all relevant agencies likely have reviewed the DEIR because relevant information to provide them notice is missing.

If the lead agency was pressured or intimidated through threaten legal litigation by the Applicant to put a problematic DEIR into the State Clearing House and the Public Comment space, then it should come as no surprise to the Applicant when the lead agency must delay the process to acquire additional information, seek supplementation report or additional review period is required. The lead agency is required to take all public comments into consideration. It is likely that the Public comments demonstrate insufficiency of the environmental analysis, insufficiency of the risk assessment and insufficiency of the mitigation. These records may include advise my the lead agency to the applicant that the DEIR would be problematic. Thus, these records would prove useful and measures should be taken to retain them and properly safely archive them.

Finally, the County is on notice and should maintain all records and correspondence, including email regarding this project addressed to the County and most particularly the lead agency, including Mr. Greg Plucker (as Director of the lead agency) if he intends to retire, end employment or severe his relationship with the County of Colusa. These could be considered relevant documents

or information when considering or evaluating the adequacy, knowledge, and efforts of disclosure surrounding the Project and environmental review.

The current DEIR is inadequate, incomplete and demonstrates a bad faith effort at full disclosure and as such it should be voluntarily withdrawn from the process by the lead agency and/or advocating Applicant.

Cited and uncited references are available upon request.

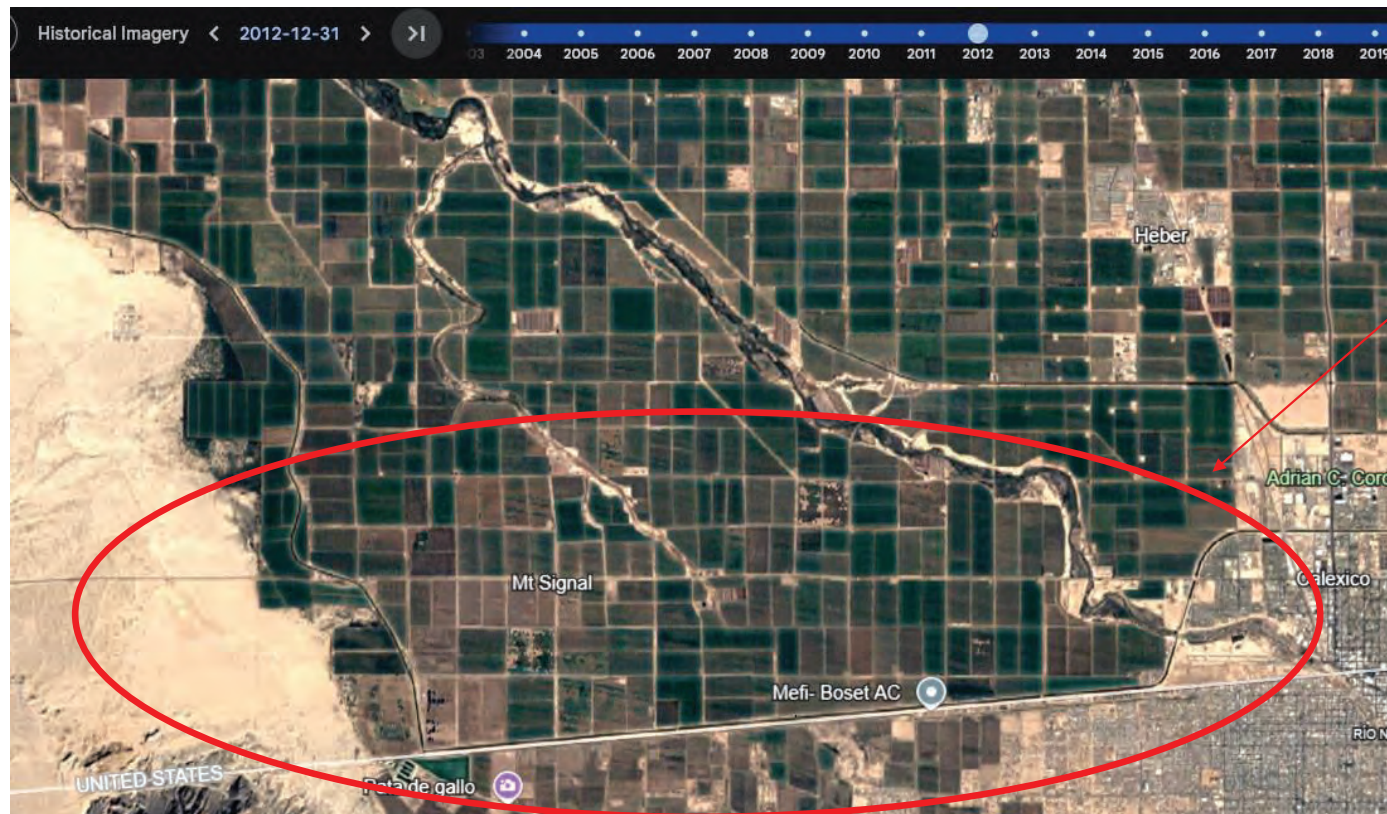
Appendix A_Marsh

DEIR needs to analyze relative to **zone of influence** and loss of farmlands as required by CEQA. By not including solar developments into the LESA analysis, it leads to incorrect analysis relative to farmland loss as well as foreseeable environmental impacts.

- Location of major lines & generation of gen-tie in. Energy generating facilities need or desire to be near the major conveyance lines.
- A high voltage line runs along the county foothills from north to south.
- This predicts where “large solar facility” will be preferred to be placed due to costs associated with transmission connections and cost to acquire open ground.
- These locations are also in a high fire danger and access challenged area.
- Not requiring underground lines set precedence for subsequent solar operations to just tie into overhead lines perpetuating the initial issues identified.
- Allowing BESS set precedence for subsequent solar operations.

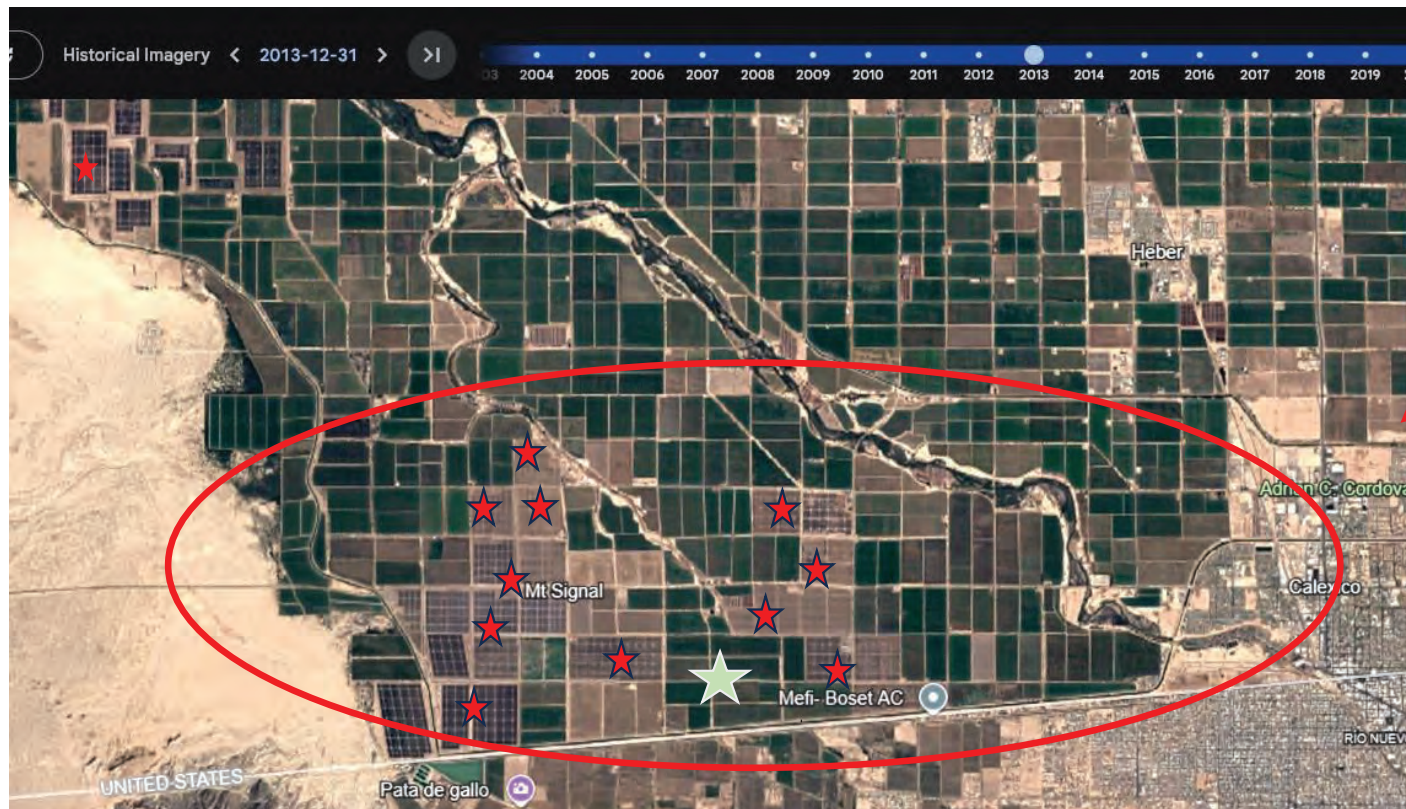
LESA model in DEIR fails to account for solar large scale developments zone of influence (ZOI).

