

Appendix A

Scoping Report

Scoping Report

Grace Solar Energy Center

FEBRUARY 2025

Prepared for:

COUNTY OF RIVERSIDE

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024

Table of Contents

SECTION	PAGE NO.
Acronyms and Abbreviations.....	iii
1 Overview of CEQA Scoping Process	1
1.1 Introduction.....	1
1.2 Summary of CEQA Scoping Process	2
1.2.1 Notice of Preparation	2
1.2.2 Public Scoping Meeting.....	2
1.3 Agencies, Organizations, and Persons Notified	3
1.4 Scoping Report Organization	4
2 Summary of the Proposed Project	6
3 Summary of Scoping Comments.....	8
3.1 Agencies, Organizations, and Tribal Agencies Providing Comments.....	8
3.2 Comments.....	8
3.2.1 Human Environment	8
3.2.2 Natural Environment	9
3.2.3 Mitigation	9
3.2.4 Cumulative Impacts.....	9
3.2.5 Alternatives	10
3.2.6 Other.....	10
4 Summary of Future Steps in the Environmental Review Process.....	12
4.1 Native American Tribal Outreach and AB 52 Compliance	12
4.2 Completion of Draft SEIR	12
4.3 Review of Draft SEIR	12
4.4 Preparation and Certification of Final SEIR and MMRP.....	12

TABLE(S)

Table 1. Agencies, Organizations, and Persons Notified.....	3
Table 2. Comments Received During Public Scoping Period	8

APPENDICES

A	CEQA Notice of Preparation
B	Scoping Meeting Presentation
C	Written Scoping Comments Received During the Scoping Period

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
AB	Assembly Bill
AC	Alternating Current
Applicant	Boulevard Associates, LLC
Approved Project	Palo Verde Mesa Solar Project
BESS	Battery Energy Storage System
BLM	Bureau of Land Management
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Action
CRS	Colorado River Substation
CUP	Conditional Use Permit
DC	Direct Current
DFA	Development Focus Area
DRECP	Desert Renewable Energy Conservation Plan
Gen-tie	Generation tie
ITP	Incidental Take Permit
kV	Kilovolt
MW	Megawatts
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NOP	Notice of Preparation
O&M	Operation and Maintenance
Project	Grace Solar Energy Center
PV	Photovoltaic
RCDWR	Riverside County Department of Waste Resources
ROD	Record of Decision
SB	Senate Bill
SCAG	Southern California Association of Governments
SCE	Southern California Edison
SCH	Governor's Office of Land Use and Climate Innovation - State Clearinghouse
SEIR	Supplemental Environmental Impact Report
SWRCB	State Water Resources Control Board
USFWS	United States Fish and Wildlife Service

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1 Overview of CEQA Scoping Process

The environmental review of the Grace Solar Energy Center Project (Project) is being conducted by two lead agencies: County of Riverside (County) as the State lead agency under the California Environmental Quality Act (CEQA) and United States Department of Interior, Bureau of Land Management (BLM) as the federal lead agency under the National Environmental Policy Act (NEPA). These two agencies are conducting separate reviews and are holding separate scoping periods. This Report discusses the scoping process for the County of Riverside only. The County held a 30-day public scoping period consistent with CEQA requirements to provide an opportunity for the public and agencies to provide comments on the scope of environmental review of the Project.

This Scoping Report documents the CEQA scoping process and summarizes the comments received. This report provides the range of issues provided during the scoping period that will be considered in the preparation of the Supplemental Environmental Impact Report (SEIR).

1.1 Introduction

Boulevard Associates, LLC (Applicant) is seeking to amend the existing conditional use permit (CUP No. 3684) for the Palo Verde Mesa Solar Project (Approved Project), approved by the County in August 2017 and supported by an Environmental Impact Report (EIR No. 532). The existing CUP and EIR for the Approved Project allow for the construction, operation, and decommissioning of a solar photovoltaic (PV) project and associated generation tie (gen-tie) line. The Applicant proposes to change the name of the Approved Project previously known as the Palo Verde Mesa Solar Project, to the Grace Solar Energy Center (Project).

The Project site is located 2.8 miles north of Interstate 10, adjacent, on the west side, to the city limits of Blythe, in unincorporated Riverside County, California. The Project is located on private lands in Riverside County and federal lands administered by BLM. The Project is also located adjacent to existing solar facilities on private and public lands.

The Project would generate and store up to 500 megawatts (MW) of renewable electricity via arrays of solar PV, battery energy storage system (BESS), and ancillary facilities. The An interconnection to the electrical grid will be accomplished via a new on-site collector substation and interconnection to the existing 230 kilovolt (kV) Southern California Edison (SCE) Colorado River Substation (CRS), using an open circuit of the existing gen-tie line built for the nearby Arlington Solar Energy Center on BLM land. The proposed gen-tie includes a short segment of new poles on BLM to connect the existing gen-tie to the collector substation but will primarily use the open circuit on the existing Arlington gen-tie line. The Proposed Project would be located on approximately 2,940 acres of privately-owned lands and 878 acres of BLM-managed lands with the entire Project to aggregate approximately 3,818 acres.

Public lands within the Project site include lands designated as Development Focus Area (DFA) by the Desert Renewable Energy Conservation Plan (DRECP) and associated Record of Decision (ROD), and thus, have been targeted for renewable energy development. The portions of the Project located on federal land are under management of the BLM.

1.2 Summary of CEQA Scoping Process

The CEQA scoping process requires lead agencies to solicit, record, and evaluate feedback from other agencies, the public, and other interested parties on the environmental effects of a project to aid decision making. The scoping process is an initial step in the environmental review process.

Public and agency participation in the CEQA process for the Project has and will continue to occur through the steps described below.

1.2.1 Notice of Preparation

In compliance with CEQA Guidelines Section 15082, a Notice of Preparation (NOP) was issued with a 30-day public review and comment period starting January 10, 2025, ending February 8, 2025. The NOP briefly described the Project, location, environmental review process, potential environmental effects, and opportunities for public involvement. A map of the Project site was included.

The NOP was uploaded to the Governor's Office of Land Use and Climate Innovation - State Clearinghouse (SCH) website for issuance to state agencies. The NOP was filed with the County Clerk on January 7, 2024. The NOP was mailed to agencies, organizations, local governments, elected officials, Native American tribes, and individuals on the County's interested parties list. A copy of the NOP was posted on the Riverside County's website.

The NOP solicited input regarding the scope and content of the environmental information to be included in the Draft SEIR. A public scoping meeting was held on January 13, 2025, as further detailed below. A full copy of the NOP is provided in Appendix A.

A total of eight comment letters were received within the scoping period. These comments are summarized in Section 3 and provided in full as Appendix C. No additional letters have been received outside of the scoping period to date.

1.2.2 Public Scoping Meeting

In compliance with California Code of Regulations Section 15082(c), the County conducted a public scoping meeting to inform the public about the Project, provide information regarding the environmental review process, and gather public input regarding the scope and content of the Draft SEIR. The public scoping meeting was held on the following date and location:

January 13, 2025, 1:30 p.m.
Riverside County Planning Department, County Administrative Center
4080 Lemon Street
Riverside, California 92501

The public scoping meeting was held both in-person and virtually through the web-based platform Zoom to allow for maximum attendance. Appendix B contains a copy of the PowerPoint presentation and list of meeting attendees. Four people signed into the scoping meeting virtually, all of which were members of the applicant team. No comments were provided verbally during the public scoping meeting.

1.3 Agencies, Organizations, and Persons Notified

Table 1 includes all agencies, organizations, and persons notified of the Project and provided with the NOP.

