

Appendix A

Initial Study and Notice of Preparation and
Responses

Notice of Preparation

To: Office of Planning & Research
(Agency)

P.O. Box 3044, 1400 Tenth Street, Room 212
(Address)

Sacramento, CA 95812-3044

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency:

Consulting Firm (If applicable):

Agency Name Imperial County, Planning & Dev Svc.

Firm Name HDR

Street Address 801 Main Street

Street Address 591 Camino de la Reina, Suite 300

City/State/Zip El Centro, CA 92243

City/State/Zip San Diego, CA 92108

Contact Diana Robinson

Contact Tim Gnibus

The County of Imperial will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the Environmental Information, which is germane to your agency’s statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, table of Assessor’s Parcel Numbers (APN), and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but ***not later than 35 days*** after receipt of this notice.

Please send your response to Imperial County Planning & Development Services, Attn: Diana Robinson at the address shown above. We will need the name for a contact person in your agency.

Project Title: Big Rock 2 Cluster Solar & Storage Project

Project Location: The project site is located on approximately 1,849 acres of privately-owned, vacant land in Imperial County, California. Please refer to Attachment A for the list of APNs and Figures 1 and 2 for the general project location. The project site is located in unincorporated Imperial County, south of Interstate 8, approximately one mile southwest of the town of Seeley, California, and approximately six miles north of the United States International Border with Mexico. The project site is west of Drew Road and east and north of Mandapa Road.

Project Description (brief): The Project would include the construction and operation of a photovoltaic (PV) solar energy generation and battery energy storage system (BESS) facility comprised of up to 500 megawatts alternating current (MWac) PV solar and up to 500 MWac of BESS. Power generated by the Project would be collected using up to 66-kV collector lines which could run overhead and/or underground to a dedicated Project substation, with a 230-kV overhead generation transmission line or “gen-tie” line linking a Project substation to the Imperial Irrigation District (IID) Liebert Switchyard. The Liebert Switchyard would then be connected to the San Diego Gas & Electric (SDG&E) Imperial Valley substation via an overhead 230-kV gen-tie line. Two gen-tie line alternatives are proposed.

The County Land Use Ordinance, Division 17, includes the Renewable Energy (RE) Overlay Zone, which authorizes the development and operation of renewable energy projects with an approved conditional use permit (CUP). CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed

without an amendment to the RE Overlay Zone. The majority of the project site is located outside of the RE Overlay Zone.

Implementation of the project requires an amendment to the County’s General Plan Renewable Energy and Transmission Element, Zone Change, and approval of four CUPs, as described below:

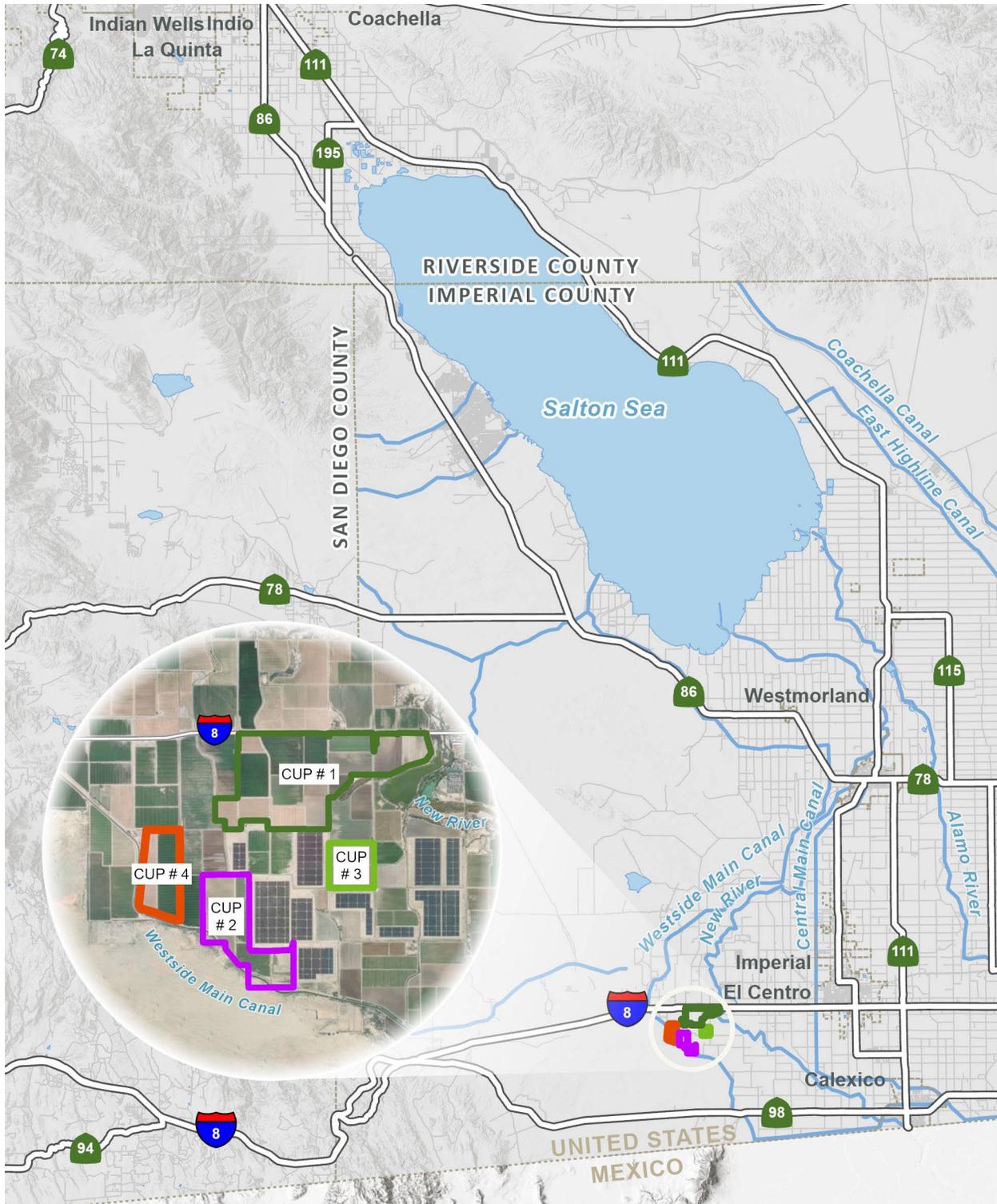
- **General Plan Amendment:** The applicant is requesting a General Plan Amendment to include/classify all project parcels into the RE Overlay Zone. No change in the underlying General Plan land use (Agriculture) is proposed.
- **Zone Change:** The project site is currently zoned A-2 (General Agricultural), A-2-R (General Agricultural/Rural), A-3 (Heavy Agricultural), A-2-RE (General Agricultural – Renewable Energy Overlay) and A-3-RE (Heavy Agricultural – Renewable Energy Overlay). The applicant is requesting a Zone Change to include/classify all project parcels into the Renewable Energy Overlay Zone.
- **Conditional Use Permit:** Implementation of the project would require the approval of four CUPs by the County to allow for the construction and operation of the proposed solar energy facility with an integrated BESS on land zoned A-2, A-2-R, A-3, A-2-RE and A-3-RE.
- **Water Supply Assessment:** Implementation of the project would require the approval of the Water Supply Assessment.

Project Applicant: 90FI 8me, LLC

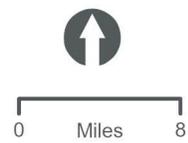
Date	_____	Signature	_____
		Title	_____
		Telephone	_____

Reference: California Administrative Code, Title 14, (CEQA Guidelines) Section 15082(a), 15103, 15375.

Figure 1. Project Location

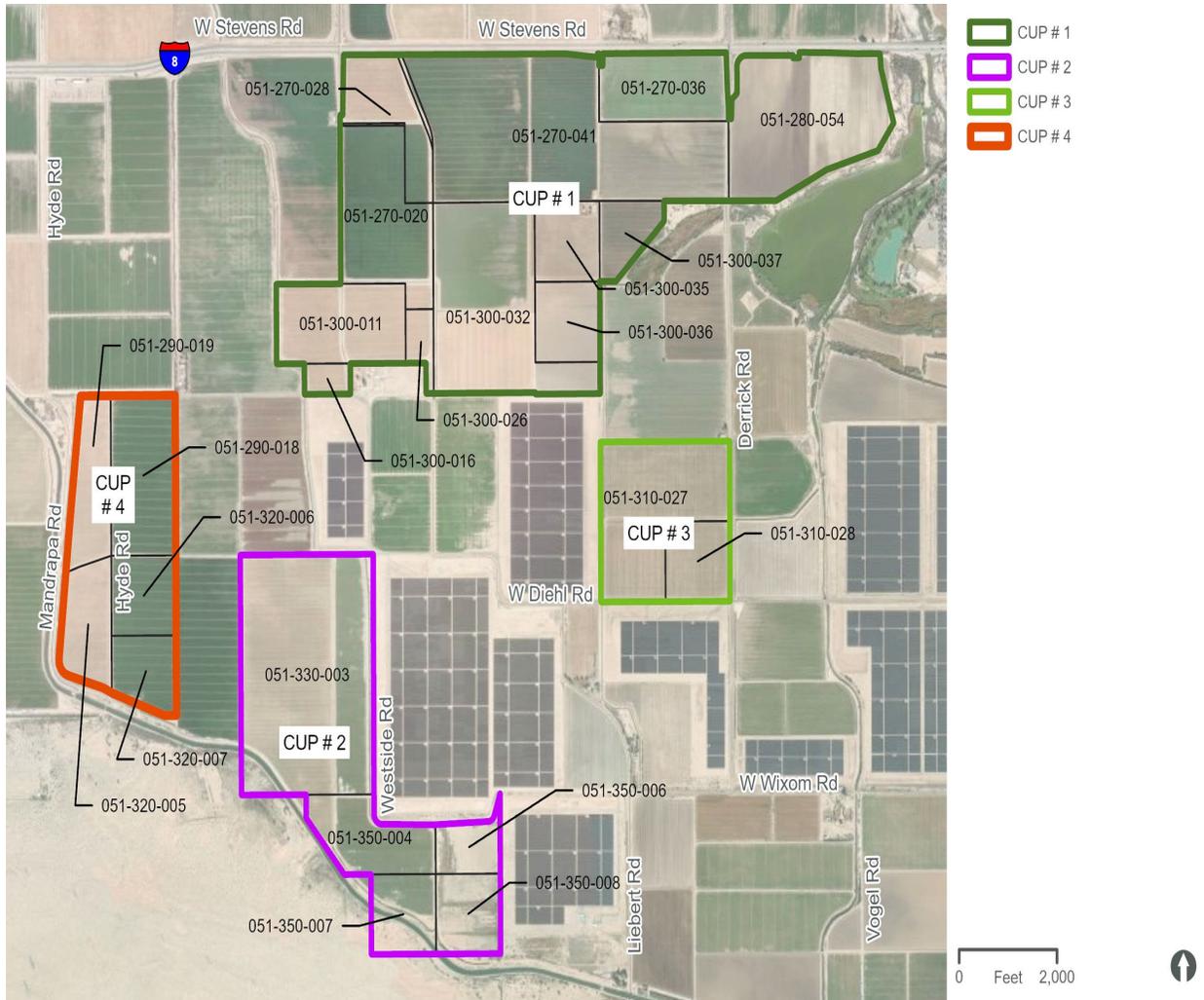


-  CUP # 1
-  CUP # 2
-  CUP # 3
-  CUP # 4



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Figure 2 Project Site Boundaries/Local Vicinity



ATTACHMENT A – Big Rock 2 Cluster Solar & Storage Project Assessor’s Parcel Numbers (APN), Zoning, and Acreage

Big Rock Cluster North: CUP No. 24-0006

	APN	Zoning	Acres
1	051-270-020	A-2-R	101.8
2	051-270-028	A-2	52.3
3	051-270-036	A-2	67.4
4	051-270-041	A-2-R	279.0
5	051-280-054	A-2	149.5
6	051-300-011	A-2	79.6
7	051-300-016	A-2	10.8
8	051-300-026	A-2	13.4
9	051-300-035	A-3	40.3
10	051-300-037	A-3	28.9
11	051-300-032 (northern portion)	A-2	85.5
	Sub-total		910.0
Laurel 2 North CUP #21-0014 (Expires December 2024)			
12	051-300-032 (southern portion) (to be re-entitled)	A-2-RE	80.0
13	051-300-036 (to be re-entitled)	A-3-RE	40.3
	Sub-total		120.3
	TOTAL ACRES		1,030

Big Rock Cluster South: CUP No. 24-0007

	APN	Zoning	Acres
1	051-330-003	A-3	246.5
2	051-350-004	A-3	57.4
3	051-350-006	A-3	26.3
4	051-350-007	A-3	40.0
5	051-350-008	A-3	40.0
	TOTAL ACRES		410.0

Big Rock Cluster East/Laurel Cluster South: CUP No. 24-0008

	APN	Zoning	Acres
1	051-310-027	A-2-R-RE	120.0
2	051-310-028	A-2-R-RE	39.9
	TOTAL ACRES		160.0

Big Rock Cluster West: CUP No. 24-0009

	APN	Zoning	Acres
1	051-290-018	A-2-R	79.8
2	051-290-019	A-3	48.7
3	051-320-005	A-3	45.0
4	051-320-006	A-3	39.9
5	051-320-007	A-3	35.3
	TOTAL ACRES		249.0

Imperial County
Planning & Development Services Department

**NOTICE OF PREPARATION OF DRAFT EIR FOR THE BIG ROCK 2 CLUSTER SOLAR & STORAGE PROJECT
AND NOTICE OF PUBLIC EIR SCOPING MEETING**

The Imperial County Planning & Development Services Department intends to prepare an Environmental Impact Report (EIR) for the proposed Big Rock 2 Cluster Solar & Storage Project as described below. A public scoping meeting for the proposed EIR will be held by the Imperial County Planning & Development Services Department on September 26, 2024 at 6:00PM. The scoping meeting will be held at the Imperial County Planning & Development Services Department, located at 801 Main Street, El Centro, CA 92243. Comments regarding the scope of the EIR will be accepted at this meeting.

SUBJECT: Environmental Impact Report (EIR), Big Rock 2 Cluster Solar & Storage Project (General Plan Amendment 24-0002, Zone Change 24-0003, Conditional Use Permits 24-0006 thru -0009, and Variances 24-0002 thru -0005 & Water Supply Agreement (WSA).