Imperial County California: 2012, ZOI factor



Focus on
changing
landscape

Imperial County California: 2013



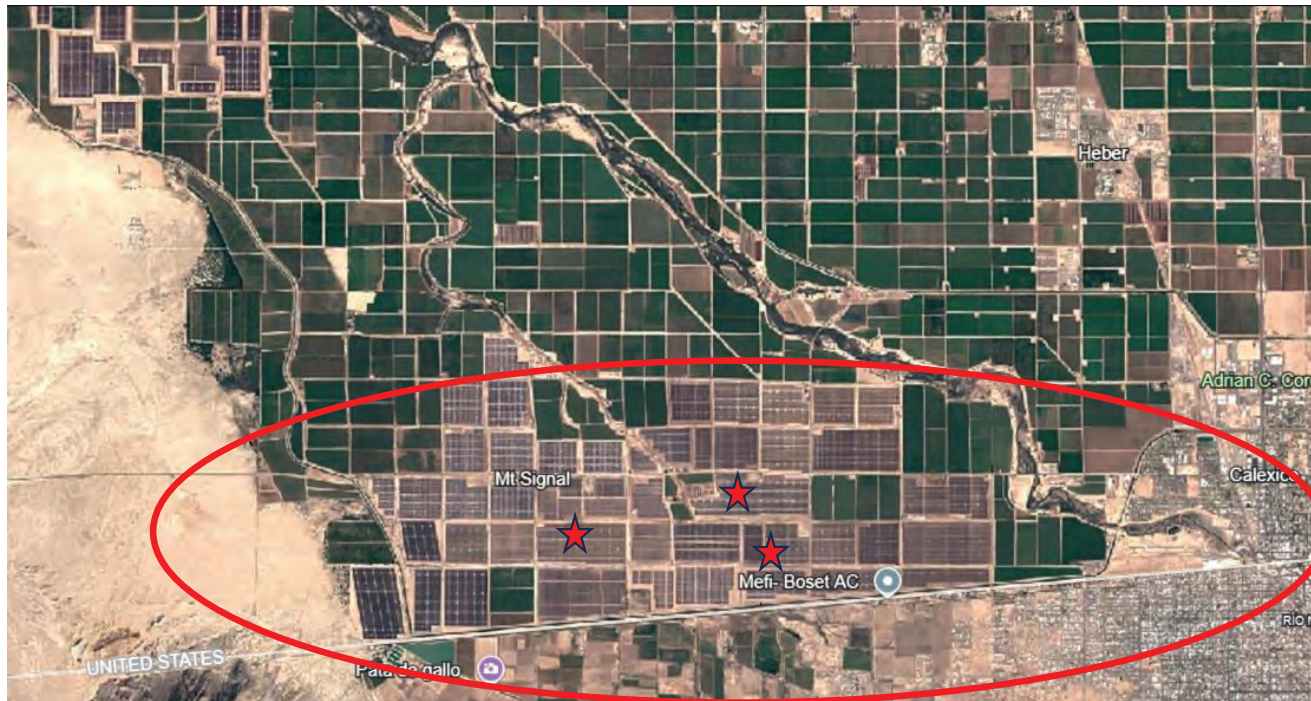
Focus on
changing
landscape &
island of
farmland;



★ = solar
installations, not
all solar is
marked, as too
numerous

Imperial County, California, 2020, ZOI

Focus on
changing
landscape:
Island of
farmland; **GONE**

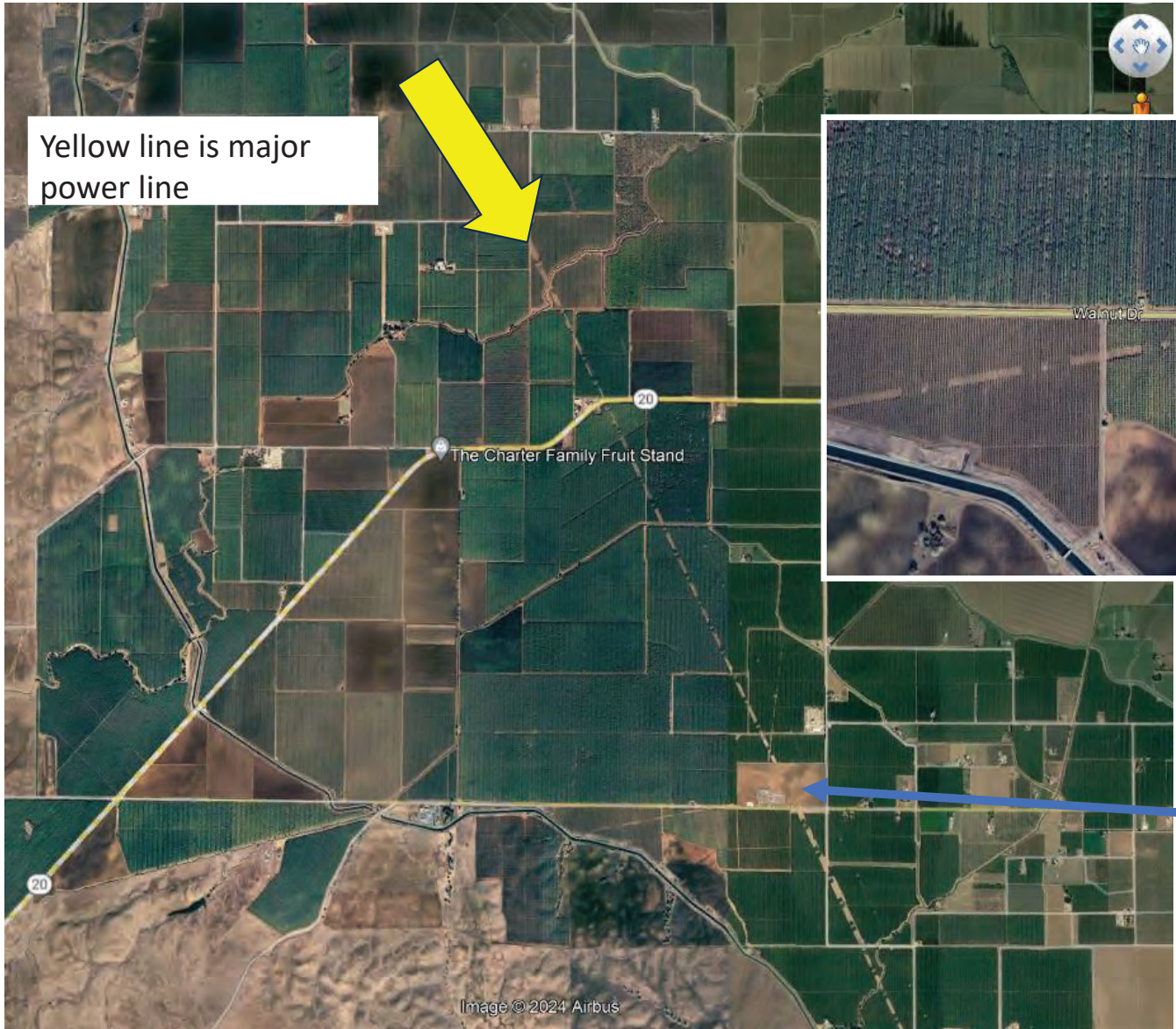


Impact of Solar to Mount Orab, OH, from 2017 to 2022; LESA model in DEIR does not account for solar & ZOI.



Last update (correction) to LESA model Appendices A and B (**dated 2011**) per [Conservation.ca.gov](https://www.conservation.ca.gov/); Does the DEIR modeling account for changes to solar development; what and how do factor weight impact analysis, ZOI, and are they current and being applied correctly?

- Any Permit, County General plan or ordinance needs to anticipate & correctly model impacts of utility size (large scale) solar developments occurring, particularly if there is a main electrical conduit, substation and/or Gen-tie in nearby.

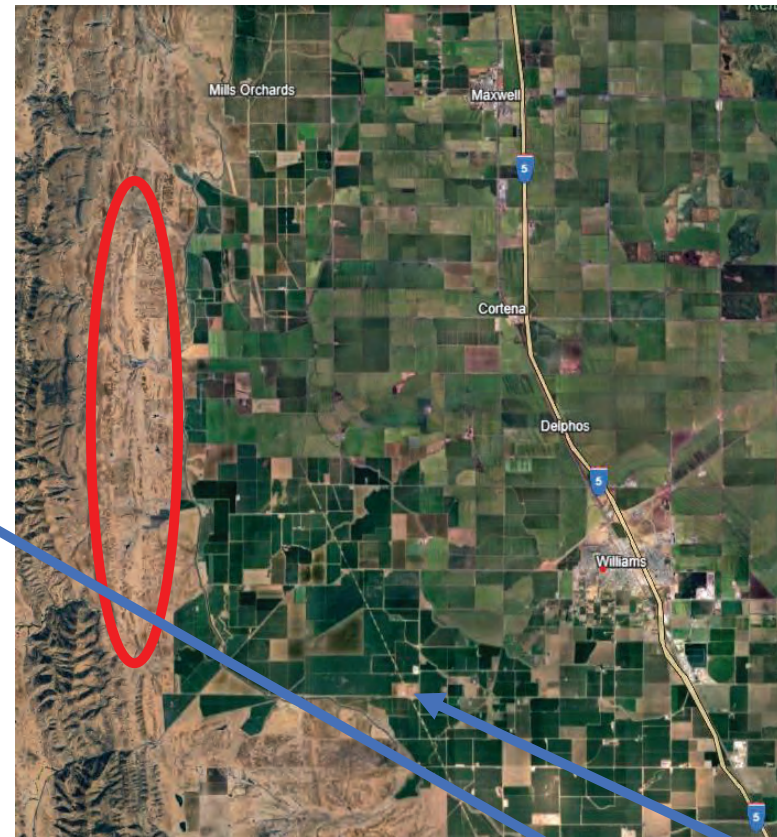
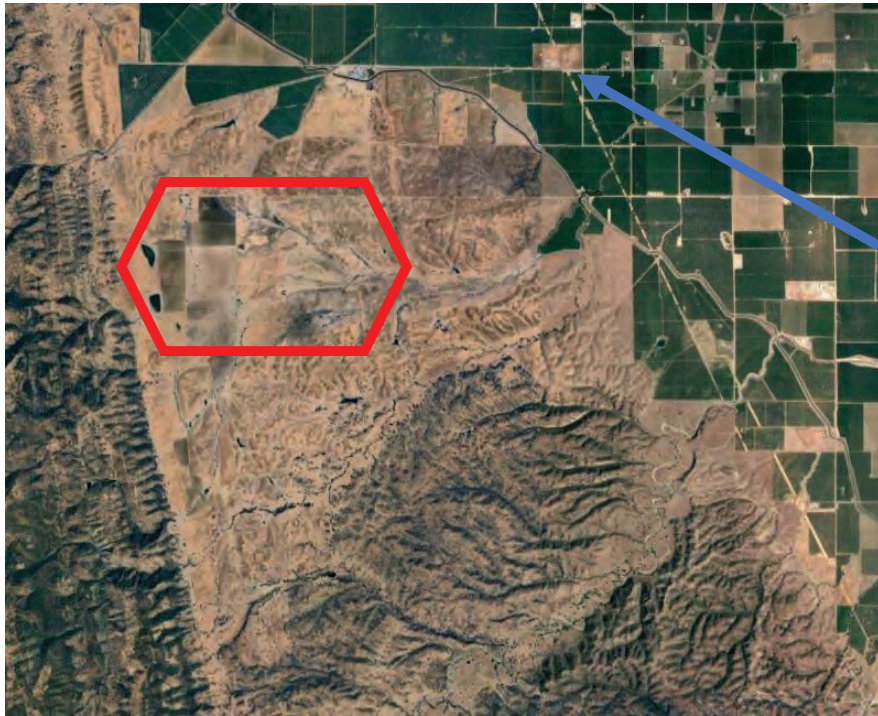


Yellow line is major power line



Substation on Walnut, near Spring Valley Road

Red outlined areas may become solar lands and no longer farmland due to zone of influence by initial >600 ac solar facility and Gen-tie in; could also include south of displayed location below.