Table 1. Agencies, Organizations, and Persons Notified

Names of Agencies, Organizations, and Persons Notified			
Agencies			
Riverside County Agricultural Commissioner's Office	City of Moreno Valley Planning Division	City of Lake Elsinore	Orange County Community Development
Superintendent Kevin Jeffries, Riverside County, 1 st District	City of San Jacinto Community Development Department	City of Beaumont Planning Department	San Diego County, Planning and Development Services
Superintendent Karen Spiegel, Riverside County, 2 nd District	City of Perris Planning Division	City of Canyon Lake	Morongo Band of Mission Indians
Superintendent Chuck Washington, Riverside County, 3 rd District	City of Menifee	City of Corona Community Development Department	Eastern Information Center Department of Anthropology
Superintendent V. Manuel Perez, Riverside County, 4 th District	City of Riverside Community and Economic Development Department	San Bernardino County Planning Department	Cultural Resources Committee Pechanga Band of Luiseno Mission Indians
Superintendent Jeff Hewitt, Riverside County, 5 th District	Mathew Bassi, Planning Director of City of Wildomar	City of Hemet Planning Division	Native American Heritage Commission
Ramona Band of Cahuilla Mission Indians	Santa Rosa Band of Cahuilla Mission Indians	Soboba Band of Luiseno Indians	Rincon Band of Mission Indians
Pauma & Yuima Reservation	Pala Band of Mission Indians Tribal Historic Preservation Office	California State Water Resource Control Board	CALTRANS District #8 Planning IGR/ Local Development Review
Eastern Municipal Water District	Audubon Society, San Bernardino Valley	Building Industry Association	Riverside County Regional Park & Open-Space District
Endangered Habitats League	Farm Bureau, Riverside County	Southern California Association of Governments	Riverside Transit Agency
Sierra Club San Geronio	Department of Conservation	South Coast Air Quality Management District	Metropolitan Water District of Southern California
Regional Water Quality Control Board Santa Ana Region, CEQA Review	United States Army Corps of Engineers Los Angeles District – Regulatory Branch	San Bernardino County Museum	California Air Resources Board – CEQA Review
California Department of Fish & Wildlife Inland Desert/ Eastern Sierra Region	Riverside County Fire Department	SAWPA	United States Fish and Wildlife Service Pacific Southwest Region

Table 1. Agencies, Organizations, and Persons Notified

Names of Agencies, Organizations, and Persons Notified			
Agencies			
Riverside County Habitat Conservation Agency	Riverside County Department of Waste Resources	Riverside County Transportation Commission	Western Riverside Council of Governments
Val Verde Unified School District	County of Riverside Sheriff's Department	Western Riverside County Regional Conservation Authority	Center for Community Action and Environmental Justice
City of Eastvale Community Development Department	City of Jurupa Valley	City of Murrieta	City of Norco
City of Temecula	City of Blythe	Palo Verde Public Library	Riverside County Clerk
State Clearinghouse	NextEra Energy		
Surrounding Property Owners			
United States Department of Interior	Mesaville Solar	Richard Riddle	Martin Manuel
Synagro WWT Inc.	Guadalupe Guzman	Farris Family Trust	Suzan Helen C. Trust
Empire Communities	Allan Bickford	Ali Mohamed Shilwa	Atabak Yousseffzadeh
Evelyn Johnson	Verlamae Rigby	Beverly Schnese	Gregorio Gaje
Chi Yin Yu	Devin Hedge	Michael Maddox	Lisa Casavant
Fred Sterling	Ron Lacy	Clifford Wright	Estate of Victor Holchak
Estes Leonard Living Trust	Declaration of Trust	Deborah Matsuzawa	Robert Mcneil
Wayne Smith	Thomas Family Trust	Leland Cormell	County of Riverside
Jose Manglona Barcinas	Friedman Walter	IP Athos III Land	GLDF INV
MGH DEV			

1.4 Scoping Report Organization

This scoping report summarizes the comments and issues identified during the scoping period. The Lead Agency will review and consider all the scoping comments received in preparing the SEIR for the Project.

- **Section 2** provides a summary of the Project.
- **Section 3** provides a summary of all comments received and issues raised during the Project's scoping period.
- **Section 4** provides a summary of future steps in the environmental review process.
- **Appendices** include the NOP, scoping presentation, and scoping comment letters and emails.

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2 Summary of the Proposed Project

As mentioned, the Applicant has filed application with the County for the Project. In August 2017, the County approved the Palo Verde Mesa Solar Project and certified the EIR (SCH 2012081026) which includes a similar footprint to the proposed Project. The Approved Project was never developed and in 2021 the land was transferred to the Applicant. The proposed Project is within the scope of the prior EIR; however, because the Project requires substantial changes to the prior EIR that may result in new significant impacts or a substantial increase in the severity of impacts identified in the prior EIR, a SEIR is required (CEQA Guidelines Section 15162).

The Project consists of a utility scale solar PV facility, BESS, and a 230 kV gen-tie line interconnecting to the existing SCE CRS on approximately 3,818 acres of private and public lands within Riverside County, California. The Project is comprised of the following components and facilities:

- **Solar PV Panels and Mounting Systems:** The Project may use various PV technologies, including, but not limited to, crystalline silicon panels, cadmium telluride panels, bifacial panels, or copper indium gallium selenide panels. The panels would be dark blue or black in color. The Project may also use a mix of both trackers and fixed support mounting structures. Panels are installed on a racking system with support piles driven into the ground.
- **Inverters, Transformers, and Electrical Collection System:** The Project would be designed in increments which would include an inverter equipment area and transformers. The electrical collection system would include 34.5 kV lines, direct current (DC) to alternating current (AC) collection cables, and combiner or switch boxes. Each array unit would be connected using underground 34.5 kV collection lines parallel and adjacent to the subarea access roads.
- **Collector Substation and Gen-tie Line:** The Project would include an onsite collector substation with electrical transformers, switchgears, and related substation equipment. The substation would transform 34.5 kV medium-voltage power from the collection system to the 230 kV high-voltage gen-tie line. An approximately 10.5-mile gen-tie line would connect the collector substation to the SCE CRS substation. The gen-tie line includes approximately 1.9 miles of new right of way (ROW) from the solar site to the Project boundary. At the Project boundary, the Project would use 8.6 miles of the open circuit on the existing double circuit Arlington gen-tie line.
- **Operations and Maintenance (O&M) Facility:** The O&M facility would include project security, employee offices, and parts storage in an up to 3,500 square-foot steel frame structure. The O&M facility would be monitored onsite by up to six full-time, onsite Project technicians

Other features and components of the Project include a BESS and telecommunication facilities.

Primary access to the Project would be from Buck Boulevard and alternate access would be from Dracker Road. Access for the gen-tie improvements and construction would occur from Dracker Road from the north and Wiley's Well Road. A new access road would be constructed east of Dracker Road to the BESS and collector substation which would allow access to the new east to west portion of the proposed gen-tie line during construction and permanent access to the collector substation and BESS. Internal access roads would also be developed to access the solar panels within the solar facility boundary.

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3 Summary of Scoping Comments

This section summarizes the written comments received from the public and agencies during the scoping period for the Project. A total of eight scoping comments were received within the scoping period. The comments will be considered in the drafting of the SEIR. All scoping comments received during the scoping period are included in Appendix C.

3.1 Agencies, Organizations, and Tribal Agencies Providing Comments

Agencies, organizations, and Tribal agencies provided written comments during the scoping period. Table 1 presents the agencies, organizations, and Tribal agencies that provided written comments during the scoping process in chronological order.

Table 2. Comments Received During Public Scoping Period

Commenter	Date
Agencies	
State Water Resources Control Board (SWRCB)	January 10, 2025
California Department of Fish and Wildlife (CDFW)	January 10, 2025
City of San Jacinto	January 13, 2025
Western Riverside Council of Governments	January 14, 2025
Riverside Department of Waste Resources (RCDWR)	January 24, 2025
Southern California Association of Governments (SCAG)	February 6, 2025
Organizations	
Defenders of Wildlife	February 7, 2025
Tribal Agencies	
Native American Heritage Commission (NAHC)	January 14, 2025

3.2 Comments

Scoping comments include comments on the following:

3.2.1 Human Environment

Air Quality and Greenhouse Gas Emissions

SCAG suggested that the SEIR address consistency with SCAG goals using a specific format of a side-by-side comparison table. SCAG also provided key elements and relevant growth forecasts of Connect SoCal 2024, suggesting that the SEIR address consistency with Connect SoCal 2024.

Tribal Cultural Resources

NAHC identified the applicability of Assembly Bill (AB) 52 and Senate Bill (SB) 18 which require Tribal consultation. The NAHC comment letter provided a description of AB 52, SB 18, and recommendations for cultural resource assessments.

Utilities and Service Systems

SWRCB commented on the O&M building and requested more information on potable water usage, if applicable. Specifically, SWRCB requested information on how many people on average would be served 60 days out of the year to determine if the SWRCB Division of Drinking Water will need to a discretionary action.

RCDWR requested that a quantitative analysis of potential solid waste impacts be prepared. RCDWR also provided information on waste haulers, transfer centers, and landfills then may be useful in the analysis of solid waste impacts of the Project.

3.2.2 Natural Environment

Biological Resources

The CDFW requested that any new biological information be provided.

Defenders of Wildlife commented that wildlife agency-approved species-specific protocols must be used in biological resource surveys that are conducted, emphasizing burrowing owl. Defenders of Wildlife also raised concerns regarding impacts to habitat connectivity and an Area of Conservation Emphasis (ACE), requesting analysis of potential impacts to the ACE in the SEIR.

3.2.3 Mitigation

The RCDWR requested that the SEIR discuss feasible mitigation programs or regulatory compliance when assessing waste impacts. The RCDWR also provided measures to consider in order to help reduce the Project's anticipated solid waste impacts, including the use of mulch, xeriscaping, development of a waste recycling plan, proper disposal of hazardous materials, and organic waste disposal.

SCAG recommended that the Final Program EIR for Connect SoCal 2024 be used for guidance regarding mitigation, as appropriate.