BOARD OF SUPERVISORS CONSIDERATION: To Be Determined.

PROJECT LOCATION: The project site is located on approximately 1,849 acres of privately-owned, vacant land in Imperial County, California. The project site is located in unincorporated Imperial County, south of Interstate 8, approximately one mile southwest of the town of Seeley, California, and approximately six miles north of the United States International Border with Mexico. The project site is west of Drew Road and east and north of Mandapa Road.

PROJECT DESCRIPTION: The Project would include the construction and operation of a photovoltaic (PV) solar energy generation and battery energy storage system (BESS) facility comprised of up to 500 megawatts alternating current (MWac) PV solar and up to 500 MWac of BESS. Power generated by the Project would be collected using up to 66-kV collector lines which could run overhead and/or underground to a dedicated Project substation, with a 230-kV overhead generation transmission line or "gen-tie" line linking a Project substation to the Imperial Irrigation District (IID) Liebert Switchyard. The Liebert Switchyard would then be connected to the San Diego Gas & Electric (SDG&E) Imperial Valley substation via an overhead 230-kV gen-tie line. Two gen-tie line alternatives are proposed. Implementation of the project requires the following:

- **General Plan Amendment:** To include/classify all project parcels into the RE Overlay Zone.
- **Zone Change:** The applicant is requesting a Zone Change to include/classify all project parcels into the Renewable Energy Overlay Zone.
- **Conditional Use Permit:** Implementation of the project would require the approval of four CUPs to allow for the construction and operation of the proposed solar energy facility with an integrated BESS on land zoned A-2, A-2-R, A-3, A-2-RE and A-3-RE.
- **Water Supply Assessment:** Implementation of the project would require the approval of the Water Supply Assessment.

Project Applicant: 90FI 8me, LLC

URBAN AREA PLAN: None, located in unincorporated area of County of Imperial

BOARD OF SUPERVISORS DISTRICT: District 2, Supervisor Luis A. Plancarte

ANTICIPATED SIGNIFICANT EFFECTS: The EIR will analyze potential impacts associated with the following: Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural Resources; Cumulative Impacts; Geology/Soils; Greenhouse Gas Emissions/Climate Change; Growth-inducing Impacts; Hazards/Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Public Services; Transportation/Traffic; and Utilities and Service Systems including water supply and energy.

COMMENTS REQUESTED: The Imperial County Planning & Development Services Department would like to know your ideas about the effects this project might have on the environment and your suggestions as to mitigation or ways the project may be revised to reduce or avoid any significant environmental impacts. Your comments will guide the scope and content of environmental issues to be examined in the EIR. Your comments may be submitted in writing to Diana Robinson, Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243. Available project information may be reviewed at this location.

NOTICE OF PREPARATION REVIEW PERIOD: September 3rd 2024 thru October 7th 2024

Initial Study



Initial Study and NOP

Big Rock 2 Cluster Solar & Storage Project

Initial Study #: 24-0009

CUP #s:

- Big Rock Cluster North: #24-0006
- Big Rock Cluster South: #24-0007
- Big Rock Cluster East/Laurel Cluster South: #24-0008
- Big Rock Cluster West: #24-0009

General Plan Amendment: #24-0002

Zone Change: #24-0003

Variance: #24-0002

Imperial County, CA

December 2024

Reviewed by:

County of Imperial
Planning & Development
Services Department
801 Main Street
El Centro, CA 92243

Prepared by:

HDR Engineering, Inc.
591 Camino de la Reina,
Suite 300
San Diego, CA 92108

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Introduction

A. Purpose

This document is a policy-level; project-level Initial Study for evaluation of potential environmental impacts resulting with the proposed Big Rock 2 Cluster Solar & Storage Project.

B. CEQA Requirements and the Imperial County's Rules and Regulations for Implementing CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's Rules and Regulations for Implementing CEQA, an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

- According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:
 - The proposal has the potential to substantially degrade quality of the environment.
 - The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
 - The proposal has possible environmental effects that are individually limited but cumulatively considerable.
 - The proposal could cause direct or indirect adverse effects on human beings.
- According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.
- According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will result in potentially significant environmental impacts and therefore, an Environmental Impact Report is deemed as the appropriate document to provide necessary environmental evaluations and clearance for the proposed project.

This Initial Study and Notice of Preparation are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); the State CEQA Guidelines & County of Imperial's CEQA Regulations, Guidelines for the Implementation of CEQA; applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial's CEQA Regulations, Guidelines for the Implementation of CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning

Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. Intended Uses of Initial Study and Notice of Preparation

This Initial Study and Notice of Preparation are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Notice of Preparation, prepared for the project will be circulated for a period of no less than 35 days for public and agency review and comments.

D. Contents of Initial Study and Notice of Preparation

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

E. Scope of Environmental Analysis

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. No Impact: A “No Impact” response is adequately supported if the impact simply does not apply to the proposed applications.
2. Less Than Significant Impact: The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. Less Than Significant with Mitigation Incorporated: This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.”
4. Potentially Significant Impact: The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. Policy-Level or Project-Level Environmental Analysis

This Initial Study will be conducted under a policy-level, project-level analysis.

Regarding mitigation measures, it is not the intent of this document to “overlap” or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County’s jurisdiction, are also not considered mitigation measures, and therefore, will not be identified in this document.

G. Tiered Documents and Incorporation by Reference

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development

projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

2. Incorporation by Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]).

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR is available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243, Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.



- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the 'County of Imperial General Plan EIR is SCH #93011023.

The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f])

Environmental Checklist Form

1. **Project Title:** Big Rock 2 Cluster Solar & Storage Project
2. **Lead Agency name and address:** Imperial County Planning & Development Services
Department, 801 Main Street, El Centro, CA 92243
3. **Contact person and phone number:** Diana Robinson, Planning Division Manager, 442-265-1736
4. **Project location:** The proposed Big Rock 2 Cluster Solar and Storage Project is located in unincorporated Imperial County, south of Interstate 8, approximately one mile southwest of the town of Seeley, California, and approximately six miles north of the United States International Border with Mexico. The project site is west of Drew Road and east and north of Mandapa Road. The entire project site comprises 1,849 acres of privately owned land, comprising 24 assessor parcels. The project site includes 1,569 acres of land that has not previously been entitled for solar development, as well as 280 acres of land that was previously entitled under active CUPs known as Laurel Cluster 2 North (120 acres), and Laurel Cluster 2 South (160 acres). The Laurel Cluster 2 North and Laurel Cluster 2 south will be re-entitled as part of the proposed project.

The entire Project area is designated Agricultural in the General Plan. Current land use of the Project parcels includes cropland, dryland grain crops, irrigated grain and hayfields, row crops, orchards, and pastureland.

5. **Project sponsor's name and address:**
90FI 8me, LLC,
4370 Town Center Boulevard, Suite 110
El Dorado Hills, CA 95762
6. **General Plan Designation:** Agriculture
7. **Zoning:** A-2 (General Agricultural), A-2-R (General Agricultural Rural), A-3 (Heavy Agriculture), and A-2-RE (General Agricultural - Renewable Energy Overlay).
8. **Description of project:** The Project would include the construction and operation of a PV solar energy generation and battery energy storage system (BESS) facility comprised of up to 500 megawatts alternating current (MWac) PV solar and up to 500 MWac of BESS. Power generated by the Project would be collected using up to 66-kV collector lines which could run overhead and/or underground to a dedicated Project substation, with a 230-kV overhead generation transmission line or "gen-tie" line linking a Project substation to the Imperial Irrigation District (IID) Liebert Switchyard. The Liebert Switchyard would then be connected to the San Diego Gas & Electric (SDG&E) Imperial Valley substation via an overhead 230-kV gen-tie line. Two gen-tie line alternatives are proposed.
9. **Surrounding land uses and setting: Briefly describe the project's surroundings:** The project site is surrounded by a mix of agricultural fields, and within and/or adjacent to the Laurel Cluster Solar Farm Project site and is adjacent to, and/or in immediate proximity to other solar farms including the VEGA SES Solar Energy Project and Campo Verde Solar project.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

- Dust Control Plan - Air Pollution Control District
- Rule 310 Exemption (as applicable) - Air Pollution Control District
- Construction Traffic Control Plan - Department of Public Works
- County Road Encroachment Permits - Department of Public Works
- Vacation of Public Easements (as applicable) - Department of Public Works
- Site Plan and Architectural Review - Planning & Development Services
- Occupancy Permits - Planning & Development Services
- Fire Safety Plan - Fire Department and Office of Emergency Management
- Project Access and Fire Water Requirements - Fire Department and Office of Emergency Management
- On-site Water Treatment Permit - Division of Environmental Health, Department of Public Works
- Private Sewage Disposal Permit - Division of Environmental Health
- Project Decommissioning Plan - Planning & Development Services, Department of Public Works
- Pest Management Plan - Agricultural Commissioner's Office

Imperial Irrigation District

Various approvals may be required from IID in conjunction with implementation of the proposed Project. Wherever an IID facility (drain, irrigation canal, electric line, etc.) intersects the Project, an encroachment would occur as the proposed Project would cross IID facilities with access points and electrical crossings. The proposed Project may also drain into IID drain facilities. Due to the preliminary nature of the Project and the rapidly changing technology, the exact locations of proposed access and drainage encroachments, and electrical crossings, are not known at this time. The Project encroachments/crossings would not interfere with the purpose of IID's facilities. The following IID approvals, although not discretionary approvals, include, but are not limited to:

- Encroachment Permits/Agreements
- Electrical Crossings
- Water Supply Agreements/Water Card
- Station Service/"Backfeed" Agreement
- Distribution Power/Electric Service Agreement

Other Agency Approvals

- U.S. Army Corps of Engineers (USACE) Clean Water Act (CWA) Section 404 Nation Wide Permit (NWP) (if required)

- California Department of Fish and Wildlife (CDFW) Section 1600 Streambed Alteration Agreement (SAA) (if required)
- Regional Water Quality Control Board Water Quality (RWQCB) Clean Water Act (CWA) 401 Water Quality Certification (WQC) Permit (if required), Waste Discharge Requirements (WDR) Permit, and National Pollution Discharge Elimination System (NPDES) Construction General Permit Coverage (for project construction activities)
- California Department of Transportation (Caltrans) Right-of-Way Encroachment Permits and/or Oversized Loads Permits (as required)

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Pursuant to AB-52 and Public Resources Code, Section 21080.3.1(d) Formal Notification of Determination that a Project Application is Complete or Decision to undertake a Project, and Notification of Consultation Opportunity, the County sent the following via certified mail:

- Campo Band of Mission Indians (June 12, 2024)
- Quechan Indian Tribe (June 12, 2024)

Additionally, in accordance with Senate Bill 18, the County sent tribal notification letters on September 3, 2024.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Environmental Evaluation Committee Determination

After Review of the Initial Study, the Environmental Evaluation Committee (EEC) has:

- Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND GAME DE MINIMIS IMPACT FINDING:

Yes No

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Minnick, Director of Planning/EEC Chairman

Signature

Date:

Project Summary

Project Location

The proposed Big Rock 2 Cluster Solar and Storage Project is located in unincorporated Imperial County, south of Interstate 8, approximately one mile southwest of the town of Seeley, California, and approximately six miles north of the United States International Border with Mexico. An overview of the project location from a regional perspective is shown in Figure 1. The project site is west of Drew Road and east and north of Mandapa Road. The entire project site comprises 1,849 acres of privately owned land, comprising 24 assessor parcels. The project site includes 1,569 acres of land that has not previously been entitled for solar development, as well as 280 acres of land that was previously entitled under active CUPs known as Laurel Cluster 2 North (120 acres), and Laurel Cluster 2 South (160 acres). The Laurel Cluster 2 North and Laurel Cluster 2 South projects will be re-entitled as part of the proposed project.

The entire Project area is designated Agricultural in the General Plan. Current land use of the Project parcels includes cropland, dryland grain crops, irrigated grain and hayfields, row crops, orchards, and pastureland.

1. Big Rock Cluster North: CUP No. 24-0006

Big Rock Cluster North: CUP No. 24-0006 is located immediately south of I-8 and north of W Vaughn Road. The easterly limits of this site are generally defined by the New River, with the westerly limits of this site defined by Westside Road. The site is traversed by the Fern Canal and the Fig Lateral.

	APN	Zoning	Acres
1	051-270-020	A-2-R	101.8
2	051-270-028	A-2	52.3
3	051-270-036	A-2	67.4
4	051-270-041	A-2-R	279.0
5	051-280-054	A-2	149.5
6	051-300-011	A-2	79.6
7	051-300-016	A-2	10.8
8	051-300-026	A-2	13.4
9	051-300-035	A-3	40.3
10	051-300-037	A-3	28.9
11	051-300-032 (northern portion)	A-2	85.5
	Sub-total		910.0
Laurel 2 North CUP #21-0014 (Expires December 2024)			
12	051-300-032 (southern portion) (to be re-entitled)	A-2-RE	80.0
13	051-300-036 (to be re-entitled)	A-3-RE	40.3

	Sub-total		120.3
	TOTAL ACRES		1,030

2. Big Rock Cluster South: CUP No. 24-0007

Big Rock Cluster South: CUP No. 24-0007 is located generally south of Dixie Lateral One and north of the Westside Main Canal. The Dixie Drain Three generally marks the eastern boundary and an unnamed, unpaved farm road delineates the western boundary.

	APN	Zoning	Acres
1	051-330-003	A-3	246.5
2	051-350-004	A-3	57.4
3	051-350-006	A-3	26.3
4	051-350-007	A-3	40.0
5	051-350-008	A-3	40.0
	TOTAL ACRES		410.0

3. Big Rock Cluster East/Laurel Cluster South: CUP No. 24-0008 (to be re-entitled)

Big Rock Cluster East/Laurel Cluster South: CUP No. 24-0008 is north of W Diehl Road, west of Jessup Road, and east of Derrick Road. An unnamed, unpaved farm road marks the northern boundary.

	APN	Zoning	Acres
1	051-310-027	A-2-R-RE	120.0
2	051-310-028	A-2-R-RE	39.9
	TOTAL ACRES		160.0

4. Big Rock Cluster West: CUP No. 24-0009

Big Rock Cluster West: CUP No. 24-0009 is located immediately east of Mandapa Road, south of W Vaughn Road, west of an unnamed, unpaved farm road, and north of the Westside Main Canal and Mandrapa Road.