Substation
on Walnut,
near Spring
Valley Road

J DAVID FONG

The County received this correspondence (Letter J) from David Fong on November 13, 2024. Upon review, this Letter J is identical to Letter B provided by Antoinette Marsh on November 12, 2024. As such, please see Letter B for responses to each comment in this Letter J.

Central Valley Regional Water Quality Control Board

13 November 2024

Greg Plucker
Colusa County
Community Development Department
1213 Market Street
Colusa, CA 95932
gplucker@countyofcolusa.com

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, JANUS SOLAR AND BATTERY STORAGE PROJECT, SCH#2024061043, COLUSA COUNTY

Pursuant to the State Clearinghouse's 30 September 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Janus Solar and Battery Storage Project, located in Colusa County, and our comments are similar to the Notice of Preparation.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as

required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the

State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

K-1

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

K-2

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

K-3

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

K-4

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

K-4

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

K-5

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

K-6

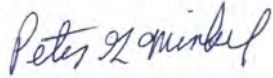
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

K-7

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

A handwritten signature in blue ink that reads "Peter G. Minkel". The signature is cursive and fluid.

Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

K CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

The County has reviewed this comment letter and, in summary, the comments included in the comment letter do not identify any new significant environmental impacts not addressed in the EIR, including any new information that would require recirculation of the Draft EIR, or which would otherwise demonstrate that the EIR fails to comply with the requirements of CEQA.

K-1Response:

As stated in Section 4.10, *Hydrology and Water Quality*, of the EIR, the Project will obtain a Construction General Permit.

K-2Response:

The Clean Water Act Section 404 Permit does not apply to the Project, as no discharge of dredged or fill material is proposed in navigable waters or wetlands.

K-3Response:

The Clean Water Section 401 Permit - Water Quality Certification does not apply to the Project, as no disturbance to Waters of the U.S. are proposed as part of the Project and the Project will not require any other federal authorizations or permits.

K-4Response:

A Waste Discharge Requirement (WDR) permit does not apply to the Project as no waters of the State are proposed to be impacted by the Project.

K-5Response:

A dewatering permit does not apply to the Project. The Project does not include construction or groundwater dewatering to be discharged to land. In the extremely unlikely event that dewatering be necessary, the Applicant would apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085.

K-6Response:

The Project will not require dewatering that would discharge to Waters of the U.S.; therefore, a Limited Threat General NPDES permit is not required.

K-7

Response:

As stated in Section 4.10, *Hydrology and Water Quality*, of the EIR, the Project will be required to obtain a NPDES General Permit.

3 MINOR REVISIONS TO THE DRAFT EIR

3.1 INTRODUCTION

This section includes minor edits to the Draft EIR. These modifications resulted from minor clarifications and staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information that require major revisions to the EIR or would create a substantial increase in the severity of a previously identified significant impact, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

3.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR

Chapter 1 Executive Summary

Page ES-2

The Project is located approximately 6.5 miles southwest of the City of Williams at 1958 ~~and 1961~~ Spring Valley Road, and is within Sections 1, and 2, ~~and 3~~ of Township 14 North, Range 4 West, on the U.S. Geological Survey 7.5-minute Quadrangle Map.

Table ES-1 is revised on pages ES-7 through ES-11, and ES-11 through ES-19 as follows:

Potential Impacts	Level of Significance	Mitigation Measure
AIR QUALITY		
IMPACT 4.3-3: Would the project expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact with Mitigation Incorporated.	Implementation of AQ-1 , AQ-2 , and AQ-3 would be required.
BIOLOGICAL RESOURCES		
IMPACT 4.4-1: Would the project 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 Game or the U.S. Fish and Wildlife Service?	Less than Significant Impact with Mitigation Incorporated.	BIO-1: Protection of Special Status Species Crotch’s Bumble Bee Prior to ground disturbing <u>disturbance</u> or vegetation removal and management activities within the Project site, a CBB avoidance plan will be prepared and submitted to CDFW for review <u>and comment</u> . This plan will include specific avoidance measures that will be implemented to avoid take of the species. These measures are anticipated to include <u>shall include</u> but <u>are not</u> be limited to pre-construction surveys for CBB individuals and nests, <u>avoidance of active nests</u> , avoidance of vegetation removal to the extent feasible during the CBB colony active period, procedures for vegetation management in

Potential Impacts	Level of Significance	Mitigation Measure
		<p>coordination with mitigation measure FIRE-1, and implementation of avoidance buffers around CBB individuals and nests if they are observed. If it is ultimately determined that avoidance of CBB is not feasible, then the Project will seek an Incidental Take Permit from CDFW.</p> <p>Burrowing Owl</p> <p>Pre-construction surveys shall be performed no less than 14 days prior to the initiation of ground-disturbing activities (e.g., vegetation clearing or grading). A qualified biologist shall conduct pre-construction surveys in all suitable habitat areas in the Project site and 150 meters around the Project site (access permitting). Areas that have been plowed within 12 months prior to the start of ground-disturbing activities are not considered suitable habitat. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise, or begin 2 hours before sunset and continue until 1 hour after sunset (3 hours total). A minimum of two surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted, and their locations will be mapped. If the work activity halts for a period of 14 days or more, the survey would need to be conducted again prior to the continuation of site activities. Copies of the survey results shall be submitted to CDFW and the Colusa County Planning Department.</p> <p>If BUOWs are detected on the Project site or within 150 meters during the pre-construction survey, a Project-specific mitigation plan shall be prepared for CDFW review and approval and implemented to protect BUOWs and their nest sites. As defined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012), buffer size is dependent upon time of year and level of disturbance at the Project site. Depending on the level of disturbance, a smaller buffer may be established in consultation with CDFW. The BUOW survey can be conducted in conjunction with a nesting bird survey (required under the Migratory Bird Treaty Act), if timing is appropriate.</p> <p>Swainson's Hawk</p> <p>If construction (i.e., equipment staging, vegetation removal, or ground disturbance) is scheduled to commence outside of the Swainson's hawk nesting season (September 16 to February 28), no preconstruction surveys or additional measures are required for Swainson's hawk. During the breeding season (March 1 to September 15), a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project site and a 0.5-mile buffer. Surveys shall be conducted in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000) and</p>

3 Minor Revisions to the Draft EIR

Potential Impacts	Level of Significance	Mitigation Measure
		<p>occur no more than 14 days prior to construction activities.</p> <p>Surveys need not be conducted for the entire Project site at one time; they may be phased so that surveys occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by Swainson's hawk without causing intrusive disturbance. If active Swainson's hawk nests are found, a 0.5-mile buffer shall be established by a qualified biologist around active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest), adult and juvenile Swainson's hawks have left the area, or the breeding season has ended. Encroachment into the buffer for Swainson's hawk must be authorized by the CDFW.</p> <p>American Badger</p> <p>A pre-construction survey for the American badger shall occur during the burrowing owl surveys. Any active American badger dens shall be avoided by establishing a minimum 50-foot buffer around the den. No construction activities shall occur within this buffer unless a qualified biologist determines that the den is inactive.</p>
		<p>BIO-2: Worker Environmental Awareness Training and Best Management Practices for Biological Resources</p> <p>During construction, operation and maintenance, and decommissioning of the facility, the Project owner and/or contractor shall implement the following general avoidance and protective measures to protect special status wildlife species and habitats:</p> <ul style="list-style-type: none"> • Prior to and for the duration of construction activities, the Project owner, or its contractor, shall implement a Worker Environmental Awareness Program to train all on-site construction personnel to recognize and protect biological resources on the Project site. The Worker Environmental Awareness Program training shall include a review of the special status species and other sensitive biological resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources, highlighting CBB, burrowing owl, Swainson's hawk, American badger, western spadefoot, foothill yellow-legged frog, giant garter snake, nesting birds, and protected waters and wetlands. • The Project owner shall limit the areas of disturbance. Parking areas, new roads,

3 Minor Revisions to the Draft EIR

Potential Impacts	Level of Significance	Mitigation Measure
		<p>staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. Buffers and avoidance areas established for biological resources, as described in BIO-1 and BIO-3, shall be delineated with stakes and/or flagging prior to construction. Construction-related activities and use of vehicles and equipment shall not occur within protected buffers or avoidance areas.</p> <ul style="list-style-type: none"> Any sensitive habitats within 50 feet of the Project impact areas shall be flagged in the field by a qualified biologist prior to Project construction. To the extent feasible, the greatest buffer (up to 50 feet) should be flagged around the sensitive habitat. No work will occur in the flagged areas. The avoidance areas will be maintained for the duration of construction activities in their vicinity. To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by on-site workers for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a special status species is trapped, the USFWS and/or CDFW shall be contacted immediately. All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be covered and/or thoroughly inspected for special status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the biologist. No handling of special status species shall occur without consultation with the applicable agencies (CDFW, USFWS). Vehicles and equipment parked on the site during construction shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving. Vehicular traffic shall use existing routes of travel. Cross country vehicle and equipment use outside of the Project properties shall be prohibited.