Defenders of Wildlife recommended consultation with wildlife agencies, including CDFW and United States Fish and Wildlife Service (USFWS), to determine applicability of mitigation and avoidance measures, such as compensatory mitigation, mitigation bank credits, or an Incidental Take Permit (ITP). Compensatory mitigation to prioritize connectivity or linkages was also encouraged.

3.2.4 Cumulative Impacts

Defenders of Wildlife requested that cumulative impacts be analyzed in the SEIR using CDFW methodology.

3.2.5 Alternatives

Defenders of Wildlife requested that additional alternatives be analyzed in the SEIR, including one that avoids impacts to areas with a 4 or 5 ACE connectivity ranking and one that avoids impacts to public lands.

3.2.6 Other

Multiple comments requested additional information regarding the Project in general. CDFW and Defenders of Wildlife both requested information regarding changes to the Approved Project. Additionally, CDFW requested a copy of the Initial Study if one was available, and Defenders of Wildlife requested a copy of the environmental documents for the Approved Project. Further, Defenders of Wildlife raised concerns about having to reach out for additional information and regarding the sufficiency of the NOP contents in general.

Defenders of Wildlife also recommended close coordination with the BLM to analyze Project impacts.

SCAG requested that the environmental document be provided for review once available.

The City of Jacinto confirmed that there were no comments on the Project at this time and the Western Riverside Council of Governments requested to be removed from the distribution list.

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4 Summary of Future Steps in the Environmental Review Process

4.1 Native American Tribal Outreach and AB 52 Compliance

The County will mail certified letters to representatives of Tribes that have interest in the Project. The letters will include a brief description of the Project, information on how to contact the lead agency Project Manager, and a shapefile and aerial exhibit depicting the location of the Project. The letters will note that requests for consultation pursuant to AB 52 needed to be received within 30 days of the date of receipt of the notification letter.

4.2 Completion of Draft SEIR

Applicable scoping comments for each resource will be discussed and addressed under the Project impact analysis for each issue area section as applicable in the Draft SEIR.

4.3 Review of Draft SEIR

A Notice of Completion (NOC) will be filed with the SCH to begin the public review period (PRC Section 21161) for the Draft SEIR. Pursuant to PRC Section 21092.3 and CEQA Guidelines Section 15087(c), a Notice of Availability (NOA) of the Draft SEIR will be posted in the County Clerk's office.

The Draft SEIR would be distributed directly to agencies, organizations, and interested individuals, and made publicly available for review and comment in accordance with Section 15087 of the CEQA Guidelines and PRC 21092(b)(3).

The Draft SEIR and the studies upon which it is based will be available for review at the locations shown as follows:

- Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, California 92501 (951) 955-3200
- Riverside County Planning Department, Palm Desert Office, 77588 El Duna Court, Suite H, Palm Desert, California 92211 (760) 863-8277

4.4 Preparation and Certification of Final SEIR and MMRP

Following consideration of the comments received during the Draft SEIR 45-day public comment period, the Final SEIR will be prepared per CEQA requirements and will include responses to all comments that raise significant environmental issues. Consideration of the Final SEIR and requested Project approvals by the County Board of Supervisors is anticipated in 2025.

The Final SEIR will include comments received on the Draft SEIR and responses to those comments, along with any modifications to the Draft SEIR. In addition, CEQA Guidelines Section 15097 requires that public agencies adopt a program for monitoring mitigation measures that reduce or eliminate significant impacts on the environment. Accordingly, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared for the Project and included as part of the Final SEIR.

The County Board of Supervisors will consider all comments received on the Draft SEIR and responded to in the Final SEIR before deciding whether to certify the SEIR and whether or not to approve the Project.

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Appendix A

CEQA Notice of Preparation



Lead Agency: CITY OF RIVERSIDE PLANNING DIVISION
ATTN: Gustavo Gomez
Address: 4080 Lemon St. 12th floor
RIVERSIDE, CA, 92501

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202500009
01/07/2025 04:44 PM Fee: \$ 0.00
Page 1 of 7

Removed: By: Deputy


Project Title

NOTICE OF PREPARATION GRACE SOLAR ENERGY CENTER

Filing Type

- ☐ Environmental Impact Report
- ☐ Mitigated/Negative Declaration
- ☐ Notice of Exemption
- ☒ Other: NOTICE OF PREPARATION OF A DRAFT
SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT

Notes



RIVERSIDE COUNTY PLANNING DEPARTMENT

John Hildebrand
Planning Director

Agency Notice of Preparation of a Draft Supplemental Environmental Impact Report

DATE: January 6, 2025

TO: Responsible and Trustee Agencies, Interested Organizations, and Individuals

PROJECT CASE NO./TITLE: Grace Solar Energy Center – Draft Supplemental Environmental Impact Report
Conditional Use Permit No. 03684R01/Public Use Permit No. 00976R01

PROJECT LOCATION: The Grace Solar Energy Center (Project) is located in Riverside County (County), approximately 2.8 miles north of Interstate (I) 10, west of the City of Blythe. The Project consists of approximately 3,818 acres consisting of a solar site, battery storage, collector substation, and a generation-tie (gen-tie) line. Approximately 2,940 acres is located on private lands within unincorporated Riverside County and approximately 878 acres is located on land administered by the U.S. Department of Interior, Bureau of Land Management (BLM), Palm Springs-South Coast Field Office. The 878-acre area on BLM-administered lands would be limited to a few panel areas and the gen-tie line. The Project is bounded to the north and west primarily by BLM lands, and to the east and south by private land. Blythe Airport is located immediately south of the Project site. An active lemon orchard is located in the central portion of the Project site but is not included as part of the Project boundary. Refer to Figure 1, Project Location and Figure 2, Project Location and Parcels for the surrounding vicinity.

Dracker Road runs along the west side of the Project boundary. Dracker Road is located on lands administered by the BLM and is therefore not a roadway identified in the County of Riverside's circulation network. Buck Boulevard, a paved, county-maintained road, runs to the southeast corner of the Project boundary. Buck Boulevard would serve as the primary access for the Project. Dracker Road would serve as secondary access to the Project. The proposed gen-tie line crosses Dracker Road then connects to the existing Arlington Solar Energy Center project gen-tie line.

The Project would interconnect to the electrical grid by running its gen-tie west of the Project boundary to the existing Arlington Solar Energy Center gen-tie line, then south along the open circuit of the existing double circuit Arlington gen-tie line to the existing Southern California Edison (SCE) 230-kV Colorado River Substation. The entirety of the gen-tie line would be located on BLM-administered public lands.

The Assessor's Parcel Numbers on which the Project is located are listed on the attached sheet titled "Assessor's Parcels for Project Site CUP 03684R01 Grace Solar Energy Center."

PROJECT DESCRIPTION: The Palo Verde Mesa Solar Project (Approved Project) is an up to 450 megawatts (MW) solar photovoltaic (PV) electrical generating facility and associated infrastructure located on approximately 3,400 acres of private land. The Palo Verde Mesa Project Environmental Impact Report (EIR) No. 532, Conditional Use Permit (CUP) No. 3684, Public Use Permit (PUP) No. 916, and Development Agreement (DA) No. 86 were approved by Riverside County in August 2017. Boulevard Associates, LLC ("Applicant") proposes to modify the approved project design and change the project name to Grace Solar Energy Center (Project) under a Supplemental EIR

(SEIR) and CUP amendment. Boulevard Associates, LLC (“Applicant”) proposes to entitle, construct, operate, maintain, and decommission the Project. The Project would include a utility-scale solar PV electrical generating and storage facility and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid.

The proposed Project would generate and store up to 500 MW of renewable electricity via arrays of solar PV panels, battery energy storage system (BESS), 230-kV gen-tie line, access roads and appurtenant facilities.

The Commercial Operation Date (COD) for the Project is anticipated in 2027. The Applicant is seeking a minimum 40-year CUP (CUP 03684R01) amendment for the construction, operation, and decommissioning of the proposed solar facility, as well as a PUP (PUP 00976R01) for portions of the Project that would traverse County roads. Ancillary permits, including encroachment permits, grading and construction permits, and certificates of occupancy, are anticipated from the County. These permits and approvals are local ministerial actions that will follow California Environmental Quality Act (CEQA) compliance for the Project. The applicant is also working with the BLM to complete National Environmental Policy Act (NEPA) compliance for portions of the Project proposed on BLM-administered lands.

Pursuant to CEQA, notice is given to responsible and interested agencies that the Riverside County Planning Department plans to oversee the preparation of a SEIR for the above-described Project. The purpose of this notice is to solicit guidance from Responsible and Trustee Agencies, Interested Organizations, and Individuals as to the scope and content of the environmental information to be included in the SEIR. In accordance with the time limits mandated by State law, information in that regard should be submitted to this office as soon as possible but **not later than thirty (30) days** after receiving notice. The public review period is from January 10th to February 8, 2025.