	APN	Zoning	Acres
1	051-290-018	A-2-R	79.8
2	051-290-019	A-3	48.7
3	051-320-005	A-3	45.0
4	051-320-006	A-3	39.9



5	051-320-007	A-3	35.3
	TOTAL ACRES		249.0

Project Summary

The Applicant proposes to develop, design, and construct a PV solar energy generation and BESS facility comprised of up to 500 megawatt alternating current (MWac) PV solar and up to 500 MWac of BESS. Power generated by the Project would be collected using up to 66-kV collector lines which could run overhead and/or underground to a dedicated Project substation, with a 230-kV overhead generation transmission line or “gen-tie” line linking a Project substation to the IID Liebert Switchyard. The Liebert Switchyard would then be connected to the SDG&E Imperial Valley substation via an overhead 230-kV gen-tie line. Two gen-tie line alternatives are also under consideration.

In order to implement the project, 90FI 8me LLC (“the Applicant”) is seeking approval of four (4) Conditional Use Permits (CUPs) associated with the construction and operation of the utility-scale [solar energy generation and BESS facility].

It is anticipated that all BESS facilities associated with the Project will be developed concurrently with PV componentry and situated in proximity to Project sub-station(s); however, the CUP areas may cooperate if necessary to meet energy production and Project needs, by allowing one CUP area to utilize “BESS” credits of another. Likewise, the Project may share facilities such as Operations & Maintenance (O&M) facilities, transmission-related facilities, Project sub-station(s), and/or other appurtenances.

The project will include PV modules, collection, inverter and transformer systems, BESS, substation(s), transmission line and interconnection, an operations and maintenance building, roadway and IID crossings, water use and storage, site security and fencing, and lighting.

PV Module Configuration

The Project would use PV panels or modules on mounting frameworks to convert sunlight directly into electricity. Individual panels would be installed on either fixed-tilt or tracker mount systems (single- or dual-axis, using galvanized steel or aluminum). Although the panels could stand up to 15 feet in height, depending on the mounting system used, panels are expected to remain between six and eight feet in height.

The solar panel array would be arranged in groups called blocks, with inverter stations generally located centrally within the blocks. Blocks would produce direct electrical current (“DC”), which is converted to alternating current (“AC”) at the inverter stations.

Collection, Inverter and Transformer Systems

DC energy is delivered from the PV panels via cable to inverter stations, generally located near the center of each block. Inverter stations convert the DC energy to AC energy which can be dispatched to the transmission system. BESS units for the Project would be connected to bidirectional inverter stations, high-level control system(s), transformers, and ultimately the Project substation(s) bus bar via a series of overhead or underground electrical collector lines ranging from 66kV to 230kV.

PV and BESS inverter stations are typically comprised of one or more inverter modules with a rated power of up to 10 MW each, and a unit transformer, and voltage switchgear. The unit transformer and voltage switch gear are housed in steel enclosures, while the inverter module(s) and control system(s) are housed in cabinets.

Overhead and/or underground collector lines may be bundled together as they approach the substation(s), sharing common poles or trenches. Collector lines would then connect to the Project substation bus bar before being stepped up to 230kV for transmission. Potential collector line routes for the Project are shown in Figure 3; however, not all routes will ultimately be developed.

Battery Energy Storage System

The Project will include one or more BESS, located at or near the Project substation(s)/switchyard(s), the inverter stations, or elsewhere onsite. BESS' consist of modular and scalable battery packs and battery control systems that conform to California and U.S. national safety standards. The BESS modules, which could include commercially available lithium or flow batteries, and typically consist of ISO standard all-weather containers (approximately 40'L x 8'W x 8'H) housed in pad- or post-mounted, stackable metal structures, but may also be housed in a dedicated building(s) in compliance with applicable regulations. The maximum height of a dedicated structure is not expected to exceed 25 feet.

The BESS would be in unmanned, remotely controlled containers that would be periodically inspected by Project personnel for maintenance purposes. The BESS would be designed to conform with Imperial County and national BESS fire standard NFPA 855 and/or other applicable national standards. The BESS would have all required UL9540A reports (or equivalent) and would be certified to UL9540 (or equivalent), if required. BESS' require additional components to be fully operational, and that allow the batteries to be connected to the regional transmission grid as discussed below.

Substation(s)

The proposed Project would have its own dedicated substation equipment located within the Project footprint. Dedicated equipment may incorporate several components, including high-voltage and auxiliary power transformers, distribution cabinets, revenue metering systems, a microwave transmission tower, voltage switch gear, transmission poles and racking, and bus bar(s) of various voltages for interconnection(s). The substation may also include telecommunications facilities, fiber optic communication cables, equipment, and associated structures for diverse path routing of communications. Substations typically occupy an area of up to approximately five (5) acres and are secured separately by a chain-link fence.

Dedicated Project substations typically include a small control building (approximately 500 square feet) standing approximately ten (10) feet tall. The building is either prefabricated concrete or steel housing with rooms for the voltage switch gear and the metering equipment, a room for the station supply transformer, and a separate control technology room in which the main computer, the intrusion detection system, and the main distribution equipment are housed. Components of this building (e.g., control technology room and intrusion detection system) may instead be located at an O&M building.

Transmission Line and Interconnection

The Project 230kV step-up substation would connect to the 230kV Liebert Switchyard/Sub-station via one of the proposed gen-tie line alternatives as shown in Figure 3. Big Rock 2 will transmit electricity to IID via the Liebert Switchyard/Sub-station, currently under construction in the Big Rock

1 Project; therefore, a new IID switchyard/sub-station will not be required, and thus obviating the need for any real estate conveyance to IID specific to Big Rock 2. The Liebert Switchyard will have a direct connection to the existing SDG&E Imperial Valley Substation via an existing overhead 230kV gen-tie line. Overhead transmission conductors may be mounted on tubular steel poles up to 200 feet in height and would include associated insulator and hardware assemblies, the appropriate number of spans of conductor and optical ground wiring, and dead-end structures at both the Project substation and the Liebert Switchyard. Portions (or all) of the gen-tie line may be undergrounded as necessary.

Alternative gen-tie routing(s) is depicted in Figure 2 may utilize currently entitled lands and/or private easements; however, additional alternate routing may include gen-tie line(s) directly to the Imperial Valley substation, utilizing additional/other private and/or Bureau of Land Management (BLM) lands.

Operations and Maintenance (O&M) Building

The Project may include an O&M building of approximately 40' x 80' in size, with associated onsite parking. The O&M building would be steel framed, with metal siding and roof panels. The O&M building may include the following:

- Office
- Repair building/parts storage
- Control room
- Restroom
- Septic tank and leach field
- Water supply
- Heating, ventilation, and air conditioning (HVAC)

Roads, driveways, and parking lot entrances would be constructed in accordance with Imperial County standards. Parking spaces and walkways would be constructed in conformance with all California Accessibility Regulations. Any unused O&M areas onsite may be covered by solar panels.

Roadway and IID Crossings

The Project may require the following crossing types of IID canals and/or drains and unimproved Imperial County roads: overhead electric, underground electric, vehicular crossings. The exact locations of the crossings are not known at this time but are not anticipated to interfere with the purpose or continued use of these facilities. For instance, where a drain flows, the Project crossing or access point would still allow the drain to flow. As required by IID, the Project may be required to make minor improvements to on-site drains. IID requires solar projects to improve existing drain outflow pipes. This typically involves installation of new drain outflow pipes to reduce erosion within the drains.

Water Usage

Water demand for panel washing and O&M domestic use is not expected to exceed 100 acre-feet per year. Water usage during construction, primarily for dust-suppression purposes, is not expected to exceed 700 acre-feet in total. Decommissioning of the Project at the end of its anticipated useful lifespan may require approximately an additional 700 acre-feet. Water would be obtained from the landowner's water supply, local irrigation district, or delivered via truck from off-area source(s). A

small water treatment system may be installed onsite near or within the O&M building to provide deionized water for panel washing.

Water Storage

One or more above-ground water storage tanks with a total capacity of up to 100,000 gallons may be placed near the O&M building. The storage tank(s) near the O&M building would have the appropriate fire department connections to be used for fire suppression. These storage tanks could be up to 30-feet in height.

Site Security and Fencing

The Project area would be enclosed within a chain link fence measuring seven (7) to ten (10) feet in height from finished grade. An intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit, located either in the substation control room or at the O&M building, or similar technology, may be installed. Additionally, the Project may include additional security measures including, but not limited to, low voltage fencing with warning reflective signage, controlled access points, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with operation of the Project.

Controlled access gates would be maintained at the main entrances to the Project. Project area access would be provided to offsite emergency response teams that respond in an after-hours emergency. Enclosure gates would be manually operated with a code or key provided in an identified key box location.

Lighting

Outdoor lighting for the Project would be the minimum required for safety and will be directed away from public rights-of-way and adjacent private property. All outdoor lighting used onsite would be of the lowest intensity necessary to provide suitable light for site security and safe ingress and egress, in compliance with any applicable regulations, measured at the property line after dark. Outdoor lighting is anticipated to be necessary for the access gates, substation(s), O&M building, control room, and inverters to allow for safe access and emergency maintenance. Site lighting may also include motion sensor lights installed within the solar fields in proximity to the inverters for security purposes.

Annual Production

The Project PV solar will have a nominal output capacity of up to 500 (AC), generating sufficient electricity to power approximately 130,000 homes. The Project would generate electrical power during daylight hours. Peak electricity demand in California corresponds with air conditioning use on summer afternoons when ambient temperatures are high. The Project's peak generating capacity corresponds to this time period. There is no generating capacity between sunset and sunrise due to the lack of solar energy, though power may be released from the 500 MW BESS at any time of day.

Electric Service

Commercial operational low voltage electric service may be obtained from IID for the Projects' O&M building(s) and auxiliary loads. Temporary electric service is typically obtained for primary construction logistical areas. Generator power may be utilized for temporary portable construction trailer(s) during Project construction and/or decommissioning.

Project Construction

Construction Activities and Duration

The construction period for the Project is approximately 18 to 24 months.

Construction would include the following activities:

- Site preparation
- Access and internal circulation roads
- Grading and earthwork
- Concrete foundations
- Structural steel work
- Panel installation
- Electrical/instrumentation work
- Collector line installation
- Battery unit installation
- Stormwater management facilities
- Gen-tie line poles and conductor stringing

Construction Access. Roadways would only be temporarily affected, and only during the Project's construction period. Construction traffic could access the Project site from the north or south via Derrick Road, Jessip Road, Westside Road, and Hyde Road, and from the east via Diel Road and Wixom Road (or other nearby local roads). An additional access alternative includes entrance to the Project site from Interstate 8 (I-8) to Dunaway Road, to West Evan Hewes Highway, to Westside Road. Large trucks would likely utilize I-8 and S29 (Drew Road) for materials deliveries. It is anticipated that traffic would entirely avoid the town of Seely.

Workforce (Construction Phase)

It is estimated that up to 500 workers per day (during peak construction periods) would be required to construct the Project.

Project Operation

Operational Activities

The PV solar and BESS facility would operate seven days a week, 24 hours a day. Maintenance activities may occur seven days a week, 24 hours a day to ensure PV panel output when solar energy is available, while the BESS could dispatch energy at any time during the day or night.

Once constructed, maintenance of the PV solar and BESS facility would generally be limited to the following:

- Cleaning of PV panels
- Monitoring PV panel and BESS electricity generation
- Providing site security
- Maintenance of stormwater facilities

- Maintenance of PV solar and BESS facilities including replacing or repairing inverters, wiring, or electrical components, and maintaining, repairing, or replacing substation components.

Workforce (Operational Phase)

It is expected that the Project would require an operational staff of up to 15 full-time employees. It is possible that the proposed Project could share O&M, substation, and/or transmission facilities with other adjacent PV solar and BESS projects that have been approved and entitled by Imperial County, or with any future proposed renewable energy projects nearby. In such a scenario, the projects would share personnel, thereby potentially reducing the project's on-site staff.

Environmental Setting

The project site is surrounded by a mix of agricultural fields and utility-scale solar facilities.

The topography of the Project area is relatively flat, consisting primarily of fields and unpaved roads, and all the Project parcels have been extensively cleared, plowed, and maintained for agricultural production. Due to the extensive irrigated farming history within the Project area, as well as locally high-water table, many irrigation canals and drains occur within proximity of the Project. These include a segment of the New River adjacent to the northeast corner of the Project, and the Imperial Irrigation District (IID) Westside Main Canal which is located along the west and southern edges of the Project area. In addition, multiple named irrigation canals and drains are located adjacent to the unimproved roadways in the Project area, including Fern Canal and Sidemain, Foxglove Canal, Wixom and Fig Drains, and Dixie Drains Two, Three, Three A and Three B.

Adjacent Lands

Existing Land Use

The Project is adjacent and proximal to both Agricultural and Agricultural/Rural lands that have been rezoned for renewable energy (RE), specifically for PV solar and BESS projects that have been approved by Imperial County.

Nearby land uses are predominantly agricultural and/or renewable energy generation, but also include commercial, transportation, military, and electric utility uses. Commercial land uses include the Rio Bend Golf Course (*and associated Specific Plan Area*) to the east of the Project. The Interstate 8 and Union Pacific Railroad transportation corridors are located to the north of the Project. To the south of the Project, utility land uses include the SDG&E Imperial Valley Substation, as well as additional agricultural lands that have been designated for PV solar, and BESS renewable energy projects.

Operational Renewable Energy Facilities

Campo Verde Solar, owned by Southern Power, became operational in September 2013 and is located on multiple APNs that are adjacent to the proposed Project (Figure 3).