3 Minor Revisions to the Draft EIR

Potential Impacts	Level of Significance	Mitigation Measure
		<ul style="list-style-type: none"> • A speed limit of 20 15 miles per hour shall be enforced within all construction areas. • A long-term trash abatement program shall be established for construction, operation, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven, coyote (<i>Canis latrans</i>), and feral dogs. • Workers shall be prohibited from bringing pets to the Project site and from feeding wildlife in the vicinity. • Intentional killing or collection of any wildlife species shall be prohibited. • Rodenticides shall not be used within the Project site, except within buildings, and disturbance to mammal burrows shall be avoided and minimized.
NOISE		
IMPACT 4.13-1: Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than Significant Impact with Mitigation Incorporated	<p>NOISE-1: The Project shall implement the following construction management protocols to minimize noise impacts during construction:</p> <ul style="list-style-type: none"> • Use temporary noise walls that provide 10 to 15 dB of reduction so that construction noise does not exceed 86 dBA at the Project boundary; • Maintain all construction tools and equipment in good operating order according to manufacturers' specifications; • Limit use of major excavating and earth-moving machinery to daytime hours; • Schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited on-site activities may be allowed provided that the standards of Table 1 of Chapter 13-6 of the County Code at the property line are not exceeded; • Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks; • For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible; • Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment provided that the standards of Table 1 of Chapter 13-6 of the County Code at the property line are not exceeded; and

3 Minor Revisions to the Draft EIR

Potential Impacts	Level of Significance	Mitigation Measure
		<ul style="list-style-type: none"> • <u>A vibratory pile driver will be used for any pile driving activities occurring within 160 feet of a residential structure;</u> • <u>Impact pile driving occurring between 160 feet and 290 feet of a residential structure will be limited to 70 strikes per day; and</u> • Prior to construction, a single point of contact shall be identified and their contact information shall be provided to the County and adjacent property owners who shall receive all construction related complaints, including but not limited to noise, dust, and traffic. A single point of contact shall be assigned at all times during and after construction and shall be responsible for investigating and responding to all complaints.
IMPACT 4.13-2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	Less than Significant Impact <u>with Mitigation Incorporated</u>	No mitigation required. <u>Implementation of mitigation measure NOISE-1 would be required.</u>
WILDFIRE		
IMPACT 4.20-2: Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Less than Significant Impact with Mitigation Incorporated	FIRE-1: Wildfire Protection Measures <ul style="list-style-type: none"> • Vegetation Management and Wildfire Prevention Plan. Prior to building permit issuance, a Vegetation Management and Wildfire Prevention Plan shall be submitted to the Williams Fire Protection Authority and the County for review and approval. This Vegetation Management and Wildfire Prevention Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Protection Authority Fire Chief. Implementation measures shall include three Fuel Modification Zones: <ul style="list-style-type: none"> ○ Zone 1: Non-combustible, pervious surface (gravel, DG, or similar). <ul style="list-style-type: none"> ▪ 0-30 feet from BESS and Substation. ▪ Zone 1 will be free of vegetation and all combustible materials. Zone 1 will occur surrounding the onsite BESS facility and substation. This Zone will be created to 30 feet from all electrical equipment and battery storage systems. ○ Zone 2: Grass maintained at stubble height (~ 2 inches). <ul style="list-style-type: none"> ▪ 0-20 feet from the Project's perimeter. ▪ Zone 2 will consist of mowed grass to stubble height within 20 feet of the Project's perimeter edge. It is expected that mowing will occur late spring prior to fire season as directed by the Williams Fire Authority and will

3 Minor Revisions to the Draft EIR

Potential Impacts	Level of Significance	Mitigation Measure
		<p>continue as necessary to maintain the Zone 2 grass at stubble height.</p> <ul style="list-style-type: none"> ○ Zone 3: Grass maintained at 4 inches in height. <ul style="list-style-type: none"> ▪ 0-20 feet from all PV arrays, 30-100 feet from BESS and Substation ▪ Zone 3 will result in the mowing of grasses to 4 inches in height within 20 feet of PV arrays and within 30-70 feet from the BESS and Substation to reduce wildfire behavior in the Project site's grasslands to an acceptable level. It is expected that mowing will occur late spring prior to fire season as directed by the Williams Fire Authority and will continue as necessary to maintain the Zone 3 grass to a mowed height of 4 inches or less. No vegetation management will be conducted within Crotch's bumble bee avoidance areas. <p>Vegetation management shall be implemented through mechanical cutting (mowing and trimming). The Vegetation Management and Wildfire Prevention Plan shall require installation and proper maintenance of access roads/fire breaks throughout the Project site, regularly conducting inspections of the Project components, properly storing flammable materials, requiring that UL Listed Portable Fire Extinguishers of the appropriate type be located throughout the Project site, and/or the installation of sprinkler heads where determined necessary.</p> <ul style="list-style-type: none"> • Emergency Services Response Plan. Prior to any building permit issuance, an ESRP shall be submitted to the Williams Fire Protection Authority and the County for review and approval. This ESRP shall adequately describe the Project design and layout according to as-built drawings, and detail specific fire suppression and protection measures that will be implemented in the entire facility, including the BESS, to eliminate fire hazards, as well as detailed information about the emergency response strategy so that first responders are well equipped to effectively respond to a call for service, if there were any. The ESRP will also take into account recommendations provided by the BESS supplier. The ESRP will also include defined roles and responsibilities. Measures could include but would not be limited to, coordination and communication procedures with the fire department and other first responders, shutdown procedures, site personnel training, identification of evacuation routes, traffic control, and maintenance of Safety Data Sheets. The ESRP will be made to the satisfaction of and require approval from

3 Minor Revisions to the Draft EIR

Potential Impacts	Level of Significance	Mitigation Measure
		<p>the Williams Fire Protection Authority Fire Chief. Such measures shall include but not be limited to the following:</p> <ul style="list-style-type: none">○ On-site water storage shall include a 50,000 <u>two 25,000</u>-gallon water storage tanks with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.○ Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval.○ The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Protection Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Protection Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Protection Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Protection Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Protection Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Protection Authority may approve said connection and/or energization

Potential Impacts	Level of Significance	Mitigation Measure
		<p>based on its sole discretion subject to any additional requirements.</p> <ul style="list-style-type: none">• Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.• As part of the siting and design of the BESS, a setback of more than 500 feet shall be included to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the WFPA Fire Chief. <p>In addition to what is included in the ESRP, the Applicant will be required to provide training on how to adequately respond to a fire event on the Project site to the WFPA. The Applicant may also provide appropriate training to and surrounding jurisdictions that may potentially respond to a call for service at the Project site.</p>

Section 1.3 Public Scoping Process

Page 1-3

The intent of the public scoping process is to identify areas of concern regarding the potential environmental effects of the proposed Project and identify a range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the EIR (California Code of Regulations, Section 15083). During the Project's public scoping process, comments were received from the following responsible public agencies and non-governmental organizations:

- California Department of Fish and Wildlife,
- California Native Plant Society,
- Central Valley Regional Water Quality Control Board,
- Defenders of Wildlife, and
- Native American Heritage Commission,

and from the following community members:

- Antoinette Marsh,
- Stephen Marsh and Karan Marsh,
- Jean Terkildsen,
- Jean Terkildsen, Matt Ferrini, and Beth Ferrini Katsaris,
- Stephen Marsh, Karan Marsh, Annamarie Louie, Antoinette Marsh, Vernetta Marsh, Leslie Marsh, and
- The Carpenters Local Union 46.

Chapter 2 Project Description

Page 2-23

- **Site access considerations:** The ESRP will identify any and all access points to the Project site and provide first responders with instructions on how to access the on-site water tanks and associated connections.

Page 2-24

- **Drainage and Water Runoff:** Water used during a fire would be used to cool adjacent structures as a precaution to ensure that fire would not spread to adjacent units. However, as detailed in the Hazard Mitigation Analysis, it is unlikely that a fire could spread between units even during the worst-case scenario. Runoff from the applied water would not contain contaminants as the units are waterproof, and the gravel surface of the BESS area surrounding the BESS units would allow the water to percolate into the ground.

Section 4.1 Aesthetics

Page 4.1-35

Key Observation Point 8

KOP 8 is located on Spring Valley Road, immediately adjacent to the southwest corner of the Project site. This KOP depicts views focused north~~south~~east toward the Project site. As shown in Figure 4.1-12 and Figure 4.1-13, the existing landscape setting is characterized by agricultural land with relatively flat terrain in the foreground and rolling terrain in the middle ground. Existing structural features include fencing, utility poles and lines, and residential and agricultural buildings. Vegetation includes grasses and stands of trees. Dominant colors for the landscape are green and tan while the structures are gray, brown, and white. The vegetation consists of irregular, organic forms grasses that are continuous with the irregular shaped trees. The linear and horizontal lines associated with the structures are visible from this viewpoint. This KOP provides a typical view for drivers traveling along Spring Valley Road. Considering the short duration of viewing, viewers would have a low viewer sensitivity to the visual changes in the area. Considering the frequent viewing by residents, viewers would have a moderate sensitivity to the visual changes in the area however, views from residences south of the Project site are partially screened by mature trees and/or terrain.

Section 4.2 Air Quality

Page 4.3-2

Valley Fever

Coccidioidomycosis (CM), often referred to as San Joaquin Valley Fever or Valley Fever, commonly affects people who live in hot dry areas with alkaline soil and varies with the season. This disease, which affects both humans and animals, is caused by inhalation of arthroconidia (spores) of the fungus *Coccidioides immitis* (CI). CI spores are found in the top 2 to 12 inches of soil and the existence of the fungus in most areas is temporary. The CI fungus lives as a saprophyte in dry, alkaline soil. When weather and moisture conditions are favorable, the fungus “blooms” and forms many tiny spores that lie dormant in the soil until they are stirred up by wind, vehicles, excavation, or other ground-moving activities and become airborne. Agricultural workers, construction workers, and other people who work outdoors and are exposed to wind and dust are more likely to contract Valley Fever. Children and adults whose hobbies or sports activities expose them to wind and dust are also more likely to contract Valley Fever.

The fungus is known to live in the soil in the southwestern United States and parts of Mexico and Central and South America. People and animals can get sick when they breathe in dust that contains the CI spores. This fungus infects the lungs and can cause respiratory symptoms including cough, fever, chest pain, and tiredness. In California, the number of reported Valley Fever cases has greatly increased in recent years with the number of cases tripling from 2015 to 2019 (CDC 2022). The number of Valley Fever cases in the United States has also been steadily increasing over the past few years. In 2022, there was 1 case of Valley Fever in Colusa County, an incidence rate of 4.6 cases per 100,000 people (CDPH 2024).