LEAD AGENCY:	County of Riverside TLMA Planning Department 4080 Lemon Street, 12th Floor Riverside, California 92501	Contact Person: Gustavo Gomez Phone Number: (951) 955-5719 Email: GGomez@rivco.org Website: http://planning.rctlma.org
PROJECT SPONSOR:	Boulevard Associates, LLC/ 700 Universe Boulevard Juno Beach, Florida 33408	Contact Person: Brendan Lewis Senior Project Manager, Development Phone Number: (561) 329-6527 Email: Brendan.Lewis@nexteraenergy.com

SCOPE OF ANALYSIS: The County of Riverside has determined that an SEIR shall be prepared to address the potential significant impacts of the proposed Project. The proposed Project is not anticipated to result in any new or more severe impacts under the following issue areas beyond what was previously disclosed in EIR SCH No. 2012081026: Air Quality, Agriculture and Forest Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Population and Housing, Public Services, and Transportation. Mitigation measures previously identified by EIR SCH No. 2012081026 under these issue areas would continue to apply to the currently proposed Project. However, the proposed Project would have the potential to result in significant impacts under the following topic areas to a different extent than described in previously certified EIR SCH No. 2012081026. A detailed analysis of the following topic areas will thus be included in the forthcoming SEIR: Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Paleontological Resources, Recreation, Tribal Cultural Resources, Utilities, and Wildfire.

PUBLIC SCOPING MEETING: A scoping session has been scheduled in order to bring together and resolve concerns of affected federal, State, and local agencies, the proponent of the proposed Project, and other interested persons; inform the public of the nature and extent of the proposed Project; and provide an opportunity to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the SEIR

and help eliminate from detailed study issues found not to be important. The scoping session is not a public hearing on the merit of the proposed Project, and no decision on the Project will be made. Public testimony is limited to identifying issues regarding the Project and potential environmental impacts. The Project proponent will not be required to provide an immediate response to any concerns raised. The Project proponent will be requested to address concerns expressed at the scoping session through revisions to the proposed Project and/or completion of a Final SEIR prior to the formal public hearing on the proposed Project. Mailed notice of public hearing will be provide to anyone requesting such notification.

Grace Solar Energy Center Scoping Meeting

Date: January 13, 2025
Time: 1:30 P.M. or as soon as possible thereafter
Location: Riverside County Planning
Department 4080 Lemon Street,
1st Floor, Board Chambers
Riverside, California 92501

Information on how to participate in the meeting will be available on the Planning Department website at <https://planning.rctlma.org>. If you wish to participate (speak or view meeting) remotely during the meeting, please contact the Project Planner, Gustavo Gomez, by phone at (951) 955-5719 or email at ggomez@rivco.org **at least 24 hours** prior to the meeting and provide your name, phone number, and agenda item. Once you provide the necessary information you will receive (either by phone or email) conformation of receipt of your request with the necessary meeting information to join.

For electronic documents and information related to the Notice of Preparation, please view the project webpage below or email the project planner at ggomez@rivco.org who will send a link via email.

[Environmental Documents and Information](#)

Please send all written correspondence to:

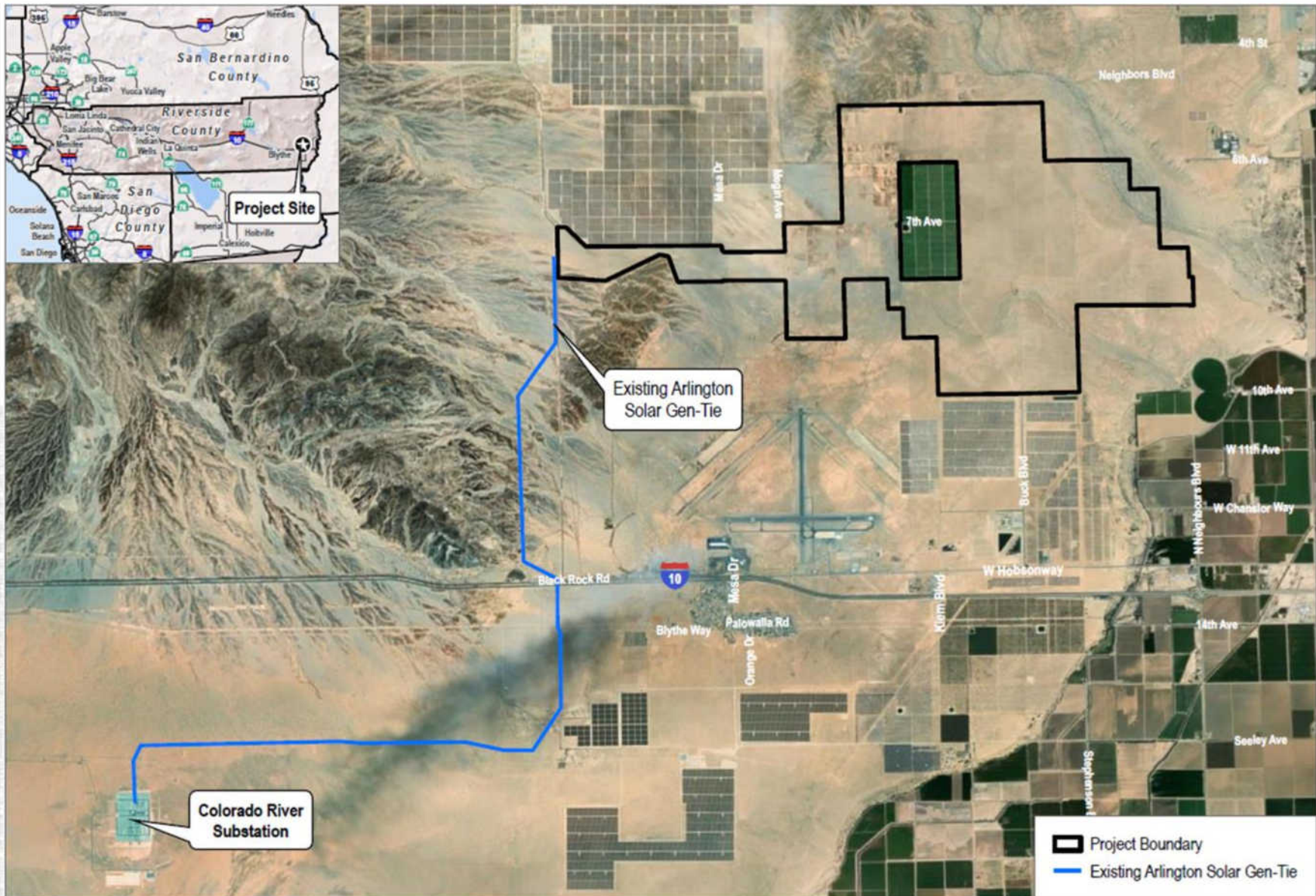
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Gustavo Gomez, Project Planner
4080 Lemon St. 12th Floor
Riverside, California 92501
ggomez@rivco.org

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Gustavo Gomez
Project Planner for Grace Solar Energy Center

Grace Solar Energy Center

Assessor's Parcels for Project Site (CUP 03684R01/PUP No. 00976R01)	
Private Land Parcels	BLM-Administered Parcels
821020007	818180011
821050028	821060007
821020019	818180014
821050029	821080042
821020020	818180015
821060001	821090006
821020021	821020013
821060002	879080020
821020022	818180017
821060003	879080021
821020023	818180018
821060006	879080022
821020024	818180015
821080043	879080025
821020025	818180014
821080044	879090031
821020026	818210003
821080045	879090032
821020027	818210004
821080046	879090033
821020028	818241019
821080047	879090034
821020029	818241021
821080050	818242025
821050004	818242027
821090011	818242026
821050016	
821090012	
821050017	
821090013	
821050018	
821090014	
821050019	
821090015	
821050020	
821090016	
821050021	
821090017	
821050022	
82109001	
821050023	
821100034	
821050028	
818210014	