Renewable Energy Facilities Pending Entitlement

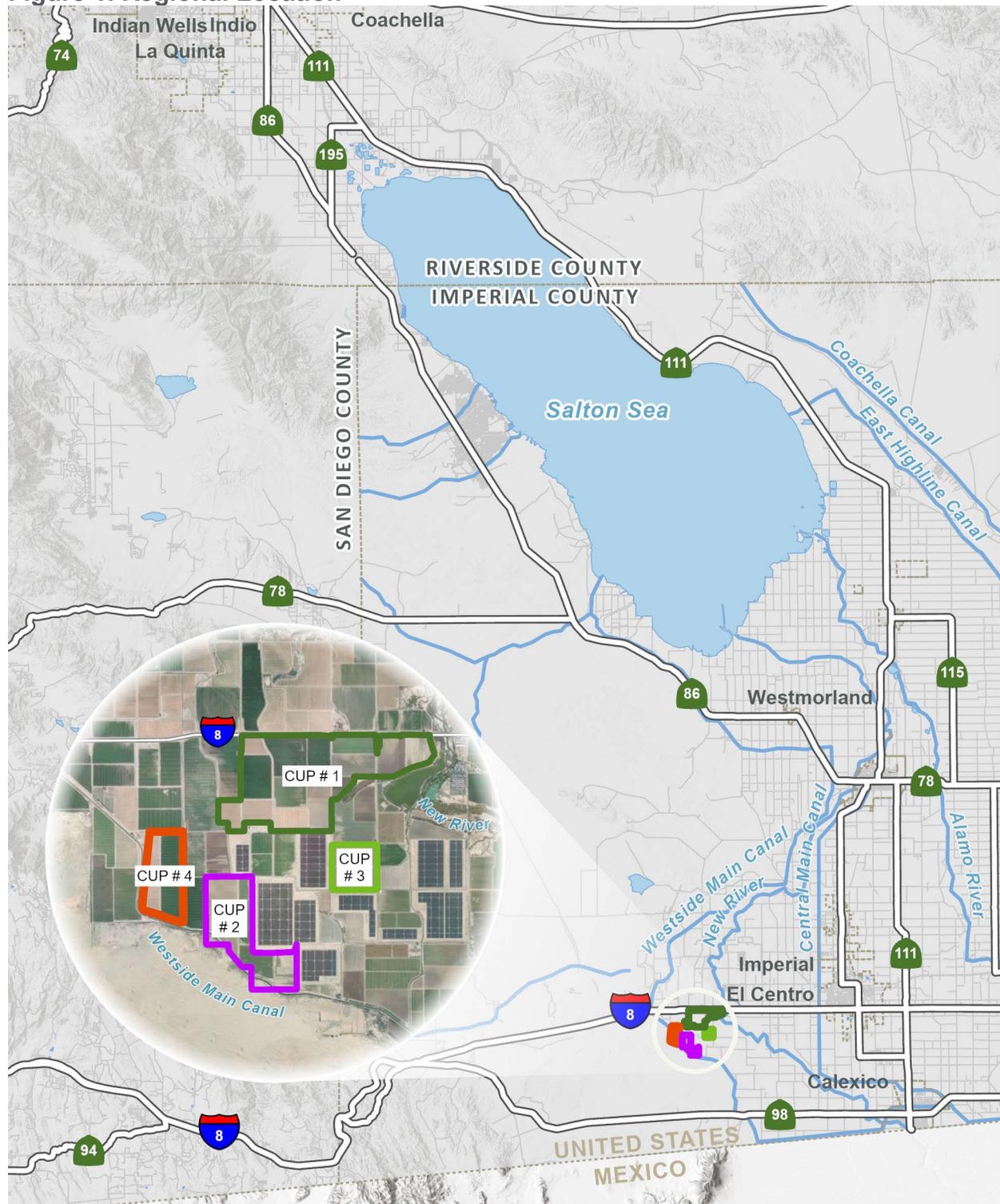
The Consolidated Edison Development Westside Canal Battery Storage Project is a utility-scale energy storage development approved by Imperial County and is located on two APNs adjacent to the southernmost parcels of the proposed Big Rock 2 Project (Figure 3).

General Plan Consistency

The proposed project is located within an unincorporated area of the County. The existing General Plan land use designation is “Agriculture.” The project site is currently zoned A-2 (General Agricultural), A-2-R (General Agricultural Rural), A-3 (Heavy Agriculture) and A-2-RE (General Agricultural within the Renewable Energy Overlay). Construction of a solar facility would be allowed within the existing zoning under a Conditional Use Permit (CUP).

The County Land Use Ordinance, Division 17, includes the Renewable Energy (RE) Overlay Zone, which authorizes the development and operation of renewable energy projects, with an approved CUP. CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone. The majority of the project site is located outside of the RE Overlay Zone. Therefore, the proposed project requires a General Plan Amendment and Zone Change to include/classify the project parcels into the RE Overlay Zone. No change in the underlying General Plan land use (Agriculture) is proposed.

Figure 1. Regional Location



-  CUP # 1
-  CUP # 2
-  CUP # 3
-  CUP # 4

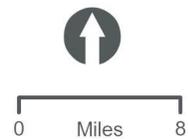


Figure 2. Project Site

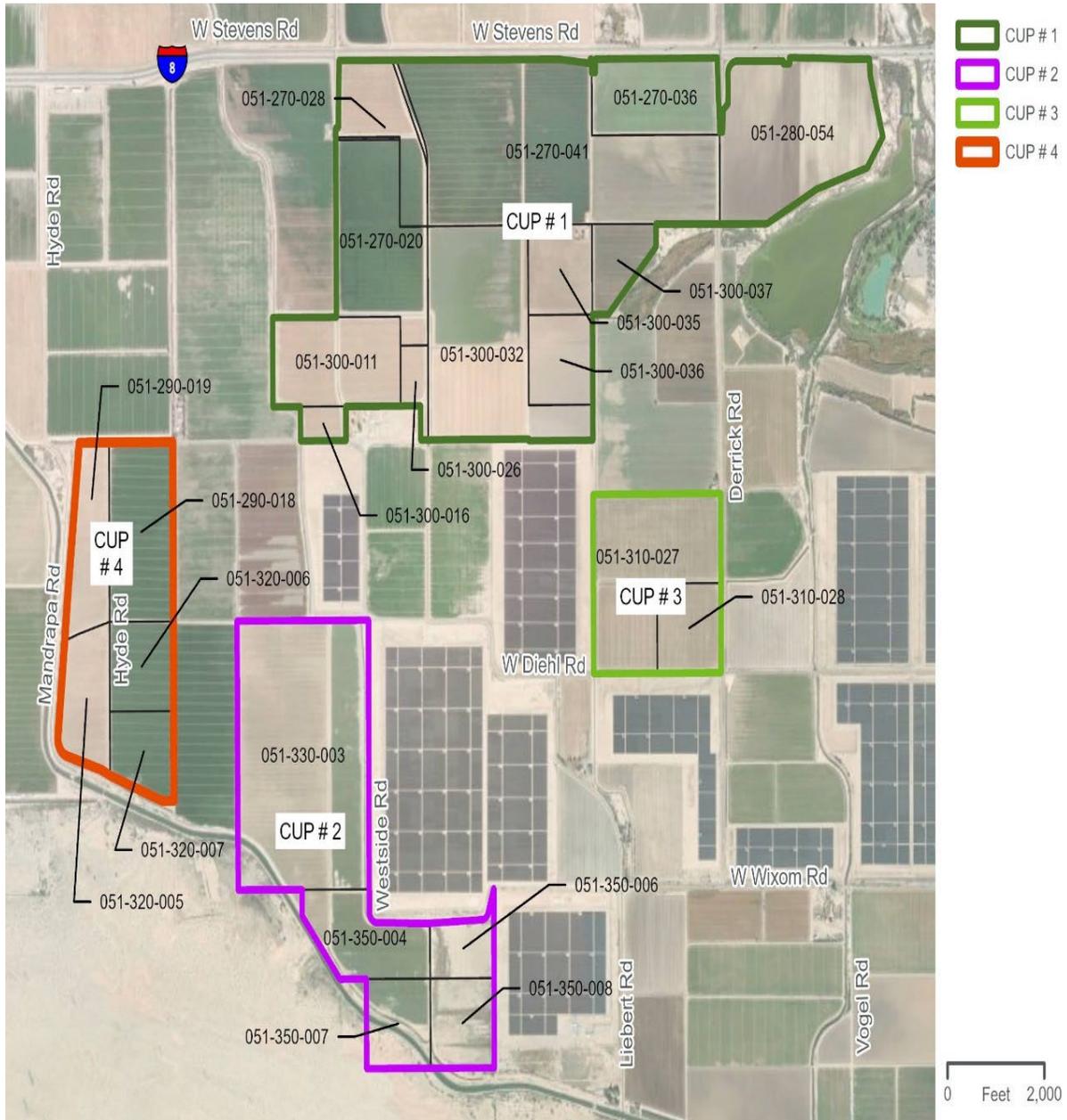
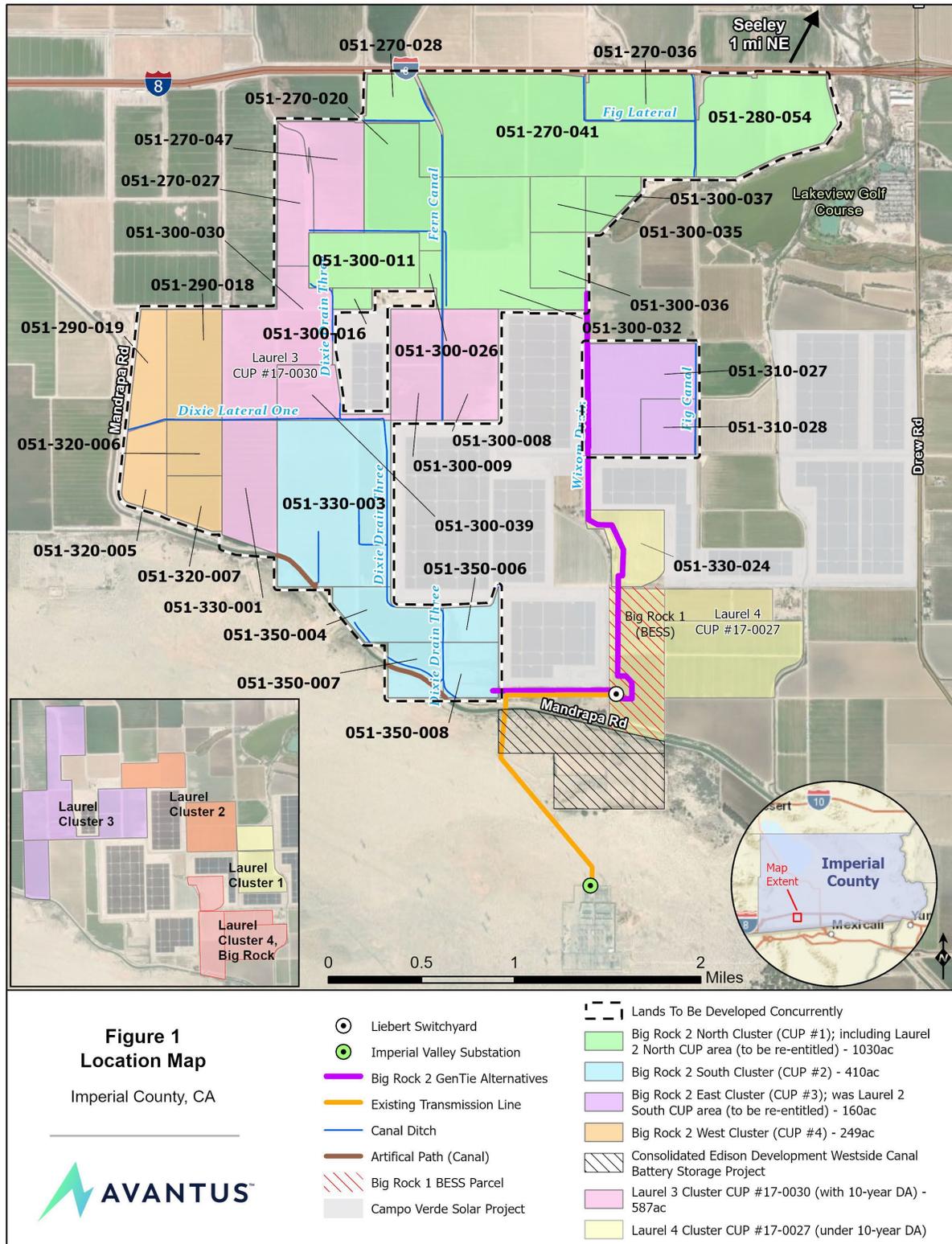


Figure 3 Detailed Site Plan



Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.



I. Aesthetics

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **No Impact.** According to the Conservation and Open Space Element of the Imperial County General Plan, the solar energy facility site is not located within an area that has been formally identified as a federal, state, or county scenic vista. No scenic vistas or areas with high visual quality would be disrupted. Thus, no impact is identified for this issue area and no further analysis is warranted.
- b) **No Impact.** According to the California Department of Transportation (Caltrans) California Scenic Highway Mapping System (Caltrans 2018), the project site is not located within a state scenic highway corridor, nor are there any state scenic highways located in proximity to the project site. The nearest eligible State scenic highway is the segment of the Sunset Cliffs Boulevard/State Route 98 west of Ocotillo. The project is located approximately 14 miles east of Ocotillo and therefore would not be visible from the project site. The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway. Therefore, no impact is identified for this issue area and no further analysis is warranted.
- c) **Potentially Significant Impact.** Although the project site is not located near a scenic highway or designated scenic vista, the proposed project may result in a change to the look and rural character of the area. Therefore, a potentially significant impact is identified for this issue area. A visual assessment will be prepared for the project and this issue will be addressed in the EIR.
- d) **Potentially Significant Impact.** The proposed project is located in a rural area of Imperial County and is developed with agricultural uses and utility-scale solar generation facilities. There are no established residential neighborhoods immediately adjacent to the project site. Minimal lighting is required for project operation and is limited to safety and security functions. All lighting will be directed away from any public right-of-way. The Big Rock Cluster 2 North is located along (immediately south of) I-8, and development setbacks from I-8 are incorporated into the project concept plan for this area. Further, the solar panels will

be constructed of low reflective materials; therefore, it is not anticipated that they would result in creating glare. Although the proposed project is not expected to create a new source of substantial light or glare affecting day or nighttime views, a glint and glare assessment will be prepared for the project and this issue will be addressed in the EIR. Therefore, a potentially significant impact is identified for this issue area.



II. Agriculture and Forestry Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</i></p> <p>Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** According to the California Department of Conservation's California Important Farmland Finder, portions of the project site are designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland (California Department of Conservation 2020). Therefore, implementation of the proposed project has a potential to result in the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to non-agricultural use. This is considered a potentially significant impact, a Land Evaluation Site Assessment will be prepared for the project and this issue will be analyzed in further detail in the EIR.