Currently, no vaccine is available to prevent this infection. Further, there is no effective way to detect and monitor CI growth patterns in the soil. Thus, controlling the growth of the fungus in the environment to reduce the risk to individuals is currently not a viable option. Even if the fungus is present in the soil, earth-moving activities may not result in an increased incidence of Valley Fever. Propagation of *Coccidioides* is dependent on climatic conditions, with the potential for growth and surface exposure highest following early seasonal rains and long dry spells.

Colusa County is not considered a highly endemic region for Valley Fever. In 2022, the California Department of Public Health (CDPH) identified that only 1 of the 7,451 suspected, probable, and confirmed annual cases of coccidioidomycosis recorded for California in 2022 occurred in Colusa County (CDPH 2024).

Page 4.3-16 and Page 4.3-17

(Edits made to address the inclusion of pile drivers during construction)

Table 4.3-6. Construction Scenario Assumptions

Construction Phase	Equipment			Average / Peak Daily Worker Vehicle Round Trips	Average / Peak Daily Vendor / Haul Truck Round Trips
	Equipment Type	Quantity	Usage Hours		
Preparation	Tractors/Loaders/Backhoes	4	8	50 / 50	10 / 20
	Plate Compactors	2	8		
	Crawler Tractors	2	8		
	Dumpers/Tenders	5	8		
	Forklifts	2	8		
	Generator Sets	4	8		
	Graders	2	8		
	Scrapers	2	8		
	Skid Steer Loaders	4	8		
	Water Trucks	8	8		
Excavation	Tractors/Loaders/Backhoes	4	8	50 / 50	10 / 20
	Plate Compactors	2	8		
	Crawler Tractors	2	8		
	Dumpers/Tenders	5	8		
	Forklifts	2	8		
	Generator Sets	4	8		
	Graders	2	8		
	Scrapers	2	8		
	Skid Steer Loaders	2	8		
	Water Trucks	8	8		
Utilities/Sub-grade	Tractors/Loaders/Backhoes	4	8	100 / 100	10 / 20
	Plate Compactors	2	8		
	Crawler Tractors	2	8		
	Dumpers/Tenders	5	8		
	Forklifts	2	8		
	Generator Sets	4	8		

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Construction Phase	Equipment			Average / Peak Daily Worker Vehicle Round Trips	Average / Peak Daily Vendor / Haul Truck Round Trips
	Equipment Type	Quantity	Usage Hours		
Construction	Graders	2	8	150 / 200	10 / 30
	Scrapers	2	8		
	Skid Steer Loaders	2	8		
	Water Trucks	8	8		
	Tractors/Loaders/Backhoes	7	8		
	Bore/Drill Rigs	10	8		
	Cement and Mortar Mixers	10	8		
	Forklifts	5	8		
	Concrete/Industrial Saws	3	8		
	Plate Compactors	1	8		
	Cranes	1	8		
	Dumpers/Tenders	5	8		
	Excavators	2	8		
	Generator Sets	4	8		
	Pavers	1	8		
	Paving Equipment	1	8		
	Skid Steer Loaders	2	8		
	Trenchers	10	8		
	Rollers	1	8		
	Water Trucks	2	8		
	Pile Drivers (Other Construction Equipment)	8	8		
Paving	Rollers	1	8	20 / 20	2 / 5

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(Edits made to address the inclusion of pile drivers during construction)

Table 4.3-1. Estimated Maximum Annual Construction Criteria Air Pollutant Emissions

Maximum Rolling 12-month	Emissions (tons per year)					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Unmitigated						
2025	<u>0.74</u> <u>0.81</u>	<u>6.40</u> <u>7.01</u>	<u>40.02</u> <u>11.12</u>	<u>0.04</u> <u>0.02</u>	<u>2.29</u> <u>2.34</u>	<u>0.55</u> <u>0.60</u>
2026	<u>0.44</u> <u>0.51</u>	<u>3.70</u> <u>4.39</u>	<u>6.52</u> <u>7.41</u>	<u>0.04</u> <u>0.01</u>	<u>4.08</u> <u>1.12</u>	<u>0.30</u> <u>0.33</u>
Mitigated						
2025	<u>0.36</u> <u>0.37</u>	<u>3.40</u> <u>3.48</u>	<u>40.68</u> <u>11.84</u>	<u>0.04</u> <u>0.02</u>	2.10	<u>0.40</u> <u>0.41</u>
2026	<u>0.23</u> <u>0.24</u>	<u>2.24</u> <u>2.30</u>	<u>6.87</u> <u>7.81</u>	<u>0.04</u> <u>0.01</u>	1.00	<u>0.23</u> <u>0.23</u>
BCAQMD Threshold	4.5	4.5	--	--	--	--
Threshold Exceeded?	No	No	No	No	No	No

Table 4.3-2. Estimated Maximum Daily Construction Criteria Air Pollutant Emissions

Maximum Rolling 12-month	Emissions (pounds per day)					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Unmitigated	<u>9.84</u> <u>11.28</u>	<u>91.67</u> <u>105.72</u>	<u>471.04</u> <u>188.10</u>	<u>0.27</u> <u>0.29</u>	37.60	<u>8.02</u> <u>8.79</u>
Mitigated	<u>5.45</u> <u>5.70</u>	<u>61.03</u> <u>62.30</u>	<u>177.41</u> <u>195.39</u>	<u>0.27</u> <u>0.29</u>	35.44	<u>6.41</u> <u>6.46</u>
BCAQMD Threshold	137	137	--	--	80	--
Threshold Exceeded?	No	No	No	No	No	No

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(Edits made to address the inclusion of pile drivers during construction)

Table 4.3-3. Colusa County Historical Region-Wide Annual Pollutant Emissions

Year / Source Type ¹		Emissions (tons/year)					
		NO _x	CO	ROG	SO _x	PM ₁₀	PM _{2.5}
2013	Point	448.2	192.0	89.9	116.2	378.7	127.8
	All other	3,668.5	6,625.1	20,353.6	33.6	4,422.5	983.2
2014	Point	397.5	223.4	80.8	101.6	312.6	96.6
	All other	3,539.0	6,438.5	20,288.7	33.9	4,424.5	979.0
2015	Point	345.2	189.6	91.6	23.3	280.0	110.2
	All other	3,611.1	16,218.4	20,944.5	142.6	5,508.7	1,883.1
2016	Point	348.5	341.1	115.9	28.6	366.1	167.4
	All other	3,167.7	5,741.5	20,143.4	32.3	4,389.3	926.6
2017	Point	315.6	188.8	75.6	24.0	298.5	108.4
	All other	3,018.7	5,170.0	20,038.2	28.2	4,347.4	886.7
2018	Point	308.4	184.8	76.3	23.1	301.3	107.6
	All other	3,107.0	19,465.1	21,019.7	132.8	5,773.4	2,092.5
2019	Point	308.4	185.5	77.0	23.2	304.6	107.8
	All other	3,017.8	19,327.3	20,985.1	132.7	5,771.1	2,090.1
2020	Point	313.8	192.5	68.9	23.0	273.8	102.1
	All other	2,896.8	19,214.5	20,905.0	132.7	5,747.9	2,077.9
2021	Point	1,475.9	429.5	685.7	25.5	426.1	180.0
	All Other	1,497.0	18,801.0	20,269.8	132.7	5,627.3	1,996.6
2022	Point	1,457.0	427.2	671.5	25.3	429.9	180.1
	All Other	1,404.5	18,708.6	20,251.7	132.6	5,623.0	1,993.0
2023	Point	1,435.4	424.5	658.4	24.7	431.7	178.7
	All Other	1,321.0	18,640.8	20,238.8	132.5	5,620.5	1,990.8
Project Construction							
2025		3.40 <u>3.48</u>	10.68 <u>11.84</u>	0.36 <u>0.37</u>	0.04 <u>0.02</u>	2.10	0.40 <u>0.41</u>
2026		2.24 <u>2.30</u>	6.87 <u>7.81</u>	0.23 <u>0.24</u>	0.01	1.00	0.23
Project Operation		0.50	0.76	0.29	0.002	0.02	0.02

¹ All other sources include stationary aggregated, areawide, on-road mobile, other mobile, and biogenic for years 2013–2020. Beginning in 2021, all other sources include areawide, on-road mobile, other mobile, and biogenic.

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(Edits made to address the inclusion of pile drivers during construction)

Table 4.3-4. Colusa County Historical Region-Wide Daily Pollutant Emissions

Year / Source Type ¹		Emissions (tons/day)					
		NO _x	CO	ROG	SO _x	PM ₁₀	PM _{2.5}
2013	Point	1.23	0.53	0.25	0.32	1.04	0.35
	All other	10.05	18.15	55.76	0.09	12.12	2.69
2014	Point	1.09	0.61	0.22	0.28	0.86	0.26
	All other	9.70	17.64	55.59	0.09	12.12	2.68
2015	Point	0.95	0.52	0.25	0.06	0.77	0.30
	All other	9.89	44.43	57.38	0.39	15.09	5.16

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Year / Source Type ¹		Emissions (tons/day)					
		NO _x	CO	ROG	SO _x	PM ₁₀	PM _{2.5}
2016	Point	0.95	0.93	0.32	0.08	1.00	0.46
	All other	8.68	15.73	55.19	0.09	12.03	2.54
2017	Point	0.86	0.52	0.21	0.07	0.82	0.30
	All other	8.27	14.16	54.90	0.08	11.91	2.43
2018	Point	0.84	0.51	0.21	0.06	0.83	0.29
	All other	8.51	53.33	57.59	0.36	15.82	5.73
2019	Point	0.84	0.51	0.21	0.06	0.83	0.30
	All other	8.27	52.95	57.49	0.36	15.81	5.73
2020	Point	0.86	0.53	0.19	0.06	0.75	0.28
	All other	7.94	52.64	57.27	0.36	15.75	5.69
2021	Point	4.04	1.18	1.88	0.07	1.17	0.49
	All other	4.10	51.51	55.53	0.36	15.42	5.47
2022	Point	3.99	1.17	1.84	0.07	1.18	0.49
	All other	3.85	51.26	55.48	0.36	15.41	5.46
2023	Point	3.93	1.16	1.80	0.07	1.18	0.49
	All other	3.62	51.07	55.45	0.36	15.40	5.45
Project Construction							
2025		0.009 0.010	0.029 0.032	0.001	<0.001	0.006	0.001
2026		0.006	0.019 0.021	0.001	<0.001	0.003	0.001
Project Operation		0.001	0.002	0.001	<0.001	<0.001	<0.001

¹ All other sources include stationary aggregated, areawide, on-road mobile, other mobile, and biogenic for years 2013–2020. Beginning in 2021, all other sources include areawide, on-road mobile, other mobile, and biogenic.