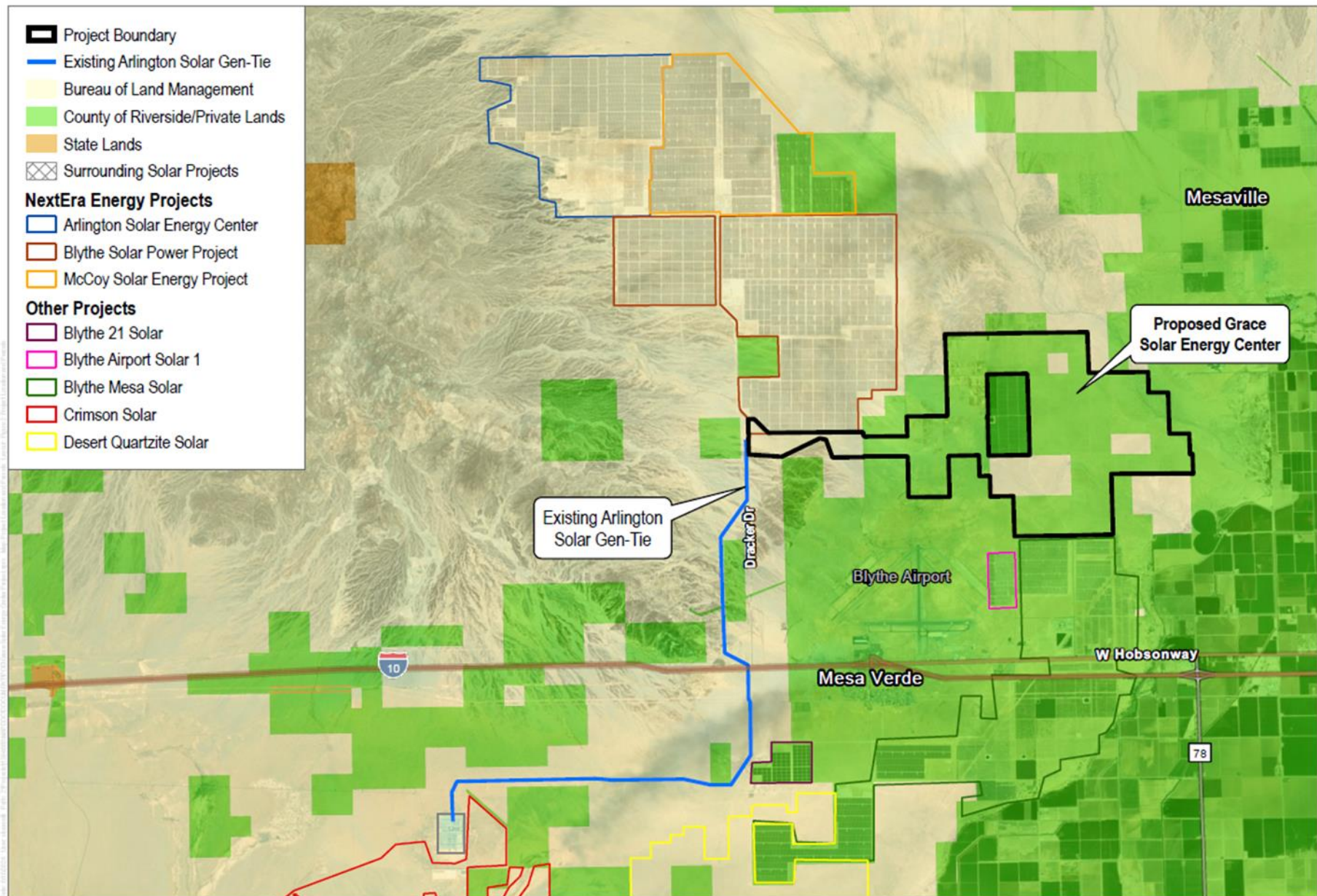


SOURCE: Maxar 2023

FIGURE 1

Project Location

Grace Solar Energy Center Project



SOURCE: Maxar 2023

DUDEK



0 4,000 8,000 Feet

FIGURE 2

Project Location and Parcels

Grace Solar Energy Center Project

Appendix B

Scoping Meeting Presentation

Appendix C

Written Scoping Comments Received During the Scoping Period

From: Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>

Sent: Friday, January 10, 2025 11:26 AM

To: Gomez, Gustavo <GGomez@Rivco.org>

Subject: Riverside, Grace Solar Energy Center, Operations and Maintenance Building- Potable Water

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

Gustavo,

I help out the State Water Resources Control Board, Division of Drinking Water with CEQA for water supply permits.

Riverside county is circulating and Grace Solar Energy Center (Project) Notice of Preparation [2025010194]. The applicant will construct a utility-scale solar PV electrical generating and storage facility and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid.

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) § 116275 subd. [h], is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

"Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes." Health & Saf. Code § 116275 subd. [e].

As part of the Project the applicant will construct an operations and maintenance building. An operations and maintenance building could have access to potable water for staff and visitors (restrooms, lunch rooms, etcetera).

If the Project will provide potable water, please let me know how many people on average would be served 60 days out of the year.

This will help me determine if our Division of Drinking Water will need to take a discretionary action on the Project.

Thanks!

Lori Schmitz

Lori Schmitz
State Water Resources Control Board
Division of Financial Assistance
Special Project Review Unit
Lori.Schmitz@waterboards.ca.gov

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From: Weiss, Eric@Wildlife <Eric.Weiss@wildlife.ca.gov>
Sent: Friday, January 10, 2025 11:00 AM
To: Gomez, Gustavo <GGomez@Rivco.org>
Subject: Grace Solar Energy Center, SCH No. 2025010194

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Good morning Mr. Gomez,

We received notification of a supplemental EIR for the Grace Solar Energy Center (formerly Palo Verde Mesa). I referenced the [State Clearinghouse No. 2025010194](#) to review the Notice of Preparation. I was unable to locate a copy of the Initial Study and other information regarding the changes to the project design/new effects prompting the Supplement to the EIR; would you be able to forward the IS and any new biological information to me? It looks like the state review period ends 2/10/2025, is that accurate? Thank you in advance.

Eric Weiss (he, him, his)

Senior Environmental Scientist
California Department of Fish and Wildlife
Habitat Conservation, Renewable Energy
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764

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[County of Riverside California](#)

From: [Randel, Travis](#)
To: [Gomez, Gustavo](#)
Cc: [White, Kevin](#)
Subject: Draft Supplemental EIR CUP No. 03684R01
Date: Monday, January 13, 2025 2:43:06 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)
[image005.jpg](#)
[image006.png](#)

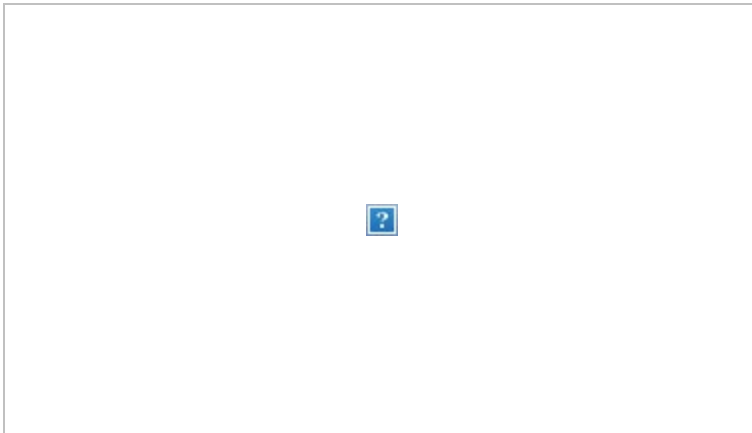
CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Mr. Gomez,

Thank you for providing the City of San Jacinto the opportunity to review and comment on the aforementioned project. The City does not have any comments at this time.

Regards,

Travis



City of San Jacinto Office Hours:
Monday – Thursday, 8 am – 5 pm
*Closed all Fridays and Holidays

Follow us on social media for important updates –



From: Janis L. Leonard <jleonard@wrcog.us>

Sent: Tuesday, January 14, 2025 5:41 PM

To: Grace Solar NOP <grace.solar.nop@dudek.com>

Subject: RE: Notice of Preparation for the Grace Solar Energy Center Project

Hi,

Please remove me from this list, thank you.

Sincerely,

Janis L. Leonard
Administrative Services Manager
Western Riverside Council of Governments
Riverside County Habitat Conservation Agency
3390 University Ave., Suite 200
Riverside, CA 92501-3314
Phone: (951) 405-6702
Cell: (951) 202-1646
www.wrcog.us

"Respect Local Control... Provide Regional Perspective... Make a Difference"



[Book time to meet with me](#)

From: Avila, Katherine <KaAvila@Rivco.org>

Sent: Friday, January 24, 2025 7:26 AM

To: Gomez, Gustavo <GGomez@Rivco.org>

Cc: Hesterly, Kinika <khesterl@RIVCO.ORG>

Subject: Comment Letter for the NOP of the Draft SEIR for the Grace Solar Energy Center Project

Good morning,

Please see the attached comment letter for the NOP of the Draft SEIR for the Grace Solar Energy Center Project. Please contact me should there be any follow up questions or comments.

Thank you,

Katherine Avila

Associate Planner

Riverside County Department of Waste Resources

Direct: (951) 486-3369 | Kaavila@rivco.org | Fax: (951) 848-0893

PNG_B&W-01



[RCDWR| Home \(rcwaste.org\)](http://rcdwr.rcwaste.org)

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[County of Riverside California](#)



Andy Cortez, General Manager-Chief Engineer

SENT VIA EMAIL ONLY

ggomez@rivco.org

January 24, 2025

Gustavo Gomez, Project Planner
Riverside County Planning Department (County)
4080 Lemon St. 12th Floor
P.O. Box 1409
Riverside, CA 92501

RE: Notice of Preparation (NOP) of the Draft Supplemental Environmental Impact Report (SEIR) for the Grace Solar Energy Center Project (Project) Conditional Use Permit (CUP) No. 03684R01/Public Use Permit (PUP) No. 00976R01

Dear Gustavo Gomez,

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP of the Draft SEIR for the proposed Project consisting of an application for CUP 03684R01/PUP 00976R01 for the development of 3,818 acres consisting of a solar site, battery storage, collector substation, and a generation-tie (gen-tie) line. Boulevard Associates, LLC ("Applicant") proposes to modify the approved project design and change the project name to Grace Solar Energy Center under an SEIR and CUP amendment. The Applicant proposes to entitle, construct, operate, maintain, and decommission the Project. The Project would include a utility-scale solar PV electrical generating and storage facility and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid.