- b) **Potentially Significant Impact.** The project sites are currently zoned A-2, A-2-R, A-2-RE, A-3 and A-3-RE and designated by the General Plan as "Agriculture." Solar energy facilities are allowed within these zones subject to a conditional use permit; however, project approvals include a General Plan Amendment and zone change for the entire project area. Approval of the General Plan amendment and zone change would add portions of the project area that are not currently within the Renewable Energy overlay to Imperial County's Renewable Energy Overlay only; no land use amendment is requested, and the underlying "Agriculture" designation would remain. Because the project sites are located on land designated for agricultural uses, this issue will be analyzed in further detail. As mentioned above, a Land Evaluation Site Assessment will be prepared for the projects, and this issue will be addressed in the EIR.

As of December 31, 2018, all Williamson Act contracts in Imperial County have been terminated. The project site is not located on Williamson Act contracted land. Therefore, the proposed project would not conflict with a Williamson Act contract and no impact is identified.

- c) **No Impact.** There are no existing forest lands, timberlands, or timberland zoned "Timberland Production" within or immediately adjacent to the project site that would conflict with existing zoning or cause rezoning. Therefore, no impact is identified for this issue area.
- d) **No Impact.** There are no existing forest lands within or immediately adjacent to the project site. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is identified for this issue area.
- e) **Potentially Significant Impact.** Refer to response II. a) above.



III. Air Quality

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.</i>				
<i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** The project site is located within the jurisdiction of Imperial County Air Pollution Control District (ICAPCD) in the Imperial County portion of the Salton Sea Air Basin. Construction of the proposed project would create temporary emissions of dust, fumes, equipment exhaust, and other air contaminants that may conflict with the ICAPCD's rules and regulations. These temporary construction emissions have the potential to result in a significant air quality impact.
- b) **Potentially Significant Impact.** The criteria pollutants for which the project area is in state nonattainment under applicable air quality standards are O₃ and PM₁₀. Air pollutants transported into the Salton Sea Air Basin from the adjacent South Coast Air Basin (Los Angeles County, San Bernardino County, Orange County, and Riverside County) and Mexicali (Mexico) substantially contribute to the non-attainment conditions in the Salton Sea Air Basin. A potentially significant impact is identified for this issue area. The CalEEMod air quality model will be utilized to estimate the project's air quality emissions and the results will be included in the EIR analysis.
- c) **Potentially Significant Impact.** The project site is located in a rural agricultural area of Imperial County, however, the area also has been developed with utility-scale solar projects. The nearest sensitive land use to the project site is a single-family residence located approximately 100 feet west and south of the proposed Big Rock 2 Cluster North facility. This issue is potentially significant and will be addressed in the EIR analysis.
- d) **Less Than Significant Impact.** Land uses commonly considered to be potential sources of odorous emissions include wastewater treatment plants, sanitary landfills, food processing facilities, chemical manufacturing plants, rendering plants, paint/coating operations, and concentrated agricultural feeding operations and dairies. The construction and operation of the proposed solar and BESS, and supporting infrastructure and facilities

are not anticipated to result in odor emissions, and impacts would be less than significant.

IV. Biological Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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 U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** According to the Conservation and Open Space Element of the General Plan (County of Imperial 2016), numerous special-status plants and special status species occur in the County of Imperial, and of particular concern is western burrowing owl. The project site has the potential to support native habitats and/or sensitive species. Burrowing owls and burrows are commonly found along canals and drains. Canals and laterals traverse portions of the project site, and the site is in relative proximity to the larger Westside Main Canal, and New River. Therefore, the project site has the potential to be used as burrowing owl foraging habitat, as burrowing owls and burrows are commonly found along canals and

drains. Thus, a potentially significant impact is identified for this issue area. A biological resources technical report that will address the proposed project's potential impacts on biological resources will be prepared and this issue will be addressed in the EIR.

- b) **Potentially Significant Impact.** Refer to response IV. a) above.
- c) **Potentially Significant Impact.** Being situated in an agricultural area, the project site and surrounding areas are traversed by a network of drains, canals, and other irrigation infrastructure administered by the IID, some of which constitute potentially jurisdictional features. An aquatic resources delineation that will address the proposed project's potential impacts on state or federally protected wetlands will be prepared and included in the EIR analysis.
- d) **Potentially Significant Impact.** Refer to response IV. a) above.
- e) **Potentially Significant Impact .** Refer to response IV. a) above.
- f) **No Impact.** The project site is located within the designated boundaries of a Natural Community Conservation Plan & Habitat Conservation Plan (NCCP/HCP), nor is the project site not located within or adjacent to an Area of Critical Environmental Concern. No impact is identified for this issue area.

V. Cultural Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** The project site has been disturbed by past farming and farming-related uses. Thus, the presence of significant or undamaged cultural resources on the project site is unlikely. Although the proposed project is not expected to cause a substantial adverse change in the significance of a historical or archaeological resource, this issue will be analyzed further in the EIR. Therefore, a potentially significant impact is identified for this issue area. A cultural resources report that will address the proposed project's potential impacts on historic and prehistoric resources will be prepared and this issue will be addressed in the EIR.
- b) **Potentially Significant Impact.** Refer to response V. a) above.
- c) **Potentially Significant Impact.** Although unlikely, there is a potential for unknown human remains to be unearthed during earthwork activities. This issue is potentially significant and will be addressed in the EIR analysis.



VI. Energy

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Less than Significant Impact.** The use of energy associated with the proposed project includes both construction and operational activities. Construction activities consume energy through the use of heavy construction equipment and truck and worker traffic. The proposed project will use several energy- and fuel-efficient design features that would help minimize inefficient or wasteful use of energy and increase conservation during construction. The operation of the solar and BESS facilities would promote the use of renewable energy and contribute incrementally to the reduction in demand for fossil fuel use for electricity-generating purposes. Therefore, the proposed project would generate renewable energy resources and is considered a beneficial effect.

Based on these considerations, the proposed project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. A less than significant impact has been identified for this issue area.

- b) **Less Than Significant Impact.** Construction equipment would comply with federal, state, and regional requirements where applicable. With respect to truck fleet operations the USEPA and the National Highway Traffic Safety Administration (NHTSA) have adopted fuel efficiency standards for medium- and heavy-duty trucks. Construction equipment and trucks are required to comply with CARB's regulations regarding heavy duty truck idling limits of five minutes at a location and the phase in of off-road emission standards that result in an increase in energy savings in the form of reduced fuel consumption for more fuel-efficient engines. Because the main objectives of the project are to assist the state in meeting its obligations under California's RPS Program and assist California in meeting the GHG emissions reduction goal 85 percent below 1990 levels in 2045, the project would be consistent with the applicable recommended actions of CARB's 22022 Climate Change Scoping Plan, as well as applicable federal, state, and local policies. The project would assist the State and regulated utility providers to generate a greater portion of energy from renewable sources consistent with the RPS. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency during construction and operations. Short-term and long-term impacts would be less than significant.

VII. Geology and Soils

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risk to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- ai) **No Impact.** The project site is not located within or near an Alquist-Priolo Special Fault Study Zone. Therefore, no impact is identified for this issue area.
- aii) **Potentially Significant Impact.** The project site is located in the seismically-active Imperial Valley in Southern California and considered likely to be subjected to moderate to strong ground motion from earthquakes in the region. The closest mapped earthquake fault zone is an unnamed fault located approximately 2.1 miles west of the project site. Geologic mapping by the USGS of the Imperial Valley after the April 4, 2010 magnitude 7.2MW El Mayor-Cucapah Earthquake indicates movement along several known and unknown faults west of the project site. Due to the project's location in a seismically active area, seismic hazards related to ground shaking could occur on the project site. With the exception of proposed operation and maintenance facilities, the project is not designed for human occupancy; however, the project could pose a threat to emergency personnel and/or persons utilizing operation and maintenance facilities. A potentially significant impact has been identified for this issue area. A geotechnical report that will address the proposed project's potential impacts on geology and soils will be prepared and this issue will be addressed in the EIR.
- aiii) **Potentially Significant Impact.** Liquefaction occurs when granular soil below the water table is subjected to vibratory motions, such as vibratory motion produced by earthquakes. With strong ground shaking, an increase in pore water pressure develops as the soil tends to reduce in volume. If the increase in pore water pressure is sufficient to reduce the vertical effective stress (suspending the soil particles in water), the soil strength decreases, and the soil behaves as a liquid (similar to quicksand). Liquefaction can produce excessive settlement, ground rupture, lateral spreading, or failure of shallow bearing foundations.

Four conditions are generally required for liquefaction to occur:
 - 1) The soil must be saturated (relatively shallow groundwater).
 - 2) The soil must be loosely packed (low to medium relative density).
 - 3) The soil must be relatively cohesionless (not clayey).
 - 4) Groundshaking of sufficient intensity must occur to function as a trigger mechanism.

All of these conditions may exist to some degree at the project site. Therefore, there is a potentially significant impact associated with liquefaction. A geotechnical report that will address the proposed project's potential impacts on geology and soils will be prepared and this issue will be addressed in the EIR.
- aiv) **No Impact.** According to Figure 2: Landslide Activity in the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the project site is not located in an area that is prone to landslide hazards. Furthermore, the site topography is flat, and no ancient landslides have been mapped in the area. Development of the project would not directly or indirectly cause potential substantive adverse effects, including the risk of loss, injury, or death involving landslides. Therefore, no impact is identified for this issue area.
- b) **Less than Significant Impact.** Soil erosion can result during construction as grading and construction can loosen surface soils and make soils susceptible to wind and water movement across the surface. Impacts are not considered significant because erosion would be controlled on-site in accordance with Imperial County standards, including preparation, review, and approval of a grading plan by the Imperial County engineer, as well as the applicant's proposed best management practices to control erosion. Implementation of Imperial County standards would reduce the potential impacts to a less than significant level.
- c) **Potentially Significant Impact.** Near surface soils within the project site will need to be identified to determine if these soils are unstable. Therefore, this issue is potentially significant and will be analyzed in the EIR.
- d) **Potentially Significant Impact.** Near surface soils within the project site will need to be identified to determine if these soils are unstable. Therefore, this issue is potentially significant and will be analyzed in the EIR.
- e) **Less than Significant Impact.** The project proposes operations and maintenance facilities, which may include restrooms that would rely on septic tanks or similar wastewater disposal systems. However, the septic system(s) would be installed in accordance with County standards and therefore, the project would have a less than significant impact on the project site soil and its capacity to adequately support the use of septic tanks or alternative wastewater disposal systems.
- f) **Potentially Significant Impact.** Many paleontological fossil sites are recorded in Imperial County and have been discovered during construction activities. Paleontological resources are typically impacted when earthwork activities, such as excavation cut into geological deposits (formations) with buried fossils. It is not known if any paleontological resources are located on the project site. The proposed project's potential to impact paleontological resources is considered potentially significant and this issue will be addressed in the EIR.

VIII. Greenhouse Gas Emissions

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** The production of greenhouse gas emissions associated with the proposed project includes both construction and operational activities. In the long-term, the project is expected to provide a benefit with respect to reduction of greenhouse gas emissions. However, construction of the project would generate GHG emissions over the anticipated construction period for the project, which is estimated at approximately 18 – 24 months. Exhaust emissions would result from construction equipment and machinery as well as from vehicular traffic generated by construction activities. Thus, a potentially significant impact is identified for this issue area. The CalEEMod air quality model will be utilized to estimate the project’s GHG emissions and the results will be included in the EIR analysis.
- b) **Potentially Significant Impact.** Refer to response VIII. a) above.



IX. Hazards and Hazardous Materials

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** Construction of the proposed project would require the use of construction vehicles, associated grease, oil, and fuels, and potential use of other hazardous materials. Additionally, the project would include operation and maintenance facilities, which have the potential to store and handle hazardous materials. Vehicle fuels, oils, grease, and other potentially hazardous materials have the potential to be released into the environment through natural events or human error. This is considered a potentially significant impact and will be addressed in the EIR analysis.
- b) **Potentially Significant Impact.** Refer to response IX. a) above.

- c) **Potentially Significant Impact.** Westside Elementary School is located within APN 051-300-016, which is within the Big Rock 2 North project area. Because the project involves the construction and operation of BESS system(s), there is a potentially significant impact related to emitting or handling hazardous or acutely hazardous materials substances or waste within one-quarter mile of an existing or proposed school.
- d) **Potentially Significant Impact.** The project site has been utilized for agricultural production and there is the potential that contaminated soils are located within the project site. The project site is not known or anticipated to be listed as a hazardous materials site (Department of Toxic Substances Control 2023, State Water Resources Control Board 2023). However, a potentially significant impact associated with the potential for contaminated soils to be present on the project site has been identified, and a Phase I Environmental Site Assessment will be prepared for the project. This issue will be addressed in the EIR.
- e) **No Impact.** The project is not located within 2 miles of a public airport or a public use airport. Therefore, implementation of the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact is identified for this issue area.
- f) **Less Than Significant Impact.** Imperial County Office of Emergency Services (OES) has provided three plans addressing evacuation and evacuation responsibilities for County Fire, Police, and the OES among other topics related to emergency preparedness that do not identify specific evacuation routes. The project applicant would coordinate any construction activities and use of oversized loads or movement of construction/decommissioning equipment with the Imperial County Department of Public Works (ICDPW) and/or California Department of Transportation (Caltrans) and the El Centro Highway Patrol office. The project applicant will be required to file for an encroachment permit for any work or proposed work in the affected County or Caltrans road rights-of-way and for any and all new, altered or unauthorized existing driveway(s) to access the lot or lots and for any proposed road crossings. Thus, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would result in a less than significant impact.
- g) **No Impact.** The project site is located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan, the potential for a major fire in the unincorporated areas of the County is generally low (County of Imperial 1997). The project site is not located in areas considered wildlands, as the vast majority of the surrounding area is cultivated farmlands and other utility-scale solar facilities. According to the Fire Hazard Severity Zone Viewer provided by the California Department of Forestry and Fire Protection, the project area is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2023). Therefore, there would be no impact associated with risk involving wildland fires.



X. Hydrology and Water Quality

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** The proposed project has the potential to create urban non-point source discharge (e.g., synthetic/organic chemicals). No waste discharge requirements have been issued for the proposed project site. However, potentially significant water quality impacts have been identified and will be addressed in the EIR.