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(Edits made to address the inclusion of pile drivers during construction)

Table 4.3-12. HRA for Mitigated Construction Emissions

Maximum Impact Receptor	Cancer Risk (Persons per Million)	Chronic Hazard Index	Receptor Coordinates (UTM NAD 83 Zone 10)	
			Easting (meters)	Northing (meters)
PMI	1.64 1.78	2.04E-03 2.20E-03	562162.00	4326589.00
MEIR 1	0.34 0.36	4.18E-04 4.52E-04	563523.00	4326392.00
MEIR 2	0.37 0.40	4.56E-04 4.94E-04	561352.00	4328174.00
MEIR 3	0.24 0.23	2.62E-04 2.84E-04	564143.00	4330100.00
MEIR 4	0.09 0.10	4.10E-04 1.18E-04	562162.00	4326589.00
SR 1	0.01	1.20E-05	572581.00	4333193.00
SR 2	<0.01	1.00E-05	572606.00	4334093.00
SR 3	<0.01	1.00E-05	572804.00	4334125.00
MEIW 1	<0.01	3.40E-05 3.60E-05	564144.00	4333548.00
MEIW 2	<0.01	1.40E-05 1.60E-05	570497.00	4332064.00
MEIW 3	<0.01	3.20E-05 3.40E-05	571703.00	4326731.00

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As shown above, the cancer risk is expected to be below the 10 in one million BCAQMD threshold. Chronic risk (characterized by Hazard Index) is also expected to be below 1.0. Additionally,

dispersion modeling conducted for the Project indicates an annual maximum value of ~~0.01018~~ 0.01100 $\mu\text{g}/\text{m}^3$, which is well under the BCAQMD significance threshold of $0.3 \mu\text{g}/\text{m}^3$. Mitigation measure **AQ-1** would further limit diesel particulate matter from construction activities. The Project would also use ultra-low sulfur diesel fuels (less than or equal to 5 parts per million by weight sulfur).

Additionally, during construction, the implementation of mitigation measure **AQ-2** would provide control measures for fugitive dust emissions and limit the potential for exposure to Valley Fever.

Operation

Operational emissions will be minimal and occur intermittently for Project maintenance purposes. During operations, mitigation measure **AQ-3** would be implemented, providing additional long-term dust control measures for fugitive dust emissions and further limiting the potential for exposure to Valley Fever. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations. As such, localized impacts to off-site sensitive receptors would be less than significant.

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Centers for Disease Control and Prevention (CDC). 2022. Valley Fever (Coccidioidomycosis) Statistics. Available online at: <https://www.cdc.gov/valley-fever/php/statistics/index.html#:~:text=States%20usually%20report%20a%20total,are%20never%20diagnosed%20or%20misdiagnosed> (accessed November 2024).

California Department of Public Health (CDPH). 2024 Valley Fever Dashboard. Available online at [Valley Fever in California Dashboard](#) (accessed November 2024).

Section 4.4 Biological Resources

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Table 4.4-2. Special Status Species

Scientific Name	Common Name	Federal Status	State Status/ Other Status	Habitat	Potential to Occur
Plants					
<i>Amsinckia lunaris</i>	Bent-flowered fiddleneck	None	1B.2	Cismontane woodland, Coastal bluff scrub, Valley and foothill grassland.	Low. While there are three known occurrences within the Salt Canyon quadrangle, the Project site contained primarily non-native grasslands and common wheat fields and is actively grazed. This species was not found during the rare plant surveys that were conducted during the blooming period. Therefore, potential to occur is low. There is one CNDDDB occurrence within 5 miles of the BSA, located approximately 2.5 miles to the northwest.
<i>Astragalus tener</i> var. <i>ferrisiae</i>	Ferris' milk-vetch	None	1B.1	Meadow and seep, Valley and foothill grassland, Wetland.	Low. While this species is known to occur within 5 miles of the Project site, non-native grassland and wetland habitat and drainages on the site were highly disturbed due to consistent active grazing. This species was not found during the rare plant surveys that were conducted during the blooming period. Therefore, potential to occur is low. There is one CNDDDB occurrence within 5 miles of the BSA, located approximately 4.1 miles to the west.
<i>Sidalcea keckii</i>	Keck's checkerbloom	Endangered	1B.1	Cismontane woodland, Ultramafic soils, Valley and foothill grassland.	Low. While there is one known occurrence within the Salt Canyon quadrangle, the Project site contained primarily non-native grasslands and common wheat fields and is actively grazed. This species was not found during the rare plant surveys that were conducted during the blooming period. Therefore, potential to occur is low. There is one CNDDDB occurrence within 5 miles of the BSA, located approximately 4 miles to the southwest.
Invertebrates					
<i>Bombus crotchii</i>	Crotch's bumble bee	None	Candidate Endangered	Open grasslands and shrublands. Nests in underground abandoned rodent burrows.	Observed. The BSA mainly consists of open grassland habitat, with some shrublands present. Floral resources are present in patches throughout the BSA. Five individuals were observed during focused habitat assessments and surveys for the species, but no nesting sites were found. Nesting habitat, including bare ground, rodent burrows, rock piles, and fallen logs, occurs on site.

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Scientific Name	Common Name	Federal Status	State Status/ Other Status	Habitat	Potential to Occur
Birds					
<i>Agelaius tricolor</i>	Tricolored blackbird	None	Threatened	Historically nested in wetlands with cattails, bulrushes, and willows, but has also been observed nesting in triticale fields especially those with invasive mustard and blackberry brambles in proximity to stock ponds and irrigated pastures. Forages in cultivated fields and wetlands.	Low. Suitable nesting habitat is not present within the Project site due to the absence of suitable wetlands and triticale fields, and regular disturbance in the form of grazing and disking/tiling. Species may forage within or occasionally flyover the Project site. There is one CNDDDB record within 5 miles of the BSA. This record is approximately 4.6 miles away.
<i>Athene cunicularia</i>	burrowing owl	None	<u>SSC Candidate</u>	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation.	Moderate. BUOW were not observed during the protocol 2024 breeding season surveys, but suitable habitat in the form of small mammal burrows is present in discrete locations of the BSA. Winter protocol surveys will be completed during the 2024–2025 winter. There are two CNDDDB occurrences within 5 miles of the BSA, with the nearest located 1.8 miles to the northeast.
<i>Buteo swainsoni</i>	Swainson's hawk	None	Threatened	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees.	Observed. Foraging habitat and preferred nesting habitat of solitary or small groves of trees near agricultural fields are present on the Project site. Two adult Swainson's hawks were observed within the Project site in 2020. Two other adult Swainson's hawk sightings occurred in May 2024. In 2024, six active Swainson's hawk nests were observed within a 10-mile buffer, however no Swainson's hawk nesting was observed within the BSA. There are no CNDDDB occurrences within 5 miles of the BSA.
<i>Circus hudsonius</i>	northern harrier	None	SSC	Wetlands, grasslands, fields, estuaries, open floodplain, and marshes. This species nests on the ground (The Cornell Lab 2024).	Observed. Two northern harriers were observed flying overhead in November 2019, approximately three harriers were observed in 2020, and one individual was observed in 2024. Nesting is not likely on the Project site, as this species is not tolerant of disturbance, such as heavy grazing and disking/tiling (The Cornell Lab 2024). There are no CNDDDB occurrences within 5 miles of the BSA.
<i>Falco columbarius</i>	merlin	None	None/WL	Open forests and grasslands (The Cornell Lab 2024).	Observed. One merlin was observed perching in the Project site in November 2019. Merlin nesting does not occur in California (The Cornell Lab 2024). There are no CNDDDB occurrences within 5 miles of the BSA.

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Scientific Name	Common Name	Federal Status	State Status/ Other Status	Habitat	Potential to Occur
<i>Falco mexicanus</i>	prairie falcon	None	None/WL, BCC	Inhabits dry, open level or hilly terrain. Nests in steep cliffsides.	Observed. One prairie falcon was observed foraging and perching in the vicinity of the Project site in 2020. This species is unlikely to nest within the Project site because cliff/bluff nesting habitat is not present on the site. There are no CNDDDB occurrences within 5 miles of the BSA.
<i>Lanius ludovicianus</i>	loggerhead shrike	None	SSC	Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	Observed. Individuals of this species were observed foraging and perching in the vicinity of the Project site in 2019, 2020, and 2024. The Project site provides only limited potential nesting sites (i.e., trees and shrubs) and is heavily disturbed by consistent active grazing. There are no CNDDDB occurrences within 5 miles of the BSA.
<i>Plegadis chihi</i>	white-faced ibis	None	None/WL	Nests in dense, freshwater emergent wetland, extensive marshes, and rarely in trees, but no longer breeds regularly anywhere in California (CDFG 2005a). Forages in freshwater emergent wetland, shallow lakes, muddy ground of wet meadows, and irrigated or flooded pastures and croplands.	Observed. Numerous individuals of this species were observed in 2021 and 2024 foraging in grasslands within the Project site. This species would not nest within the Project site because preferred nesting sites (i.e., dense, freshwater emergent wetland and extensive marshes) do not occur. There are no CNDDDB occurrences within 5 miles of the BSA.
Mammals					
<i>Taxidea taxus</i>	American badger	None	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.	Moderate. American badger was not observed during the surveys and no potential burrows/dens were found in the BSA, however, the grasslands provide suitable habitat. Culverts of sufficient size, along existing roads within the BSA may be used by this species for refuge or to pass safely beneath roads. There are 2 CNDDDB occurrences in 5 miles of the BSA with the closest approximately 1.5-mile northwest.
Amphibians					
<i>Rana boylei</i>	Foothill yellow-legged frog – North Coast Distinct Population Segment	None	SSC	Foothill and mountain streams. Occurs in a wide variety of vegetation types including valley-foothill hardwood, valley-foothill hardwood-conifer, valley-foothill riparian, ponderosa pine, mixed conifer, mixed chaparral and wet meadows.	Low. The only marginally suitable habitat for this species is within Salt Creek along the gen-tie line. However, this creek lacks suitable riparian coverage for this species and suitable adjacent vegetation types. There is one CNDDDB occurrence within 5 miles of the BSA, located approximately 4 miles to the south.