The RCDWR offers the following comments for consideration while preparing the Project's Draft SEIR:

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

Note: CalRecycle's website may be helpful to determine waste generation:

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

2. The following information will be useful in the analysis of solid waste impacts that may result from future development and decommission:

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

- a) Solid waste generated within the Project area is collected by CR&R Inc. (CR&R), with the bulk of recyclable waste and green waste delivered to the Perris Transfer Station for processing. The facility is located at 1706 Goetz Road in the city of Perris.
- b) The waste hauler may utilize the El Sobrante, Lamb Canyon, and/or the Badlands Landfill for disposal. Descriptions of the local landfills are provided below:

El Sobrante Landfill:

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

Lamb Canyon Landfill:

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

Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, with a total disturbance area of 278 acres, of which 150 acres are for refuse disposal. Landfill expansion potential exists at the Badlands Landfill site. Under

the 2022 Solid Waste Facility Permit (SWFP), the permitted disturbance area increases from 278 acres to 811 acres, and the refuse disposal area increases from 150 acres to 409 (in multiple stages). The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 68.6 million tons. As of January 1, 2024 (beginning of day), the landfill had a total remaining disposal capacity of approximately 49.8 million tons. Under the 2022 SWFP, the landfill would have a remaining disposal capacity estimated to last, at a minimum, until approximately 2059. From January 2023 to December 2023, the Badlands Landfill accepted a daily average of 2,848 tons with a period total of approximately 874,450 tons.

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

- The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
- Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
- Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
- To address solid waste impacts and help the County comply with AB 939 (Integrated Waste Management Act) and the California Green Building Standards, through diverting solid waste from landfill disposal, a Waste Recycling Plan (WRP) shall be submitted to the Riverside County Department of Waste Resources for review and approval prior to construction and/or decommissioning. At a minimum, the WRP must identify the materials (i.e., solar panels, cardboard, concrete, asphalt, wood, etc.) that will be generated by construction and/or decommissioning, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction and/or decommissioning, the project site shall have, at a minimum, two (2) bins: one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record-keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. After the project is completed, a Waste Reporting Form and evidence (i.e., receipts or other types of

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

verification) shall be submitted demonstrating project compliance with the approved WRP.

- Demonstrate compliance with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022.³ This law establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants caused by organics waste disposal.

Thank you for including the RCDWR in the EIR review process. Please continue to include the RCDWR in future transmittals. Please email me at kaavila@rivco.org if you have any questions regarding the above comments.

Sincerely,



Katherine Avila
Associate Planner

Cc: Kinika Hesterly, RCDWR

DM# 347957

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

From: IGR – Intergovernmental Review <IGR@scag.ca.gov>

Sent: Thursday, February 6, 2025 11:49 AM

To: Gomez, Gustavo <GGomez@Rivco.org>

Cc: Sarah Dominguez <dominguezs@scag.ca.gov>; IGR – Intergovernmental Review <IGR@scag.ca.gov>

Subject: SCAG Comments on the NOP of a Draft Supplemental EIR for the Grace Solar Energy Center [SCAG NO. IGR11169]

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Hi Gustavo,

Please find attached SCAG Comments on the Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Grace Solar Energy Center [SCAG NO. IGR11169].

Please contact me at (213) 630-1532 or IGR@scag.ca.gov if you have any questions or difficulties with the attached file.

If you wish to submit documents for IGR review, please submit it online via the [IGR webpage](#) or via email to IGR@scag.ca.gov.

Thank you!

SCAGlogo_RGB



Intergovernmental Review (IGR) Program

Ryan Bañuelos, Associate Regional Planner

Tel: (213) 630-1532

IGR@scag.ca.gov

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700, Los Angeles, CA 90017



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[County of Riverside California](#)



SOUTHERN CALIFORNIA
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February 6, 2025

Gustavo Gomez, Project Planner
County of Riverside, TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501
Phone: (951) 955-5719
E-mail: GGomez@rivco.org

Subject: SCAG Comments on the Notice of Preparation of a Draft Supplemental
Environmental Impact Report for the Grace Solar Energy Center [SCAG NO. IGR11169]

Dear Gustavo:

Thank you for submitting the Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Grace Solar Energy Center ("proposed project") to the Southern California Association of Governments (SCAG) for review. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG's adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP), including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of and alignment with adopted Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and policies. Finally, SCAG is the authorized regional agency for Intergovernmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Grace Solar Energy Center in Riverside County. The proposed project includes construction to generate and store up to 500 megawatts of renewable electricity via arrays of solar photovoltaic panels, battery energy storage system, 230-kV gen-tie line, access roads and appurtenant facilities on 3,818 acres. The project is located near the northeast corner of Dracker Drive and Black Rock Road.

When available, please email environmental documentation to IGR@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the IGR Program, attn.: Ryan Bañuelos, Associate Regional Planner, at (213) 630-1532 or IGR@scag.ca.gov. Thank you.

Sincerely,

Sarah Dominguez
Manager, Planning Strategy Department

¹ Local jurisdictions and other lead agencies shall have the sole discretion to determine a local project's or plan's consistency and/or alignment with Connect SoCal 2024 for the purpose of determining consistency for CEQA purposes.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE
GRACE SOLAR ENERGY CENTER [SCAG NO. IGR11169]**

CONNECT SoCal 2024

Connect SoCal 2024 (Plan) is a long-range visioning plan for the six-county SCAG region, reflecting a continuation of the shift towards more efficient resource management including transportation infrastructure resources, land resources and environmental resources. The Plan highlights the existing land use and transportation conditions throughout the SCAG region and forecasts the region's evolving transportation needs between 2024 and 2050. The Plan identifies and prioritizes expenditures of the anticipated funding for transportation projects of all transportation modes: highways, streets and roads, transit, rail, bicycle, and pedestrian, as well as aviation ground access.

The Plan was developed to achieve greenhouse gas (GHG) per capita emission reduction targets, consistent with Senate Bill (SB) 375 and other regional goals. In accordance with federal fiscal constraint requirements, Connect SoCal 2024 is a financially constrained Plan in terms of transportation revenues and expenditures. Connect SoCal 2024 would reduce traffic congestion, improve air quality, and improve the region's long-term economic viability through more than \$751 billion in transportation investments and a more sustainable regional development pattern. To view Connect SoCal 2024 and the accompanying technical reports, please visit the [Connect SoCal 2024](#) webpage.

Connect SoCal 2024 Vision and Goals

The SCAG Regional Council fully adopted the Plan on April 4, 2024. Connect SoCal 2024 represents the vision for the region and reflects the planned transportation investments, policies, and strategies that integrate with the Forecasted Regional Development Pattern to achieve the Plan's goals. The Vision and Goals for Connect SoCal 2024 are rooted in the direction set forth by Connect SoCal 2020, reflecting both SCAG's statutory requirements, the emerging trends, and persistent challenges facing the region. Reflecting input from engagement with stakeholders and members of the public, SCAG's vision for Southern California in the year 2050 is "A healthy, prosperous, accessible and connected region for a more resilient and equitable future." The following goals and subgoals help the SCAG region to achieve this vision.

Mobility: Build and maintain an integrated multimodal transportation network

- Support investments that are well-maintained and operated, coordinated, resilient and result in improved safety, improved air quality and minimized greenhouse gas emissions
- Ensure that reliable, accessible, affordable and appealing travel options are readily available, while striving to enhance equity in the offerings in high-need communities
- Support planning for people of all ages, abilities and backgrounds

Communities: Develop, connect and sustain communities that are livable and thriving

- Create human-centered communities in urban, suburban and rural settings to increase mobility options and reduce travel distances
- Produce and preserve diverse housing types in an effort to improve affordability, accessibility and opportunities for all households

Environment: Create a healthy region for the people of today and tomorrow

- Develop communities that are resilient and can mitigate, adapt to and respond to chronic and acute stresses and disruptions, such as climate change
- Integrate the region's development pattern and transportation network to improve air quality, reduce greenhouse gas emissions and enable more sustainable use of energy and water
- Conserve the region's resources

Economy: Support a sustainable, efficient and productive regional economic environment that provides opportunities for all residents

- Improve access to jobs and educational resources
- Advance a resilient and efficient goods movement system that supports the economic vitality of the region, attainment of clean air and quality of life for our communities

For ease of review, SCAG staff encourages the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency, or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCAL 2024 GOALS AND SUBGOALS		
	Goal/Subgoal	Analysis
Mobility Goal:	<i>Build and maintain an integrated multimodal transportation network</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; or Not Applicable: Statement as to why; DEIR page number reference</i>
Mobility Subgoal:	<i>Support investments that are well-maintained and operated, coordinated, resilient and result in improved safety, improved air quality and minimized greenhouse gas emissions</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.		etc.