- b) **No Impact.** The proposed project would not involve the use of groundwater resources. No groundwater wells will be drilled, nor will the project require the use of ground water. No impact on groundwater supply or recharge would occur.
- ci) **Less than Significant Impact.** The proposed project would result in the creation of impervious surfaces. Soil erosion could result during construction and earthmoving as well as during site reclamation. However, the project applicant is required to comply with the Construction General Permit and the Industrial General Permit, as well as Imperial County Land Use Ordinance, Title 9, Chapter 10 – Grading Regulations. County standards and compliance with the NPDES require the creation of a Stormwater Pollution Prevention Plan (SWPPP), and the use of best management practices (BMPs) to reduce impacts to surface and ground water quality attributed to erosion or siltation to a level less than significant. Applicant compliance with Imperial County and State standards would ensure the project does not significantly alter the site’s drainage resulting in erosion or siltation on-or off-site, and impacts would be less than significant.
- cii) **Less than Significant Impact.** Refer to response X. ci) above.
- ciii) **Less than Significant Impact.** Refer to response X. ci) above.
- civ) **Less Than Significant Impact.** According to the Federal Management Agency (FEMA) Flood Insurance Rate Map (Panel 06025C2075C), the project site is within Zone X, which is an area determined to be outside the 0.2 percent annual chance floodplain (FEMA 2008). Therefore, the proposed project would not impede or redirect flood flows and this is considered a less than significant impact.
- d) **No Impact.** According to the Federal Management Agency (FEMA) Flood Insurance Rate Map (Panel 06025C2075C), the project site is within Zone X, which is an area determined to be outside the 0.2 percent annual chance floodplain (FEMA 2008). In addition, there are no large bodies of water near the project site. The Salton Sea is the closest body of water near the project site but is over 28 miles away from the site, and the Pacific Ocean is over 90 miles away. Therefore, the project would not risk release of pollutants due to project inundation by flood, tsunami or seiche. No impact would occur.
- e) **Less Than Significant Impact.** No groundwater wells will be drilled, nor will the project require the use of ground water. Any water needed for fugitive dust control, or other BMPs that require water will be obtained through the project applicant’s existing IID contract. Furthermore, the project is required to comply with County, State, and Federal water quality standards. The proposed project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. This is considered a less than significant impact.



XI. Land Use and Planning

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **No Impact.** The project site is located in a sparsely populated, agriculturally zoned portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. The nearest established residential community is the community of Seeley located north of the project site and north of I-8. Therefore, implementation of the project would not divide an established community and no impact would occur.
- b) **Potentially Significant Impact.** The project site is currently designated by the General Plan as "Agriculture." Existing project site zoning consists of A-2, A-2-R, A-2-RE, A-3 and A-3-RE. The County Land Use Ordinance, Division 17, includes the Renewable Energy Overlay Zone, which authorizes the development and operation of renewable energy projects, with an approved conditional use permit. Conditional use permit applications proposed for specific renewable energy projects not located in the Renewable Energy Overlay Zone would not be allowed without an amendment to the Renewable Energy Overlay Zone. The majority of the project site is located outside of the Renewable Energy Overlay Zone. Therefore, a General Plan Amendment and Zone Change is required in order to include/classify the project sites into the Renewable Energy Overlay Zone. Because a General Plan amendment and zone change would be required for project implementation, the proposed project may result in a conflict with an applicable land plan, policy, or regulation. The project site is not located within a Habitat Conservation Plan or Natural Community Conservation Plan.

XII. Mineral Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact.** The project site is not used for mineral resource production. According to Figure 8: Imperial County Existing Mineral Resources of the Conservation and Open Space Element of the General Plan (County of Imperial 2016), no known mineral resources occur within the project site nor does the project site contain mapped mineral resources. Therefore, the proposed project would not result in the loss of availability of any known mineral resources that would be of value to the region and the residents of California nor would the proposed project result in the loss of availability of a locally important mineral resource. Thus, no impact is identified for this issue area and no further analysis is warranted.
- b) **No Impact.** Refer to response XIII. a) above.



XIII. Noise

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
a) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** The Imperial County Title 9 Land Use Ordinance, Division 7, Chapter 2, Section 90702.00 - Sound level limits, establishes one-hour average sound level limits for the County’s land use zones. Agricultural/industrial operations are required to comply with the noise levels prescribed under the general industrial zones. Therefore, the proposed project will be required to maintain noise levels below 75 decibels (dB) (averaged over one hour) during any time of day.

The proposed project will also be expected to comply with the Noise Element of the General Plan which states that construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB, when averaged over an eight-hour period, and measured at the nearest sensitive receptor. Construction equipment operation is also limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m on Saturday. Nevertheless, the proposed project will result in the increase in ambient noise levels during construction. A noise report that will address the proposed project’s potential noise impacts will be prepared and this issue will be addressed in the EIR.

- b) **Potentially Significant Impact.** Groundborne vibration and noise could originate from earth movement during the construction phase of the proposed project. However, significant vibration is typically associated with activities such as blasting or the use of pile drivers, neither of which would be required during project construction. Construction activities most likely to cause vibration include heavy construction equipment and site grading operations. Although all heavy, mobile construction equipment has the potential to cause at least some perceptible vibration when operating close to buildings, the vibration is usually short term and is not of sufficient magnitude to cause building damage. Heavy equipment such as dozers, loaders, and drill rig equipment would be operated and, depending on the location within the project site, could be close enough to residences or structures to cause vibration impact. Operation of the project would not result in vibrations perceptible to nearby receptors. This issue will be addressed in the EIR.
- c) **No Impact.** The project site is not located within an airport land use plan nor is it within two miles of a public airport or public use airport. As such, no impact would occur to people residing or working in the project area related to excessive noise levels.

XIV. Population and Housing

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact.** The project site is currently used for agricultural production. Development of residential uses is not proposed. Project construction would involve the use of temporary workforce, however, once operational, the project will only involve a limited number of employees for periodic maintenance activities. It is assumed that the workforce would be from southern California and would likely not require accommodations. The project would not appear to induce population growth; therefore, the project would have no impact.
- b) **No Impact.** No housing exists within the project site. Therefore, the proposed project would not displace any existing people or housing, which would require the construction of replacement housing elsewhere. No impact is identified for this issue area.



XV. Public Services

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire Protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Police Protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- ai) **Potentially Significant Impact.** Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The proposed project would be required to comply with all existing regulations and requirements of the Imperial County Fire Department and would be reviewed for adherence to prevention measures for wildland fires. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection in 2000, the project site may be located within, and/or adjacent to an area identified as a Moderate Fire Hazard Area. Additionally, the project proposes BESS facilities, which require specialized fire suppression equipment and training to contain fires associated with lithium-ion batteries. Construction and operation activities may result in an increased need for fire-fighting personnel and facilities in the area. Therefore, the potential impact on fire services from construction and operation of the proposed projects will be further evaluated in the EIR.
- aii) **Potentially Significant Impact.** Police (law enforcement) protection services in the proposed project area are provided by the Imperial County Sheriff’s Department. Although the potential is low, the proposed project may attract vandals or other security risks. The increase in construction related traffic could increase demand on law enforcement services. On-site security would be provided and access would be limited to the areas surrounding the project sites during construction and operation, thereby minimizing the need for police surveillance. However, the projects’ impacts on sheriff services will be further evaluated in the EIR.
- aiii) **Less Than Significant Impact.** The proposed project does not include the development of residential land uses that would result in an increase in population or student generation. Also, the number of construction and operational workers coming to the region is low and is not expected to increase demand for schools or require the construction of new schools. Therefore, impacts would be less than significant.
- aiv) **Less Than Significant Impact.** The number of construction and operational workers coming to the region is low and is not expected to increase demand on existing or future parks. Therefore, impacts would be less than significant.
- av) **Less Than Significant Impact.** The number of construction and operational workers coming to the region is low and is not expected to increase demand for any public services (such as post offices). Therefore, impacts would be less than significant.

XVI. Recreation

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact.** The project would not directly or indirectly increase the number of residents keeping the county compliant with the Quimby Act which requires 5 acres of parkland for every 1,000 residents. No new residents will be introduced into the project area. The workforce required to construct the project are anticipated to come from existing populations that live in or commute from the surrounding local community. As there is no increase of residencies or residents, it is reasonably foreseeable that the project would not lead to an increase of use or deterioration of existing neighborhood, regional, or other recreational facilities. Therefore, the project would have no impact on the use or deterioration of existing recreational resources.
- b) **No Impact.** The project does not include nor require the construction of a recreational facility as the project does not alter the current ratio of parkland acres to residents. Therefore, the project will have no impact on the construction or expansion of recreational facilities which might have an adverse effect on the environment.



XVII. Transportation

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** Construction of the proposed project would result in a small increase of traffic to the area, which may result in a potentially significant impact. As proposed, construction access to the project site could occur from the north or south via Derrick Road, Jessip Road, Westside Road, and Hyde Road, and from the east via Diel Road and Wixom Road (or other nearby local roads). An additional access alternative includes entrance to the Project site from Interstate 8 (I-8) to Dunaway Road, to West Evan Hewes Highway, to Westside Road. Large trucks would likely utilize I-8 and S29 (Drew Road) for materials deliveries. This impact is considered potentially significant, and a traffic impact study that will address the proposed project’s potential impacts on traffic will be prepared. This issue will be addressed in the EIR.
- b) **Potentially Significant Impact.** Section 15064.3(b) of the CEQA Guidelines provides guidance on determining the significance of transportation impacts and focuses on the use of vehicle miles traveled (VMT), which is defined as the amount and distance of automobile travel associated with a project. Given the nature of the project, after construction, there would be a nominal amount of vehicle trips generated by the project. Once the proposed project is implemented, the proposed project would require intermittent maintenance requiring a negligible amount of traffic trips on an annual basis. However minimal, the proposed project would increase the number of vehicular trips related to construction and the need for intermittent maintenance on an annual basis. Therefore, this issue is potentially significant and will be addressed in the traffic impact study and EIR analysis.
- c) **No Impact.** The project would not result in any changes to any roads, intersections, streets, highways, nor would it provide any incompatible uses to the street and highway system. All vehicles that would be used for travel to and from the project site would be licensed and comply with all appropriate transportation laws and regulations including obtaining and adhering to provisions of any required permits for oversized loads. As such, no impact related to transportation design hazards would occur.
- d) **No Impact.** All proposed facilities would be constructed within the property boundaries of the project site and would not affect emergency vehicle access to the facility or any roadway. Emergency vehicle access identified and designated in the project site, would not be changed as result of the proposed project. Therefore, no impacts to emergency access to the plant site or surrounding area would occur under the project.

XVIII. Tribal Cultural Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

a-b) **Potentially Significant Impact.** Assembly Bill 52 was passed in 2014 and took effect July 1, 2015. It established a new category of environmental resources that must be considered under CEQA called tribal cultural resources (Public Resources Code 21074) and established a process for consulting with Native American tribes and groups regarding those resources. Assembly Bill 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.

In accordance with AB 52, Imperial County, as the CEQA lead agency, sent an AB 52 consultation request letter to the Campo Band of Mission Indians and Fort Yuma-Quechan Indian Tribe on June 12, 2024. This issue will be further analyzed in the EIR. In accordance with SB-18, the County also sent tribal notification letters on September 3, 2024.



XIX. Utilities and Service Systems

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Less Than Significant Impact.** Operational use of water resources for the project would be limited to domestic use within operations and maintenance buildings, solar panel washing, and fire protection services. Impacts associated with water facilities would be less than significant. Construction of the proposed facilities would not generate/discharge any wastewater. Impacts associated with water facilities would be less than significant.

No natural gas facilities are located near the project and no natural gas hookup is required for the project. No impacts associated with natural gas facilities would occur. The project will not have an impact on any telecommunications.

The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, impacts would be less than significant.
- b) **Potentially Significant Impact.** Although water for operations and maintenance buildings, solar panel washing, and fire protection services during project operation is not anticipated to result in a significant increase in water demand/use, IID would provide the water required for operations and maintenance and

potable water will be trucked onto the site. Thus, a potentially significant impact is identified for the availability of sufficient water supplies to serve the proposed project for the reasonably foreseeable future. The proposed project's potential impacts on water supplies will be analyzed in the EIR.

- c) **No Impact.** The proposed project would generate a minimal volume of wastewater during construction, which would be in the form of portable chemical sanitary facilities that would be used by all construction personnel. These facilities will be serviced by a local contractor. In addition, all construction liquids would be disposed of in compliance with all appropriate local, state and federal disposal regulations. Therefore, no impacts to the wastewater treatment utility's service capacity would occur.
- d) **Less than Significant Impact.** Solid waste generation would be minor for the construction and operation of the proposed project. Solid waste during construction will be disposed of in an approved solid waste disposal site in accordance with Imperial County Environmental Health Department requirements. Waste will be routinely collected and disposed of at an authorized landfill by a licensed disposal contractor. The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Additionally, because the proposed project would generate solid waste during construction and operation, they will be required to comply with state and local requirements for waste reduction and recycling; including the 1989 California Integrated Waste Management Act and the 1991 California Solid Waste Reuse and Recycling Access Act of 1991. Also, conditions of the conditional use permit will contain provisions for recycling and diversion of Imperial County construction waste policies. Therefore, a less than significant impact is identified for this issue area.

- e) **Less than Significant Impact.** Refer to response XIX. d) above.

XX. Wildfire

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact.** According to the Fire Hazard Severity Zone Viewer provided by the California Department of Forestry and Fire Protection, the project area is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2023). Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. No impact is identified for this issue area.
- b) **No Impact.** The project area is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2023). The Seismic and Public Safety Element of the County General Plan also states that the potential for a major fire in the unincorporated areas of the County are generally low (County of Imperial 1997). The project site is located on flat land, which does not pose a risk due to slope. The County’s Multi-Jurisdictional Hazard Mitigation Plan (2021) recognizes and manages events of high winds and other extreme weather in Imperial County. The project would not exacerbate wildfire risks associated with slope or prevailing winds; no impact would occur.
- c) **No Impact.** The project area is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2023). The project will have two double-walled 20,000-gallon isopentane tanks on site which would be equipped with a fire suppression system supported by additional onsite water. This is required by the California Fire Code as adopted by the Imperial County Code. Additionally, the underground interconnection line would be situated along the existing utility lines along Dogwood Road. All infrastructure would comply with existing regulations and would not exacerbate fire risk; no impacts would occur.
- d) **No Impact.** According to Figure 2: Landslide Activity in the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the project site is not located in an area that is prone to landslide

hazards. Furthermore, the site topography is flat, and no ancient landslides have been mapped in the area. The project would not alter the existing drainage pattern surrounding the project site and it would comply with regulations that reduce the potential for excess runoff waters from the project site. The project would not expose people or structures to significant risks as a result of runoff, post-fire instability, or drainage changes, therefore no impact would occur.