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Scientific Name	Common Name	Federal Status	State Status/ Other Status	Habitat	Potential to Occur
<i>Spea hammondi</i>	western spadefoot	Proposed Threatened	SSC	Occurs primarily in grassland habitats but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg laying.	Moderate. The Project site consists of grassland habitat and has multiple drainages that may serve as habitat for the western spadefoot. There are no CNDDB occurrences within 5 miles of the BSA.
Reptiles					
<i>Thamnophis gigas</i>	giant gartersnake	Threatened	Threatened	Freshwater marsh and low gradient streams. Adapted to drainage canals and irrigation ditches.	Low to Moderate. There is a low potential for this species to occur within the Project site as aquatic features with emergent vegetation are absent from the site. Salt Creek and the Tehama Colusa Canal are the only suitable aquatic habitat in the Project vicinity. There is a moderate potential for this species to occur near these features, along the gen-tie line. The nearest CNDDB occurrence is approximately 4 miles northwest of the BSA.

Notes: 4.2 = California Native Plant Society watch list; CNDDB = California Natural Diversity Database; BCC = United States Fish and Wildlife Service Birds of Conservation Concern; S = BLM Sensitive Species; SSC = CDFW Species of Special Concern; WL = CDFW Watch List.

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Burrowing Owl

The BUOW is a Candidate species for listing under the California Endangered Species Act ~~California Species of Special Concern~~ and a USFWS Bird of Conservation Concern. ~~There is currently a petition to list the Northern Central Valley population of BUOW (which includes populations within Colusa County) as threatened under the California Endangered Species Act (Center for Biological Diversity et al. 2024). While the outcome of this petition is not yet determined, it is possible that BUOW may become a listed or candidate species under the California Endangered Species Act prior to the start of construction.~~

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BIO-1: Protection of Special Status Species

Crotch's Bumble Bee

Prior to ground ~~disturbing~~ disturbance or vegetation removal and management activities within the Project site, a CBB avoidance plan will be prepared and submitted to CDFW for review and comment. This plan will include specific avoidance measures that will be implemented to avoid take of the species. These measures ~~are anticipated to include~~ shall include but are not be limited to pre-construction surveys for CBB individuals and nests, avoidance of active nests, avoidance of vegetation removal to the extent feasible during the CBB colony active period, procedures for vegetation management in coordination with mitigation measure **FIRE-1**, and implementation of avoidance buffers around CBB individuals and nests if they are observed. If it is ultimately determined that avoidance of CBB is not feasible, then the Project will seek an Incidental Take Permit from CDFW.

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BIO-2: Worker Environmental Awareness Training and Best Management Practices for Biological Resources

During construction, operation and maintenance, and decommissioning of the facility, the Project owner and/or contractor shall implement the following general avoidance and protective measures to protect special status wildlife species and habitats:

- Prior to and for the duration of construction activities, the Project owner, or its contractor, shall implement a Worker Environmental Awareness Program to train all on-site construction personnel to recognize and protect biological resources on the Project site. The Worker Environmental Awareness Program training shall include a review of the special status species and other sensitive biological resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources, highlighting CBB, burrowing owl, Swainson's hawk, American badger, western spadefoot, foothill yellow-legged frog, giant garter snake, nesting birds, and protected waters and wetlands.
- The Project owner shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. Buffers and avoidance areas established for biological resources, as described in **BIO-1** and **BIO-3**, shall be delineated with stakes and/or flagging prior to construction.

Construction-related activities and use of vehicles and equipment shall not occur within protected buffers or avoidance areas.

- Any sensitive habitats within 50 feet of the Project impact areas shall be flagged in the field by a qualified biologist prior to Project construction. To the extent feasible, the greatest buffer (up to 50 feet) should be flagged around the sensitive habitat. No work will occur in the flagged areas. The avoidance areas will be maintained for the duration of construction activities in their vicinity.
- To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by on-site workers for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a special status species is trapped, the USFWS and/or CDFW shall be contacted immediately.
- All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be covered and/or thoroughly inspected for special status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the biologist. No handling of special status species shall occur without consultation with the applicable agencies (CDFW, USFWS).
- Vehicles and equipment parked on the site during construction shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving.
- Vehicular traffic shall use existing routes of travel. Cross country vehicle and equipment use outside of the Project properties shall be prohibited.
- A speed limit of ~~20~~ 15 miles per hour shall be enforced within all construction areas.
- A long-term trash abatement program shall be established for construction, operation, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven, coyote (*Canis latrans*), and feral dogs.
- Workers shall be prohibited from bringing pets to the Project site and from feeding wildlife in the vicinity.
- Intentional killing or collection of any wildlife species shall be prohibited.
- Rodenticides shall not be used within the Project site, except within buildings, and disturbance to mammal burrows shall be avoided and minimized.

Section 4.5 Cultural Resources

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There are no historical architectural resources within the Project site. Located adjacent to the Project site at ~~4958~~ 1961 Spring Valley Road (Assessor Parcel Number 018-050-005013) and 4872 Walnut Drive ~~Road~~ (Assessor Parcel Number 016-190-021-000) are buildings and agricultural structures.

Section 4.8 Greenhouse Gases

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Table 4.8-2. Estimated Annual Construction Greenhouse Gas Emissions

Construction Year	CO ₂	CH ₄	N ₂ O	CO ₂ e
	Metric Tons per Year			
2025	2,302.75 <u>2,452.80</u>	0.07	0.12	2,340.95 <u>2,491.52</u>
2026	1,453.79 <u>1,574.72</u>	0.03	0.07	1,476.04 <u>1,597.36</u>
Total Project Construction GHG Emissions	3,756.53 <u>4,027.52</u>	0.10 <u>0.11</u>	0.19 <u>0.20</u>	3,816.99 <u>4,088.88</u>

Section 4.13 Noise

Page 4.13-3 through Page 4.13-4

In contrast to airborne noise, groundborne vibration is not an everyday occurrence for humans. The background vibration velocity levels within residential areas are usually 50 VdB or lower, which is well below the human perception threshold of approximately 65 VdB. However, human response to vibration is not usually significant unless the vibration exceeds 70 VdB. For a significant impact to occur, vibration levels must exceed 72 VdB during frequent events, 75 VdB for occasional events, and 80 VdB during infrequent events (FTA ~~2006~~ 2018). Outdoor sources that generate perceptible groundborne vibrations are typically construction equipment, steel-wheeled trains, and traffic on rough roadways. Table 4.13-3 provides common vibration sources as well as human and structural response to groundborne vibrations.

Table 4.13-5. Typical Levels of Groundborne Vibration

Human/Structural Response	PPV (in/sec)	Velocity Level (VdB)*	Typical sources (50 feet from source)
Threshold, Minor Cosmetic Damage, Fragile Buildings	0.4	100	Blasting from Construction Projects
Difficulty with Tasks, Such as Reading a Computer Screen	0.17-0.2	92-94	Heavy Tracked Construction Equipment
Residential Annoyance, Infrequent Events	0.125	90	
	0.074	85	Commuter Rail, Upper Range
	0.04	80	Rapid Transit, Upper Range
	0.013	75	Commuter Rail, Typical
	0.023	72	Bus or Truck Bump Over
Residential Annoyance, Frequent Events	0.013	70	Rapid Transit, Typical
Approximate Threshold of Human Perception	0.007	65	
	0.005	62	Bus or Truck, Typical
	0.0013	50	Typical Background Vibration Levels

*RMS Vibration Velocity in VdB reference to 10⁻⁶ inches/second
Source: FTA (~~2006~~ 2018)

The degree of annoyance cannot always be explained by the magnitude of the vibrations alone. Phenomena, such as groundborne noise and rattling, visual effects (e.g., movement of hanging objects), and time of day, all influence the response of individuals. The American National Standards Institute (ANSI) and the International Organization for Standardization (ISO) has developed criteria for evaluation of human exposure to vibrations. The recommendations of these standards and other studies evaluating human response to vibrations have been incorporated into the Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment

Manual (~~May 2006~~ 2018). The criteria within this manual are used to assess noise and vibration impacts from transit operations.

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Federal Transit Administration and Federal Railroad Administration Standards

Although the FTA standards are intended for federally-funded mass transit projects, the impact assessment procedures and criteria included in the FTA Transit Noise and Vibration Impact Assessment Manual (FTA ~~2006~~ 2018) routinely are used for projects under review by local jurisdictions that have not adopted their own vibration impact standards. The FTA and Federal Railroad Administration have published guidelines for assessing the impacts of groundborne vibration associated with rail projects, which have been applied by other jurisdictions to other types of projects. The FTA's threshold of architectural damage for conventional sensitive structures from groundborne vibration is measured as 0.2 inches/second PPV or 94 VdB (decibel units of 1 micro-inch/second). The FTA measure of human annoyance at residential uses is 80 VdB for "Frequent Events," or fewer than 70 vibration events of the same kind per day.