Connect SoCal 2024 Key Elements

Unique to this plan cycle, SCAG developed a set of Regional Planning Policies and Implementation Strategies to guide decision-making in the region toward integrated land use and transportation planning and other goals in Connect SoCal 2024. Eighty-eight Regional Planning Policies provide guidance for integrating land use and transportation planning to realize the vision of Connect SoCal 2024. The Implementation Strategies help the region to achieve this vision for the future and are priorities for SCAG efforts in fulfilling or going beyond the Regional Planning Policies. The Regional Planning Policies and Implementation Strategies were developed to achieve California’s greenhouse gas emission reduction goals as set forth in SB 375 and federal Clean Air Act Section 176(c) requirements for transportation conformity while meeting the broader regional objectives, such as improved equity and resilience in addition to preservation of natural lands, improvement of public health, increased roadway safety, support for the region’s vital goods movement industries and more efficient use of resources. The Plan also includes a detailed project list; strategic investments to bridge local plans with overarching regional performance targets and goals; a growth forecast and regional development pattern based on population, household and employment growth projections by 2050; and a transportation network including a list of transportation projects and investments.

Connect SoCal 2024 presents a summary of that work in five chapters of the Main Plan with additional details on Plan elements and analysis in the Plan’s accompanying 15 Technical Reports. Connect SoCal 2024 builds upon the progress from previous RTP/SCS cycles, reflecting both SCAG’s statutory requirements, the emerging trends, and persistent challenges facing the region. These policies offer a resource by which County Transportation Commissions (CTCs) or local jurisdictions within the SCAG region, when seeking resources from state or federal programs, can refer to specific policies to demonstrate alignment with the RTP/SCS.

Regional Growth Forecast and Forecasted Regional Development Pattern

As part of developing a Sustainable Communities Strategy per SB 375, SCAG must include a “forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies ...” enables SCAG to reach its per capita GHG emission reduction target of 19 percent below 2005 levels by 2035. SCAG staff prepared a Forecasted Regional Development Pattern for Connect SoCal 2024 through 2050, the horizon year of the Plan. The regional growth forecast determines the projected increase in population, households, and jobs based on local general plans and known development entitlement agreements, including available data from 6th cycle housing element updates. The Connect SoCal 2024 [Demographic and Growth Forecast Technical Report](#) includes detailed discussions on socioeconomic data, including additional detail on the growth forecast, growth vision, and Sustainable Communities Strategy (SCS) consistency in Section of the Technical Report. The Connect SoCal 2024 [Land Use and Communities Technical Report](#) includes the most recent planning assumptions and estimates of population and housing.

SCAG's work helps facilitate implementation, but SCAG does not directly implement or construct projects or have land use authority. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2035 and 2050, please refer to the [Final Connect SoCal 2024 growth forecast data](#). The growth forecasts for the region and the applicable jurisdiction is below.

	Adopted SCAG Region Growth Forecasts				Adopted County of Riverside Growth Forecasts		
	Year 2019	Year 2030	Year 2035	Year 2050	Year 2019	Year 2035	Year 2050
Population	18,827,000	19,476,000	19,946,000	20,909,000	2,386,000	2,784,000	2,992,000
Households	6,193,000	7,006,000	7,311,000	7,814,000	744,000	965,000	1,062,000
Employment	8,976,000	9,609,000	9,885,000	10,276,000	847,000	909,000	1,185,000

Consistency with Connect SoCal 2024

SCAG provides informational resources to facilitate the lead agency's consistency determination of the proposed project with Connect SoCal 2024. For the purpose of determining consistency with CEQA, local jurisdictions shall have the sole discretion to determine a local project's or plan's consistency and/or alignment with Connect SoCal 2024².

CEQA MITIGATION MEASURES

The SCAG Regional Council certified the [Final Program Environmental Impact Report](#) for Connect SoCal 2024 (2024 PEIR) and adopted the Mitigation Monitoring and Reporting Program (MMRP), Findings of Fact, and a Statement of Overriding Considerations on April 4, 2024. The mitigation approach used in the 2024 PEIR recognizes the limits of SCAG's authority; distinguishes between SCAG commitments and project-level responsibilities and authorities; optimizes flexibility for project implementation; and facilitates CEQA streamlining (e.g., SB 375) and tiering where appropriate on a project-by project basis determined by each lead agency. Consistent with the approach, the 2024 PEIR identifies regional-level mitigation measures to be implemented by SCAG over the lifetime of the Plan as well as project-level mitigation measures that lead agencies can and should consider, as applicable and feasible, in subsequent project-specific design, CEQA review, and decision-making processes. Given that SCAG is not an implementing agency and has no decision-making authority over projects or any land use authority, it is ultimately up to each lead agency's own discretion to determine the appropriateness of mitigation measures, including exploring opportunities of voluntary regional advance mitigation programs, based on project-specific circumstances such as individual site conditions, project specific details, and community values. Therefore, SCAG staff recommends that the proposed project's CEQA lead agency review the 2024 PEIR for guidance, as appropriate.

² SCAG. April 2024. Connect SoCal 2024 [Demographic and Growth Forecast Technical Report](https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-demographics-growth-forecast-final-040424.pdf). Accessible at: <https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-demographics-growth-forecast-final-040424.pdf>

From: Sophia Markowska <SMarkowska@defenders.org>
Sent: Tuesday, January 28, 2025 1:43 PM
To: GGomez@rivco.org <GGomez@rivco.org>
Cc: jsucha@dudek.com <jsucha@dudek.com>; Lewis, Brendan
<Brendan.Lewis@nexteraenergy.com>
Subject: Re: Grace Solar Energy Center

Good morning,

changes that will be undertaken in the Supplemental EIR. Any information you can provide would be greatly appreciated.

Thank you,
Sophia



Sophia Markowska (She/Her/Hers)
Senior California Representative

[DEFENDERS OF WILDLIFE](#)

Sacramento, CA 95822

408.603.4694 | smarkowska@defenders.org

[Facebook](#) | [X](#) | [Instagram](#) | [Blog](#)

From: Sophia Markowska <SMarkowska@defenders.org>
Date: Tuesday, January 21, 2025 at 10:29 AM
To: GGomez@rivco.org <GGomez@rivco.org>
Cc: jsucha@dudek.com <jsucha@dudek.com>, Brendan.Lewis@nexteraenergy.com
<Brendan.Lewis@nexteraenergy.com>
Subject: Re: Grace Solar Energy Center

Good morning,

I wanted to circle back on my request below.

Thank you,
Sophia

From: Sophia Markowska <SMarkowska@defenders.org>
Date: Wednesday, January 15, 2025 at 4:03 PM
To: GGomez@rivco.org <GGomez@rivco.org>
Subject: Grace Solar Energy Center

Hi Gustavo,

I am attempting to review the NOP for the Grace Solar Energy Center project. I noted that

expected to change? Additionally, can you please provide the original environmental documentation for the Paso Verde Mesa project?

Thank you,
Sophia

Image



Sophia Markowska (She/Her/Hers)

Senior California Representative

[DEFENDERS OF WILDLIFE](#)

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From: Sophia Markowska <SMarkowska@defenders.org>

Sent: Friday, February 7, 2025 11:58 AM

To: Gomez, Gustavo GGomez@Rivco.org>

Subject: Notice of Preparation of a Draft Supplemental Environmental Impact Report - Grace Solar Energy Center

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

Dear Mr. Gomez,

Please accept the attached comments on behalf of Defenders of Wildlife on the Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Grace Solar Energy Center. Please confirm receipt of delivery.

Thank you,
Sophia Markowska

Image



Sophia Markowska (She/Her/Hers)
Senior California Representative

[DEFENDERS OF WILDLIFE](#)

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[County of Riverside California](#)



California Program Office

P.O. Box 401, Folsom, California 95763

www.defenders.org

February 7, 2025

Gustavo Gomez
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92502

Delivered via email to: GGomez@rivco.org

Re: Notice of Preparation of a Draft Supplemental Environmental Impact Report for the proposed Grace Solar Energy Center (SCH 2025010194)

Dear Mr. Gomez,

Thank you for the opportunity to provide comments in response to the Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (SEIR) for the proposed Grace Solar Energy Center Project (Project). Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.1 million members and supporters in the United States, with more than 311,000 residing in California.

Defenders strongly supports renewable energy generation. A low-carbon energy future is critical for California's economy, communities and environment. Achieving this future—and how we achieve it—is critical for protecting California's internationally treasured wildlife, landscapes and diverse habitats. We believe transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis by thoughtfully planning projects while protecting habitats critical to species.