XXI. Mandatory Findings of Significance

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Potentially Significant Impact.** The proposed project has the potential to result in significant environmental effects on biological resources and cultural resources, which could directly or indirectly cause adverse effects on the environment. These issues will be further evaluated in the EIR.
- b) **Potentially Significant Impact.** Implementation of the proposed project has the potential to result in impacts related to: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, transportation, tribal cultural resources, and utilities/service systems. The proposed project has the potential to result in cumulative impacts with regards to the identified issue areas. Cumulative impacts will be discussed and further analyzed in the EIR.
- c) **Potentially Significant Impact.** Implementation of the proposed project has the potential to result in impacts related to: air quality, geology/soils, and hazards and hazardous materials. These potential environmental effects could cause substantial adverse effects on human beings. These issues will be further evaluated in the EIR.

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List of Preparers

This Initial Study was prepared for the Imperial County Planning and Development Services Department by HDR at 591 Camino de la Reina, Suite 300, San Diego, CA 92108. The following professionals participated in its preparation:

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Comment Letters Received on Notice of Preparation



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September 30, 2024
Sent via email.

RECEIVED

By Imperial County Planning & Development Services at 4:25 pm, Sep 30, 2024

Ms. Diana Robinson
Planning Division Manager
County of Imperial
801 Main Street
El Centro, CA 92243

Subject: Notice of Preparation of a Draft Environmental Impact Report
Big Rock 2 Cluster Solar and Storage Project
State Clearinghouse No. 2024090063

Dear Ms. Robinson:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the County of Imperial for the Big Rock 2 Cluster Solar and Storage Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game 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. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

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.

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 will construct a photovoltaic (PV) solar energy generation facility, and one or more battery energy storage systems (BESS) comprised of up to 500 megawatts alternating current (MWac) of PV solar power and up to 500 MWac of BESS. Power generated would be collected using up to 66-kilovolt (kV) collector lines that would run overhead and/or underground to a dedicated Project substation, with a 230-kV overhead generation transmission (gen-tie) line, linking a Project substation to the Imperial Irrigation District Liebert Switchyard.

The proposed Project is in the unincorporated communities of County of Imperial, south of Interstate 8, approximately one mile southwest of the town of Seeley, and approximately six miles north of the United States International Border with Mexico. The project site is west of Drew Road and northeast of Mandapa Road.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County of Imperial in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW recommends that the forthcoming environmental document address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the environmental document should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The CDFW recommends that the environmental document specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed

following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Species specific surveys for sensitive species that the Project footprint has the potential to support, include, but is not limited to:

Burrowing Owl (*Athene cunicularia*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513.

Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

CDFW recommends that the County of Imperial follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW’s website: <https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls, and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

Within the 2012 Staff Report, the minimum habitat replacement recommendation was purposely excluded as it was shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area. It hypothesized that mitigation for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. If mitigation occurs offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Furthermore, the report noted that suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide.

Yuma Ridgway's rail (*Rallus obsoletus yumanensis*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for Yuma Ridgway's rail, a California fully protected species.

Water diversions can impact Yuma Ridgway's rails through dewatering of wetland habitats. Changes in flow rates can also increase the prevalence of invasive plant species which are a threat to Yuma Ridgway's rails.

Vegetation clearing may impact Yuma Ridgway's rails as they require a dense cover of emergent wetland vegetation for protection from predators. Removal of vegetation can also make communities vulnerable to colonization by invasive plant species.

Noise from road use, generators, and other equipment may disrupt Yuma Ridgway's rail mating calls which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009).

Artificial light may disorient migrating Yuma Ridgway's rails and disrupt their navigation (Rowan 1925, Longcore and Rich 2016).

The EIR should address Project related impacts to Yuma Ridgway's rail. If Yuma Ridgway's rail are found within the Project area during surveys and complete avoidance is not possible, CDFW recommends the County of Imperial to require the Project proponents acquire a CESA Incidental Take Permit (ITP) according to California Fish and Game Code section 2081.15, prior to any vegetation or ground disturbing activities. Any take of California black rail without take authorization would be a violation of Fish and Game Code.

California black rail (*Laterallus jamaicensis coturniculus*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for California black rail, a California fully protected species. California black rail populations have been documented as declining in California in recent decades primarily as a result of habitat loss and degradation, particularly in southern California (Evens et al. 1991, Conway and Sulzman 2007). Outside of the San Francisco Bay estuary, where the majority of the population occurs, the sub-species exists in smaller, disjunct sub-populations that may not be sustained without frequent immigration (Evens et al. 1991, Richmond et al. 2008). California black rail populations and their required habitat features are vulnerable to both human-caused and natural stressors.

Water diversions can impact California black rails through dewatering of wetland habitats that they rely on (Eddleman et al. 1994). California black rails are vulnerable to water level fluctuations, such as depth of the water and density of

vegetation (Flores and Eddleman 1993). Diversions can lower the water level, while uncontained run-off can raise the water level, making habitat less suitable.

Grading, compacting, and filling aquatic habitat could cause direct habitat loss. Construction near a wetland or water feature supporting California black rail would impact the quality of the habitat if dust, debris, petroleum, or other contaminants are discharged off the construction site into the habitat.

Vegetation clearing may impact California black rails where they require a dense cover of upland vegetation for protection from predators (Eddleman et al. 1994, Evens and Thorne 2015).

Disturbance to nesting rails, such as humans or pets intruding in the marsh, have been reported to cause rails to abandon nests or to try to defend nests, exposing eggs (Flores and Eddleman 1993). Intrusion can alter habitat and cause mortality through crushing of rails that generally freeze in place and are hesitant to flush (Evens and Thorne 2015).

The EIR should address Project related impacts to California black rail. If California black rail are found within the Project area during surveys and complete avoidance is not possible, CDFW recommends the County of Imperial to require the Project proponents acquire a CESA Incidental Take Permit (ITP) according to California Fish and Game Code section 2081.15, prior to any vegetation or ground disturbing activities. Any take of California black rail without take authorization would be a violation of Fish and Game Code.

Crotch's Bumble Bee (*Bombus crotchii*)

The project may impact suitable habitat for Crotch's bumble bee (*Bombus crotchii*), a CESA candidate species, and has the potential for take pursuant to California Fish and Game Code Section 2081(b). Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014) (Hatfield, R., et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (CDFW 2017). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Indirect, permanent impacts include conversion of habitat through the introduction of invasive species. Without sufficient avoidance, minimization, or mitigation measures, the Project activities may result in unmitigated temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

The California Fish and Game Commission accepted a petition to list Crotch bumble bee as endangered under CESA, determining the listing "may be warranted" and

advancing the species to the candidacy stage of the CESA listing process. Crotch bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority.

The EIR should include site specific surveys for Crotch's bumble bee in accordance with any Crotch's bumble bee survey protocol provided by CDFW. If take or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the County of Imperial should require the Project proponent to obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b).

Bats

The Project site has the potential to provide suitable habitat for several bat species (collectively, bats) potentially roosting (day, night and maternal) and foraging habitat, which may include some Species of Special Concern (SSC) including but not limited to:

- pallid bat (*Antrozous pallidus*) (SSC)
- Townsend's big-eared bat (*Corynorhinus townsendii*) (SSC)
- western mastiff bat (*Eumops perotis*) (SSC)
- western red bat (*Lasiurus blossevillii*) (SSC)
- western yellow bat (*Lasiurus xanthinus*) (SSC)
- hoary bat (*Lasiurus cinereus*) (SSC)
- California myotis (*Myotis californicus*)
- Arizona myotis (*Myotis occultus*) (SSC)
- Cave myotis (*Myotis velifer*) (SSC)
- Yuma myotis (*Myotis yumanensis*) (SSC)
- Pocketed free-tailed bat (*Myctinopops ferosaccus*) (SSC)

Project construction and activities may result in direct and indirect impacts to bats. Direct impacts include removal of structures occupied by roosting bats. This could result in injury or mortality to bats as well as loss of roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, §

251.1). Several bat species are considered SSC. An SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022b).

The EIR should include results of specific surveys for bats over the Project are proposed to be directly or indirectly affected by Project activities and the results of the surveys included in the EIR, along with avoidance, minimization and mitigation measures, if appropriate. CDFW recommends if active hibernacula or day roosts are identified in the work area or within 500 feet of the work area, during pre-construction surveys, they be avoided to the extent feasible. For maternity roosts, Project construction will only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30). Maternity roosts shall not be evicted, excluded, removed, or otherwise disturbed.

Desert kit fox (*Vulpes macrotis*)

The Project occurs within the range of desert kit fox, a protected species pursuant to Title 14 of the California Code of Regulations Section 460, which prohibits the take of the species at any time. CDFW recommends surveys, following CDFW-approved protocols, be conducted over all areas proposed to be directly or indirectly affected by the Project to determine presence/absence and numbers of desert kit fox, and that this information be included in the EIR.

If desert kit fox is found, or have the potential to occupy the Project site, CDFW recommends the County of Imperial require species-specific mitigation to offset impacts and avoidance, minimization, and monitoring measures aimed at avoiding direct impacts to the desert kit fox be incorporated into the EIR. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent re-occupancy. The measures should also include detailed

monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

American Badger (*Taxidea taxus*)

The Project occurs within the range of the American badger, a California species of special concern. CDFW recommends the Project complete surveys for American badger over the Project area proposed to be directly or indirectly affected by the Project activities and that the results of such surveys be included in the EIR, along with avoidance, minimization, and mitigation measures, if appropriate.

If American badger are found, or have the potential to occupy the Project site, CDFW recommends the County of Imperial require species specific mitigation to offset impacts and avoidance, minimization and monitoring measures aimed at avoiding direct impacts to American badger be incorporated into the EIR. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent re-occupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

Ringtail (*Bassariscus astutus*)

The Project occurs within the range of the ringtail, a California species of special concern and fully protected species. CDFW recommends the Project complete surveys for ringtail over the Project area proposed to be directly or indirectly affected by the Project and that the results of such survey be included in the EIR, along with measures to avoid all impacts to the species.

If ringtail are found, or has the potential to occupy the Project site, CDFW recommends the County of Imperial require species-specific mitigation to avoid impacts to the ring-tailed cat be incorporated into the EIR. Avoidance measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided. If complete avoidance is not possible, CDFW recommends the project proponent acquire a CESA Incidental Take Permit (ITP) prior to any vegetation or ground disturbing activities. Any take of ringtail without take authorization would be a violation of Fish and Game Code section 2081.15.A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>).

4. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
5. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. Additionally, the EIR should discuss Project impacts to wildlife connectivity on both a regional and local scale for both rare and common species. Impacts to wildlife connectivity are expected to be from the physical location and size of the project, noise generated by both construction and operation of the Project, and lighting needed for Project operation.
4. An evaluation of impacts to adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.
5. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated

future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The County of Imperial should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species, such as California black rail (*Laterallus jamaicensis coturniculus*), ringtail (*Bassariscus astutus*) may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species. If complete avoidance is not possible, CDFW recommends the project proponent acquire a CESA Incidental Take Permit (ITP) prior to any vegetation or ground disturbing activities according to Fish and Game Code section 2081.15.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically

occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the project area include, but are not limited to, burrowing owl (*Athene cunicularia*) and northern harrier (*Circus hudsonius*), loggerhead shrike (*Lanius ludovicianus*), yellow warbler (*Setophaga petechia*), vermilion flycatcher (*Pyrocephalus rubinus*), western mastiff bat (*Eumops perotis californicus*), pocketed free-tailed bat (*Nyctinomops femorosacca*), American badger (*Taxidea taxus*), western yellow bat (*Lasiurus xanthinus*), flat-tailed horned lizard (*Phrynosoma mcallii*).

4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in advance of Project impacts in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may

include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB, and/or knowledge of the project site/vicinity/general area, CDFW is aware that the following CESA-listed species has the potential to occur

onsite/have previously been reported onsite: California black rail (*Laterallus jamaicensis coturniculus*) and ringtail (*Bassariscus astutus*).

Lake and Streambed Alteration Program

Based on review of material submitted with the NOP and review of aerial photography, drainage features traverse or surround the Project site. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

A petition to list burrowing owls under the California Endangered Species Act (CESA) has been submitted to the California Fish and Game Commission. Since a determination has not yet been made on the petition, CDFW recommends that avoidance, minimization, and mitigation measures for burrowing owls consider both the potential for CESA listing and the retention of its current Species of Special Concern status. If the burrowing owl is listed as a candidate species under CESA, County of Imperial will need to either avoid impacts to the species or obtain an incidental take permit from CDFW and define mitigation.

ENVIRONMENTAL DATA

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 the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency 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

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the Big Rock 2 Cluster Solar and Storage Project (SCH No. 2024090063) and recommends that the County of Imperial address the CDFW's comments and concerns in the forthcoming DEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Lily Mu, Senior Environmental Scientist (Specialist), at (909) 544-2521 or at Lily.Mu@wildlife.ca.gov.

Sincerely,

DocuSigned by:

4D759253408941E...

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCES

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SEPTEMBER 20, 2024

RECEIVED

By Imperial County Planning & Development Services at 8:45 am, Sep 20, 2024

VIA EMAIL: DIANAROBINSON@CO.IMPERIAL.CA.US

IMPERIAL COUNTY
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
801 MAIN STREET
EL CENTRO, CA 92243

Dear Ms. Robinson:

INITIAL STUDY AND NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE BIG ROCK 2 CLUSTER SOLAR AND STORAGE PROJECT, SCH# 2024090063

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study and Notice of Preparation of an Environmental Impact Report for the Big Rock 2 Cluster Solar and Storage Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The Project would allow for the construction and operation of a photovoltaic (PV) solar energy generation and battery energy storage system (BESS) facility comprised of up to 500 megawatts (MW) alternating current PV solar and up to 500 MW of BESS. Power generated by the project would be collected using collector lines which could run overhead and/or underground to a dedicated project substation, with an overhead generation transmission line or "gen-tie" line linking a project substation to the Imperial

Irrigation District (IID) Liebert Switchyard. The Liebert Switchyard would then be connected to the San Diego Gas & Electric (SDG&E) Imperial Valley substation via an overhead gen-tie line. Two gen-tie line alternatives are proposed.