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(Edits made to address the inclusion of pile drivers during construction)

Table 4.13-7. Projected Construction Noise Levels by Stage (dBA L_{eq})

Construction Stage	Equipment				Construction Noise Level, dBA					
	Equipment Type	Quantity	Usage Factor (%)	USEPA Construction Noise Level (50 feet), dBA	Project Boundary (50 feet)	NSA-1 (1,375 feet) ¹	NSA-2 (100 feet) ¹	NSA-3 (2,625 feet) ¹	NSA-4 (200 feet) ¹	NSA-5 (50 feet) ¹
Preparation	Backhoes	4	40	80	93	64	87	59	81	93
	Plate Compactors	2	20	80						
	Crawler Tractors	2	40	84						
	Dump Trucks	5	40	84						
	Forklifts	2	20	85						
	Generator Sets	4	50	82						
	Graders	2	40	85						
	Scrapers	2	40	85						
	Skid Steer Loaders	4	40	80						
Excavation	Backhoes	4	40	80	93	64	87	56	81	93
	Plate Compactors	2	20	80						
	Crawler Tractors	2	40	84						
	Dump Trucks	5	40	84						
	Forklifts	2	20	85						
	Generator Sets	4	50	82						
	Graders	2	40	85						
	Scrapers	2	40	85						
	Skid Steer Loaders	2	40	80						
Utilities/ Sub-grade	Backhoes	4	40	80	93	64	87	59	81	93
	Plate Compactors	2	20	80						
	Crawler Tractors	2	40	84						
	Dump Trucks	5	40	84						
	Forklifts	2	20	85						
	Generator Sets	4	50	82						
	Graders	2	40	85						
	Scrapers	2	40	85						
	Skid Steer Loaders	2	40	80						
Construction	Pile Drivers	8	20	95	98100	6972	9294	6366	8688	98100
	Backhoes	7	40	84						
	Bore/Drill Rigs	10	20	85						
	Cement Mixers	10	40	85						
	Forklifts	5	20	85						

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Construction Stage	Equipment				Construction Noise Level, dBA					
	Equipment Type	Quantity	Usage Factor (%)	USEPA Construction Noise Level (50 feet), dBA	Project Boundary (50 feet)	NSA-1 (1,375 feet) ¹	NSA-2 (100 feet) ¹	NSA-3 (2,625 feet) ¹	NSA-4 (200 feet) ¹	NSA-5 (50 feet) ¹
Paving	Concrete Saws	3	20	90						
	Plate Compactors	1	20	80						
	Cranes	1	16	85						
	Dump Trucks	5	40	84						
	Excavators	2	40	85						
	Generator Sets	4	50	82						
	Pavers	1	50	85						
	Paving Equipment	1	40	85						
	Skid Steer Loaders	2	40	80						
	Trenchers	10	50	82						
	Rollers	1	20	85						
	Rollers	1	20	85	78	49	72	51	66	78

¹Distance to residential structure.

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(Edits made to address the inclusion of pile drivers during construction)

IMPACT 4.13-2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels? **(Less than Significant Impact with Mitigation Incorporated)**

Vibration levels for activities associated with Project construction were based on the average of PPV source levels published with the FTA Noise and Vibration Manual (FTA ~~2006~~ 2018), which documents several types of construction equipment measured under a wide variety of construction activities. Using the documented vibration levels as input into a basic propagation model, construction vibration levels were calculated ~~at from the solar panel array~~ to the nearest Project site boundary and then ~~at to~~ the NSA structure. Vibration levels for decommissioning are anticipated to be similar to those for construction.

Project construction would be completed in ~~three~~ five work stages. This vibration level evaluated the worst-case vibration source, which would be the ~~roller impact pile driver~~. Based on vibration propagation calculations, construction vibration levels are predicted to range from ~~0.0002~~ 0.0003 PPV inches per second (in/sec; ~~45 38~~ VdB) to ~~0.0263~~ 0.0307 PPV in/sec (~~76 78~~ VdB) at the non-participating NSAs, and ~~0.0093~~ 0.0015 PPV in/sec (~~62 52~~ VdB) and ~~0.0743~~ 0.0055 PPV in/sec (~~64 53~~ VdB) at the participating NSAs.

These levels are based on the worst-case vibration producing equipment and it is expected that other vibration generating equipment proposed for the Project construction would result in lower vibration levels. Table 4.13-14 summarizes the predicted vibration levels at each of the NSAs based on the highest vibration generating equipment. As shown in Table 4.13-14, vibration levels may be perceptible at the nearest non-participating sensitive receptors but will be below the maximum vibration level of 80 VdB. This level is considered acceptable for impacts to sensitive receptors. Implementation of the noise reduction measures included as mitigation measure NOISE-1 will ensure vibration levels from construction are compatible with the FTA guidance thresholds.

Project operation is not anticipated to generate groundborne noise or vibration. The Project does not propose the use of heavy equipment during Project operation that would introduce any new sources of perceivable groundborne vibration; therefore, there is no potential for significant vibration impacts resulting from Project operations.

The impacts of groundborne noise and vibration would be less than significant.

Table 4.3-14. Projected Construction Vibration Levels

Construction Operation	Vibration Level Metric	Project Boundary (50 feet)	NSA-1 Structure (1,375 1,700 feet) ¹	NSA-2 Structure (400 190 feet) ¹	NSA-3 Structure (2,625 3,900 feet) ¹	NSA-4 Structure (200 1,400 feet) ¹	NSA-5 Structure (50 600 feet) ¹
Roller Pile Driver	PPV in/sec	0.0743 0.2277	0.0005 0.0012	0.0263 0.0307	0.0002 0.0003	0.0093 0.0015	0.0743 0.0055
	VdB	85 95	44 49	76 78	45 38	62 52	64 53

¹ Distance to residential structure from solar panel array.

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NOISE-1: The Project shall implement the following construction management protocols to minimize noise impacts during construction:

- Use temporary noise walls that provide 10 to 15 dB of reduction so that construction noise does not exceed 86 dBA at the Project boundary;
- Maintain all construction tools and equipment in good operating order according to manufacturers' specifications;
- Limit use of major excavating and earth-moving machinery to daytime hours;
- Schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited on-site activities may be allowed provided that the standards of Table 1 of Chapter 13-6 of the County Code at the property line are not exceeded;
- Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks;
- For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible;
- Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment provided that the standards of Table 1 of Chapter 13-6 of the County Code at the property line are not exceeded; and
- A vibratory pile driver will be used for any pile driving activities occurring within 160 feet of a residential structure;
- Impact pile driving occurring between 160 feet and 290 feet of a residential structure will be limited to 70 strikes per day; and
- Prior to construction, a single point of contact shall be identified and their contact information shall be provided to the County and adjacent property owners who shall receive all construction related complaints, including but not limited to noise, dust, and traffic. A single point of contact shall be assigned at all times during and after construction and shall be responsible for investigating and responding to all complaints.

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Federal Transit Authority (FTA). ~~2006~~ 2018. Transit Noise and Vibration Impact Assessment Manual.

Section 4.20 Wildfire

Page 4.20-15

IMPACT 4.20-3: *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Less than Significant Impact with Mitigation Incorporated)*

The Project would require water for dust suppression during construction and decommissioning activities as well as for emergency fire suppression during operation of the Project. In accordance with mitigation measure **FIRE-1**, as detailed below, which requires the development of a Vegetation Management and Wildfire Prevention Plan that specifies that the site should be free of combustible vegetation with ground cover maintained to a maximum height of 124 inches ~~adjacent and beneath at 0-20 feet from all the solar racking~~PV arrays, and include Fuel Modification Zones around the BESS and Substation, ~~and outside of the PV solar arrays~~, as well as along the Project site perimeter.

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FIRE-1: Wildfire Protection Measures

- **Emergency Services Response Plan.** Prior to any building permit issuance, an ESRP shall be submitted to the Williams Fire Protection Authority and the County for review and approval. This ESRP shall adequately describe the Project design and layout according to as-built drawings, and detail specific fire suppression and protection measures that will be implemented in the entire facility, including the BESS, to eliminate fire hazards, as well as detailed information about the emergency response strategy so that first responders are well equipped to effectively respond to a call for service, if there were any. The ESRP will also take into account recommendations provided by the BESS supplier. The ESRP will also include defined roles and responsibilities. Measures could include but would not be limited to, coordination and communication procedures with the fire department and other first responders, shutdown procedures, site personnel training, identification of evacuation routes, traffic control, and maintenance of Safety Data Sheets. The ESRP will be made to the satisfaction of and require approval from the Williams Fire Protection Authority Fire Chief. Such measures shall include but not be limited to the following:
 - On-site water storage shall include ~~a 50,000~~ two 25,000-gallon water storage tanks with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.
 - Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval.
 - The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Protection Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Protection Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Protection Authority. Should the Project Owner place on the site

more than one battery storage prior to obtaining approval of the Williams Fire Protection Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Protection Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Protection Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements.

- Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.
- As part of the siting and design of the BESS, a setback of more than 500 feet shall be included to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the WFPA Fire Chief.
- In addition to what is included in the ESRP, the Applicant will be required to provide training on how to adequately respond to a fire event on the Project site to the WFPA. The Applicant may also provide appropriate training to and surrounding jurisdictions that may potentially respond to a call for service at the Project site.

Chapter 6 Preparers

6.2 TETRA TECH (TECHNICAL ASSISTANCE)

Anna Shamey	Project Manager
Jennifer Merrick	Senior Technical Advisor, Addendum to the Land Evaluation and Site Assessment Technical Memorandum, Addendum to the Water Supply Assessment Technical Memorandum, Addendum to the Traffic Analysis Technical Memorandum, Paleontological Resources Technical Memorandum
Elizabeth Bradley	Deputy Project Manager, Executive Summary, Introduction, Introduction to the Alternatives, Agriculture and Forestry Resources, Energy, Land Use and Planning, Transportation, Alternatives Analysis
Hannah Marquez	Project Description, Geology and Soils Resources, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation
Paula Fell	Aesthetics, Visual Impacts Analysis Report
Sucharitha Sridharan	Air Quality, Greenhouse Gas Emissions, Air Quality/Greenhouse Gas Report

3 Minor Revisions to the Draft EIR

Chris Hulik	Noise, Addendum to the Sound Survey and Analysis Report Memorandum
Jack Gordon	Biological Resources, Swainson's Hawk Survey Report
Dave Rasmussen	Biological Resources, Swainson's Hawk Survey Report
Daniel Berg	Burrowing Owl Report, Biological Resources Report, Jurisdictional Delineation Report
Lauren Jennings	Burrowing Owl Report, Biological Resources Report, Jurisdictional Delineation Report
Amy Noddings	Burrowing Owl Report, Biological Resources Report, Jurisdictional Delineation Report
Jenna Farrell	Cultural Resources, Tribal Cultural Resources
Joe Harrison	Hazards and Hazardous Materials, Land Use and Planning, Utilities and Service Systems, Wildfire
Jay Neuhaus	Phase I ESA Report, <u>Geology and Soil Resources, Hydrology and Water Quality, Mineral Resources</u>
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<u>Jessica Taylor</u>	<u>Agriculture and Forestry Resources</u>
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<u>Derrick Coleman</u>	<u>Geology and Soil Resources</u>
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3 Minor Revisions to the Draft EIR

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