The proposed Project seeks to modify the previously approved Palo Verde Mesa Solar Project, which was approved by Riverside County in 2017. The modifications include the project design and a change to the project name. The Project is a utility-scale solar photovoltaic facility that would generate up to 500 MW of renewable energy and includes up to 500 MW of battery storage. It is sited on approximately 3,818 acres of land in Riverside County, of which approximately 2,940 acres are private lands and 878 acres are public lands administered by the Bureau of Land Management (BLM).

Comments

We offer the following comments on the scope of the SEIR for the proposed Project.

Missing Information

The California Environmental Quality Act (CEQA) defines the purpose of an NOP “to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.”¹ CEQA continues to state that an NOP shall provide “sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response.”² The NOP for Grace Solar Energy Center fails to contain the information needed to ensure agencies and the public are able to provide meaningful comments on the scope of the SEIR. In fact, it fails to even explain the need for the supplemental EIR and dive into the details of the proposed modifications. An SEIR only needs to contain the information necessary to make the previous EIR adequate for the revised project³; however, without information on the revisions, it becomes impossible to submit scoping comments on the proposed changes. Defenders attempted to reach Riverside County and the developer several times via email and phone to discuss and understand the proposed modification to aid in drafting comments and only received a response a few days before comments were due. The public should not have to request relevant information that is critical to developing thorough comments. Furthermore, the public should not only receive requested information on projects after multiple outreach attempts and within the same week that public comments are due.

CEQA also requires an NOP to include, at minimum, a description of the project, the location and the probable environmental effects.⁴ The NOP fails to include any of this required information. Some information is available on CEQAnet or the Summary Form for Electronic Document Submittal; however, it must be made available within the NOP itself.

Failing to provide sufficient information, including the proposed modifications to the Project design and other required information, does not meet the intent of CEQA. The purpose of CEQA is to “[i]nform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.”⁵ When vital information is missing from an NOP, it undermines the ability of decision-makers and the public to provide meaningful comments on the scope of an SEIR.

Special-Status Species

The proposed Project site may provide habitat to several special-status wildlife species,

¹ Cal. Code Regs. Tit. 14 § 15375

² Cal. Code Regs. Tit. 14 § 15082

³ Cal. Code Regs. Tit. 14 § 15163

⁴ Cal. Code Regs. Tit. 14 § 15082

⁵ Cal. Code Regs. Tit. 14 § 15002

including but not limited to the following:⁶

Common Name	Scientific Name	Status
Burrowing owl	<i>Athene cunicularia</i>	State Species of Special Concern and Candidate Species for State Endangered or Threatened
Flat-tailed horned lizard	<i>Phrynosoma mcallii</i>	State Species of Special Concern
Loggerhead shrike	<i>Lanius ludovicianus</i>	State Species of Special Concern
Western snowy plover	<i>Charadrius nivosus nivosus</i>	Federal Threatened and State Species of Special Concern
Yuma Ridgway's rail	<i>Rallus obsoletus yumanensis</i>	Federal Endangered and State Threatened

Considering the potential for sensitive species and habitats to be located on the Project site, the biological resources surveys must adhere to wildlife agency-approved species-specific protocols and must identify the appropriate avoidance, minimization and mitigation measures based on survey results. We recommend consultation with the responsible trustee wildlife agencies to determine the scope and appropriate protocols for the biological surveys. Species-specific surveys should cover 100 percent of the Project area and adjacent habitat within wildlife agency-recommended survey buffers. If special-status species are observed, we recommend consultation with the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service to establish the recommended impact avoidance, minimization and mitigation measures, including compensatory mitigation and the need to obtain an Incidental Take Permit (ITP).

If habitat management lands are deemed necessary due to survey results, such lands must contain suitable habitat for the species and be managed in perpetuity by a qualified conservation organization, as defined by CA Civil Code Section 815.3. Alternatively, credits could be purchased in a CDFW-approved mitigation bank.

Of note, the burrowing owl (BUOW) has recently become a candidate species for protection under the California Endangered Species Act. As a candidate for listing, the species is temporarily afforded the same protections as a state-listed endangered or threatened

⁶ California Natural Diversity Database. Accessed 12/10/2024. <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.

species. Protocol-level surveys for BUOW must conform to the current survey standard established in the *Burrowing Owl Survey Protocol*⁷ and *Mitigation Guidelines* and the *Staff Report on Burrowing Owl Mitigation*.⁸ The DEIR must provide mitigation measures to ensure that project activities, including installation and maintenance, will avoid impacts to the species or the Project proponent must obtain an ITP from CDFW.

Connectivity

The Project site provides habitat corridors and linkages for species, as designated by CDFW's Areas of Conservation Emphasis (ACE) project. Connectivity is one of the main outputs of ACE, which examines how an area contributes to animal movement and general ecological flow. ACE Connectivity Rankings of 4 and 5 are the highest scores and are comprised of essential corridors and linkages. The California Energy Commission utilized the ACE connectivity data as one of the biological planning priorities in the 2023 Land-Use Screens for Electric System Planning, a process to revise the land-use screens utilized in state electricity planning processes.⁹ Specifically, Ranks 4 and 5 are used as an exclusion for statewide solar and onshore wind resource potential estimates to avoid lands with high conservation or connectivity value. The project is located in an area with a 4 or 5 ACE Connectivity Ranking and, therefore, should be avoided for solar development; we request the SEIR include and analyze alternative locations outside areas with a 4 or 5 ACE Connectivity Ranking. The SEIR must analyze all connectivity and linkage impacts and include appropriate avoidance, minimization and mitigation measures. Furthermore, we encourage any compensatory mitigation to prioritize connectivity or linkages identified to ensure permanent protection.

Coordination with BLM

The proposed Project includes 878 acres of BLM-administered land containing a few areas with solar panels and the gen-tie line. Therefore, close coordination with BLM is essential to identify and analyze the potential impacts of the Project on BLM lands to ensure appropriate avoidance, minimization and mitigation of any adverse impacts.

Furthermore, we draw attention to the United States Department of Interior's January 20, 2025 Secretarial Order 3415, which temporarily suspends "...grant[ing] rights of way, easements, or any conveyances of property or interests in property, including land sales or exchanges, or any notices to proceed under previous surface use authorizations that will

⁷ California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*.

⁸ California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

⁹ See <https://experience.arcgis.com/experience/de6ab11146bf47068ff294d87780ce00>.

authorize ground-disturbing activities..."¹⁰ This Order halts BLM's ability to permit solar, wind, geothermal, and transmission projects for the next 60 days. It reasonably foreshadows the difficulty of permitting renewable energy projects and associated transmission on federal lands in the near future and possibly throughout the next four years.

Given the potential uncertainty of permitting and developing renewable energy projects and associated transmission on federal lands, it is important to analyze Project alternatives that do not include public lands, including a component as critical as the gen-tie.

Cumulative Impacts

The ever-increasing large-scale renewable energy within the desert is significantly impacting biological resources in the region. Despite this ongoing renewable energy development, adequate cumulative impact analysis is consistently absent from EIRs prepared for renewable energy projects. We request the SEIR comprehensively analyze the direct and indirect cumulative impacts of past, present and reasonably foreseeable activities that adversely impact biological resources within the region; this analysis should include impacts from all types of development and not be limited only to renewable energy projects within the region. We recommend coordination with CDFW for the methods of analyzing the cumulative impacts.

Conclusion

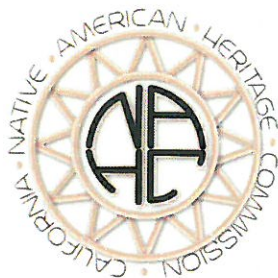
Thank you once again for the opportunity to provide scoping comments on the proposed Grace Solar Energy Center and for considering our comments. Defenders looks forward to reviewing the Project SEIR and requests to be notified when it is available. Please feel free to contact me with any questions.

Respectfully submitted,

Sophia Markowska

Sophia Markowska
Senior California Representative
Defenders of Wildlife
Smarkowska@defenders.org

¹⁰ See <https://www.doi.gov/document-library/secretary-order/3415-temporary-suspension-delegated-authority>.



NATIVE AMERICAN HERITAGE COMMISSION

January 14, 2025

CHAIRPERSON
Reginald Pagaling
Chumash

Gustavo Gomez
Riverside County
4080 Lemon Street
12th Floor
Riverside CA 92501

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

Re: 2025010194 Grace Solar Energy Center Project, Riverside County

Dear Mr. Gomez:

SECRETARY
Sara Dutschke
Miwok

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

PARLIAMENTARIAN
Wayne Nelson
Luiseño

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

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Laurena Bolden
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COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of
Luiseño Indians

ACTING EXECUTIVE
SECRETARY
Steven Quinn

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at:

https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
- a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@NAHC.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