The project site contains Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as designated by the DOC's Farmland Mapping and Monitoring Program.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Implementation of any City or County Agricultural Mitigation Plans, Programs, or Policies.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; see also *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland

mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Initial Study and Notice of Preparation of an Environmental Impact Report for the Big Rock 2 Cluster Solar and Storage Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor



IID

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Since 1911

October 7, 2024

Ms. Rocio Yee
Planner I
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 11:31 am, Oct 07, 2024

SUBJECT: NOP of a DEIR for the Big Rock 2 Cluster Solar and Battery Storage Project

Dear Ms. Yee:

On September 4, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Preparation of a Draft Environmental Impact Report for the Big Rock 2 Cluster Solar and Battery Storage Project. The project proposes the construction and operation of a 500 MW solar generation and 500 MW battery energy storage facility on 1,849 acres of land located west of Drew Road and east north of Mandrapa Road, approximately one mile southwest of Seeley, California in unincorporated Imperial County. The project would connect to the IID electrical system with a 230 kV gen-tie line linking the project's substation to the IID Liebert Switching Station and from there would connect to the SDG&E Imperial Valley Substation via a subsequent 230 kV gen-tie line.

The Imperial Irrigation District has reviewed the information and has the following comments:

1. For electrical service for the future development of the resulting parcel, the applicant should be advised to contact Ignacio Romo, IID project development planner, at 760-482-3426 or e-mail Mr. Romo at IGRomo@IID.com to initiate the customer service application process. In addition to submitting a formal application (available at <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to a project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to a project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the

provision of electrical service to the project shall be the financial responsibility of the applicant.

3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.
4. There are several IID water facilities. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities shall be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.
5. To insure there are no impacts to IID water facilities, applicant should submit project plans, including grading & drainage and fencing plans, to IID Water Department Engineering Services section for review and comment prior to final project design and CUP approval. IID WDES can be contacted at (760) 339-9265 for further information on this matter.
6. The project may impact IID drains with project site runoff flows draining into IID drains. To mitigate impacts, the project may require a comprehensive IID hydraulic drainage system analysis. IID's hydraulic drainage system analysis includes an associated drain impact fee.
7. A construction storm water permit from the California Regional Water Quality Control Board is required before commencing construction and an industrial storm water permit from CRWQCB is required for the operation of the proposed facility. The project's Storm Water Pollution Prevention Plan and storm water permits from CRWQCB should be submitted to IID for review.
8. For information on procuring construction water, the applicant should contact IID South End Division at (760) 482-9800.
9. The impacts to the Salton Sea, due to loss or reduction of agricultural runoff caused by agricultural land conversion to urban use shall require discussion in the EIR. Due to the potential loss or reduction of inflow to the Salton Sea and to IID drains with its concurrent environmental impacts, the applicant should address this issue as well as provide analysis that the project does not negatively impact the IID Water Conservation and Transfer Draft Habitat Conservation Plan, the existing Section 7 Biological Opinion and the California Endangered Species Act Permit 2081. The documents are available at <https://www.iid.com/water/library/qa-water-transfer/environmental-assessments-permits>.

10. An assessment or discussion of cumulative impacts considering other non-agricultural facilities whose water use (or potential water use) would reduce the inflow conveyed to IID drains and the Salton Sea is necessary. It is advisable that the applicant present a cumulative impact analysis on inflow to IID drains and the Salton Sea.
11. In order to obtain a water supply from IID for a non-agricultural project, the project proponent will be required to comply with all applicable IID policies and regulations and may be required to enter into a water supply agreement. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the project be adequately assessed, appropriate mitigation developed if warranted, including any necessary approval conditions adopted by the relevant land use and permitting agencies.
12. If IID implements a water allocation or apportionment program pursuant to the IID Equitable Distribution Plan, or any amending or superseding policy for the same or similar purposes, during all or any part of the term of said water supply agreement, IID shall have the right to apportion the project's water as an industrial water user. Information on how to obtain a water supply agreement can be found at the IID website <https://www.iid.com/water/municipal-industrial-and-commercial-customers> or by contacting Justina Gamboa-Arce, Water Resources Planner at (760) 339-9085 or jgamboarce@iid.com.
13. An IID encroachment permit is required to utilize existing surface-water drainpipe connections to drains, and receive drainage service from IID. Surface-water drainpipe connections are to be modified in accordance with IID Water Department Standards. A construction storm-water permit from the California Regional Water Quality Control Board is required before commencing construction. An industrial storm water permit from CRWQCB is required for operation of the proposed facility. The project's storm-water permit from CRWQCB are to be submitted to IID.
14. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

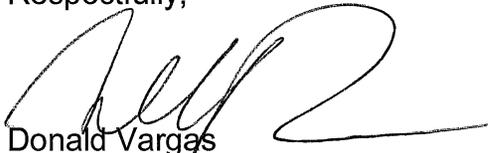
15. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities
16. An IID encroachment permit is required to utilize existing surface-water drainpipe connections to drains and receive drainage service from the district. Surface-water drainpipe connections are to be modified in accordance with IID Water Department Standards.
17. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**
18. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has established general principles on project segmentation for different project types. For a project requiring construction of offsite infrastructure, the offsite infrastructure

must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

19. When the project goes through the CEQA compliance process, it is important to bear in mind that to address the project impacts to the electrical utility (i.e., the IID electrical grid), considered under the environmental factor "Utilities and Services" of the Environmental Checklist/Initial Study, to determine if the project would require or result in the relocation or construction of new or expanded electric power facilities, the construction or relocation of which could cause significant environmental effects; a circuit study/distribution impact study, facility study, and/or system impact study must be performed.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II



AIR POLLUTION CONTROL DISTRICT

RECEIVED

By Imperial County Planning & Development Services at 4:41 pm, Oct 03, 2024

October 3, 2024

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Preparation of Draft Environmental Impact Report for General Plan Amendment 24-0002; Zone Change 24-0003; Conditional Use Permits 24-0006, 24-0007, 24-0008, & 24-0009; Variances 24-0002, 24-0003, 24-0004, 24-0005 – 90FI8me LLC

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on the Notice of Preparation of Draft Environmental Impact Report for General Plan Amendment (GPA) 24-0002; Zone Change (ZC) 24-0003; Conditional Use Permits (CUP) 24-0006, 24-0007, 24-0008, & 24-0009; Variances (V) 24-0002, 24-0003, 24-0004, 24-0005 (Project). The project proposes a photovoltaic (PV) solar energy generation and battery energy storage system (BESS) facility comprised of up to 500 megawatts (MW) PV solar generation and up to 500 MW BESS storage. The project is identified as Big Rock 2 and is located on a total of approximately 2,436 acres composed of 1,569 not previously entitled land and 867 acres currently entitled under active CUPs known as Laurel Cluster 3, Laurel Cluster 2 North and Laurel Cluster 2 south. The project is located south of Interstate 8 and west of Drew Rd., and is composed of 19 parcels identified with Assessor's Parcel Numbers:

051-270-020	051-270-028	051-270-036	051-270-041	051-280-054	051-300-011
051-300-016	051-300-026	051-300-035	051-300-037	051-300-032	051-330-003
051-350-004	051-350-006	051-350-007	051-350-008	051-310-027	051-310-028
051-290-018	051-290-019	051-320-005	051-320-006	051-320-007	

The Air District provided comments for the project in a letter dated September 20, 2024 which are still applicable and will repeat them here: the Air District's established programs help to keep the quality of air in Imperial County from declining. The programs, Rules and Regulations of the Air District in conjunction with the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County (Handbook), and the Air District's State Implementation Plans (SIPs) for Ozone, PM_{2.5} and PM₁₀ work together to ensure that air quality improves or does not degrade. Currently, the non-attainment status of marginal for the 2015 ozone standard, moderate for PM_{2.5} and the maintenance requirements for PM₁₀ are the driving

criteria in establishing the thresholds for NO_x, ROG, PM₁₀, SO_x and CO found in the Handbook. These thresholds and their significance are explained under Section 6 of the handbook and The Air District strongly recommends referencing the Handbook during the generation of the EIR as the Handbook has helpful information regarding the development of an adequate air quality analysis and emission thresholds. The Air District also strongly recommends the applicant and/or their consultant(s) contact the Air District directly to coordinate with our office for the development of the EIR as the Air District will look closely at the potential impacts, both direct and indirect, as a result of the proposed project.

When exploring the impacts of renewable projects, it is a common misconception that these types of projects are not a significant source of air pollution. While it is true that renewable projects that do not employ fuel based combustion units as supplemental power are typically cleaner projects during their operational phases, in most cases construction and cumulative impacts have the potential to cause adverse air quality impacts. Specifically for solar field projects, PM₁₀ and NO_x emissions are the primary pollutants of concern during the construction and operational phases of these types of renewable projects. Historical experience has demonstrated that shortened construction periods not previously analyzed during the CEQA process create a potential for elevated levels of NO_x emissions, as well as elevated levels of PM₁₀ during earthmoving activities.

In order to identify NO_x emissions created during the construction phase of the renewable project, a Construction Equipment List detailing the equipment type, make, model, year, horsepower, hours of daily operation, date arrived onsite, and date removed from site should be provided to the Air District in Excel format.¹ This is to ensure NO_x emissions during the construction period remain under the CEQA thresholds of significance. Should it be determined the project exceeded these emission thresholds it may become subject to Policy 5 requirements.

With regards to cumulative impacts, which occur during the operational phase of renewable projects, PM₁₀ is of main concern and an Operational Dust Control Plan (ODCP) may be required based on the permitting determination of the project. The ODCP details how dust emissions will be controlled and maintained during the operational phase of the project.² An initial site visit is required to confirm the elements of any draft ODCP before it can be finalized. Please note that an ODCP is intended to provide pertinent information specific to the operation and for the reduction of fugitive dust emissions created by the ongoing operations at the facility.

¹ The Equipment List submittal will require a written commitment by the applicant to a submittal schedule agreed upon between the applicant and the Air District

² The ODCP needs to be approved prior to the issuance of the Certificate of Occupancy.

Should the project operate combustion equipment such as emergency generators, an Air District permit may be required for the project. In the event of such equipment being operated for the project, the Air District requests the applicant submit a permit application for engineering review of the project, pay the applicable review fees, and coordinate with the Air District Engineering and Permitting Division directly to discuss the permitting requirements of the project.

The following is a synopsis of the information pertinent to the development of a Comprehensive Air Quality analysis. A thorough analysis should include a description, impacts and health consequences of all air quality and associated emissions. The analysis must be conducted using the Air Districts approved modeling factors.³ The analysis should include short- and long-term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis per alternative. A description of the Air District attainment status, State and Federal, is required as is describing any regulatory restrictions to the project.

Existing and proposed projects must have a cumulative impact analysis. For each sub-analysis and risk assessment mitigation measures should be identified, quantified for effectiveness, and incorporated into the environmental document (i.e. Environmental Impact Report EIR or Environmental Impact Statement EIS). All mitigation measures must follow District Rules and Regulations including the most current Handbook. Consultation with the most recent Clean Air Plans (SIPs), District Rules and Regulations and other Air District approved programs is strongly recommended to achieve effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce the impacts to insignificance then off-site mitigation should be discussed and appropriately applied.

Finally, in accordance with Assembly Bill 32 and the most recent amendments to the CEQA Guidelines, a discussion of the impacts from Green House Gas (GHG) emissions and its relation to Climate Change is required, however, given the court's Golden Door ruling (*Golden Door Properties, LLC v. County of San Diego, 2020*) coordination with the Air District is recommended to adequately address GHG analysis. Given the Air District has not currently developed its own GHG thresholds, using a threshold from an area similar in size, topography, climate, and population is preferred by the Air District. The Air District also recommends using the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (GHG Handbook) which was developed by the California Air Pollution Control Officer's Association (CAPCOA) to assist in creating an adequate GHG analysis.

Finally, the Air District requests a copy of each draft CUP prior to recording for review.

³The most current modeling tool recently adopted is CalEEMod.

All Air District rules and regulations can be found for review on our website at <https://apcd.imperialcounty.org/rules-and-regulations/>, the Handbook can be accessed at <https://apcd.imperialcounty.org/wp-content/uploads/2020/01/CEQAHandbk.pdf>, and the GHG Handbook can be found at <https://www.caleemod.com/handbook/index.html>. Please contact our office at (442) 265-1800 to set up discussions for the project or if you have any further questions or concerns. The Air District looks forward to coordinating to help ensure consistency and enforceability of the project.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ismael Garcia", with a long horizontal flourish extending to the right.

Ismael Garcia
Environmental Coordinator II

A handwritten signature in blue ink, appearing to read "Monica N. Soucier", with a large, stylized initial "M" and "S" that loops around.

Monica N. Soucier
APC Division Manager

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



November 21, 2024

11-IMP-8
PM 28
September 2024 CUP# 24-0006
Big Rock 2 Cluster Solar

Ms. Rocio Yee
Imperial County,
Planning & Development Services
801 Main Street,
El Centro, CA 92243

Dear Ms. Yee:

Thank you for including the California Department of Transportation (Caltrans) in the development review process for the Conditional Use Permit of the proposed Big Rock 2 energy project located near Interstate 8 (I-8) and Drew Road. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans has the following comments.

Glare

The proximity of the project site to I-8 raises some concerns regarding potential glare that could pose a potential risk to motorists traveling on I-8.

The California Code, Vehicle Code - VEH § 21466.5, states that *"no person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway."*

Please provide a glint and glare analysis to confirm that there will be no visual impacts to the traveling public on I-8.

Traffic Analysis

According to the *April 2024 Traffic Study* by Dudek, the project expects high construction trips at I- 8 and Drew Road. Please provide a queuing analysis for the construction work trips for the eastbound and westbound exit ramps at I-8 and Drew Road. Also, please provide a copy of the synchro files.

Hauling

Should the energy project require the transport of oversize equipment, please see the hauling language below.

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network.

Additional information is provided online at:
<http://www.dot.ca.gov/trafficops/permits/index.html>

Hydraulics

Caltrans generally does not allow development projects to impact hydraulics within the State's Right of- Way. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Right-of-Way

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.

Any work performed within Caltrans' Right-of-Way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

If you have any questions or concerns, please contact Roger Sanchez, LDR Coordinator, at (619) 987-1043 or by e-mail sent to roger.sanchez-rangel@dot.ca.gov.

Sincerely,

Rogelio Sanchez for

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

Attachment: Caltrans January 2024 Previous Comments