



Board of Supervisors

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December 18, 2012

Commissioner Carla Peterman, Presiding Member
Pierre Martinez, Project Manager
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-2000
Sacramento, CA 95814

RE: County of Riverside Comments on the Rio Mesa Solar Electric Generating Facility Preliminary Staff Assessment (2011 AFC-04)

Dear Commissioner Peterman and Mr. Martinez:

The County of Riverside ("County") appreciates the opportunity to provide comments and indicate necessary changes to the Preliminary Staff Assessment ("PSA") submitted by California Energy Commission ("CEC") staff for the Rio Mesa Solar Electric Generating Facility ("Rio Mesa SEGF" or "Project") in order that the proposed project be consistent with the County's local laws, ordinances, regulations and standards ("LORS"). The County, as an active participant in the licensing process, is grateful to the CEC staff for addressing many of our concerns and attempting to bring the proposed project into conformance with the County's LORS, specifically its land use policies, regulations, and solar power plant program.

Notwithstanding CEC staff's efforts, the PSA falls short in a number of areas including: (1) visual impacts, (2) impacts to County roads and a mechanism to enforce travel restrictions; (3) a detailed facility closure plan; (4) the analysis of the Rio Mesa SEGF's compliance with the County's General Plan and land use ordinances, (5) public health impacts, (6) fire impacts, and (7) the socioeconomic impacts to County services.

In addition to discussing each of these areas below, the County respectfully submits the attached Conditions of Approval which set out the additional or modified Conditions of Certification to those recommended by CEC staff in the PSA. These are conditions that the County would impose on the Project but for the exclusive jurisdiction granted to the Energy Commission under the provisions of the Warren-Alquist Act (Public Resources Code section 25500 et seq.).

Absent the CEC's certification authority, those areas and portions of the Project not located on federal land would be subject to County permitting processes. Such processes would require that the Project be consistent with all applicable County laws, ordinances, regulations and standards ("LORS"), including, but not limited to, the Riverside County General Plan, all applicable County ordinances, all applicable County resolutions and all applicable policies of the Board of Supervisors, as further discussed herein.

Along with Project conformance to the County's land use policies, there remain several areas of the PSA that cause concern and uncertainty with respect to the County's welfare. As indicated herein, some of these of concerns remain unresolved because additional information is needed.

According to CEC staff, the Project will not be consistent with several LORS and would result in significant, unmitigable adverse environmental impacts in Biological, Cultural and Visual Resources. Staff also identified additional informational needs in Geology and Paleontology, Cultural Resources, Soil and Surface Water, Water Supply, Traffic and Transportation, Transmission System Engineering, and Visual Resources.

SUMMARY OF THE PROPOSED RIO MESA ELECTRIC GENERATING FACILITY

As the County understands it, the Rio Mesa SEGF is proposed for development by Rio Mesa I, LLC and Rio Mesa II, LLC. Each entity would hold an equal one half ownership interest of certain shared facilities while separately owning each respective power plant. Both entities are wholly owned subsidiaries of Rio Mesa Holdings, LLC, which in turn is a wholly owned subsidiary of BrightSource Energy, Inc. The site is located in eastern Riverside County, approximately 13 miles southwest of Blythe, California. The project site is generally bounded on the east by the 161 kV Western Area Power Authority (WAPA) transmission lines, with undeveloped desert lands and active agriculture further east, on the south by undeveloped desert lands located in Imperial County, on the west by undeveloped desert lands and the Mule Mountains, and on the north by undeveloped public desert lands administered by the U.S. Bureau of Land Management (BLM).

As proposed, the Rio Mesa SEGF would encompass a total of approximately 3,805 acres on land leased from the Metropolitan Water District of Southern California (MWD). This area would include two proposed power plants, associated heliostat fields, and support facilities located within a common area. Additional land area, required to accommodate the project gen-tie transmission lines, emergency and construction electrical power supply line, and primary access road, would be located primarily on public lands administered by the U.S. Bureau of Land Management (BLM), although some properties within the gen-tie transmission corridor are private lands. The Rio Mesa SEGF would comprise two solar concentration thermal power plants, associated solar fields, and an approximate 19.5-acre common area to accommodate a combined administrative, control, maintenance, and warehouse building; evaporation ponds; groundwater wells; a water treatment plant; and a common switchyard. An approximate 103-acre construction logistics area would be established to accommodate construction parking, office equipment, and conference trailers; equipment staging assembly and material storage; a tire cleaning station; and other construction support facilities.

Each solar plant would generate 250 megawatts (MW) (net), for a total net output of 500 MW and would use heliostats – elevated mirrors guided by a tracking system mounted on a pylon – to focus the sun's rays on a receiver located atop a 750-foot-tall solar

power tower near the center of each solar field. Each solar field would use approximately 85,000 heliostats. Rio Mesa I, the southernmost plant site, would occupy approximately 1,828 acres, and Rio Mesa II, the northernmost plant site, would occupy approximately 1,977 acres.

Each power plant would use a solar power boiler, located atop a dedicated concrete tower, and a solar field based on heliostat mirror technology developed by BrightSource Energy, Inc. The heliostat fields would focus solar energy on the solar power boiler, referred to as “solar receiver steam generator,” which would convert the solar energy into superheated steam.

Each power plant would generate electricity using solar energy as its primary fuel source. However, auxiliary boilers would be used to operate in parallel with the solar fields during partial load conditions and occasionally in the afternoon when power is needed after the solar energy has diminished to a level that no longer would support solar-only generation of electricity. These auxiliary boilers would also assist with daily start-up of the power generation equipment and night time preservation.

The Rio Mesa SEGF is proposed to be interconnected to the Southern California Edison (SCE) grid through a new 220 kV line that would be built as part of the Project and run north approximately 9.7 miles to connect to the Colorado River Substation. Access to both plants would be via Bradshaw Trail (primary) – paved or unpaved – and a new secondary access road directly north and parallel to 34th Avenue off of State Route 78. The portion of Bradshaw Trail to be used for the primary access route is currently a two-lane, east-west paved road for one mile west of Rannells Avenue. Beyond the paved segment it becomes a graded dirt road. The applicant proposes to improve Bradshaw Trail to a point where it connects to the northerly boundary of the northern plant; however, that portion of Bradshaw Trail traverses BLM land and how it is improved is still a topic to be discussed between the County and BLM because the County maintains the Bradshaw Trail. As proposed, the secondary access route would transect privately owned agricultural fields parallel to 34th Avenue to provide access to the southerly power plant north of the proposed metering station. In addition to the access roads, each plant would have perimeter access/maintenance.

COUNTY OF RIVERSIDE COMMENTS ON TECHNICAL AND ENVIRONMENTAL SECTIONS OF PSA

BIOLOGICAL RESOURCES

The CEC staff preliminary conclusions indicate that the proposed Project would result in significant and potential unmitigable adverse environmental impacts. The County concurs with this conclusion.

The Project would cause permanent long-term loss of 3,834 acres of desert shrub land, including 708.9 acres of desert dry wash woodland and blue palo verde / ironwood woodland, which are considered sensitive natural communities by California Department of Fish and Game (CDFG). Although the Project proposes a 3:1 mitigation ratio, or 2,124 acres of mitigation land, it is unclear if compensation at this ratio is feasible or even obtainable. The Project has yet to identify where or how such mitigation will occur. An unmitigable impact to sensitive natural vegetation communities is considered a significant impact under California Environmental Quality Act (CEQA). The County recommends the Project identify specific areas or lands that contain the required habitat

types and provide an analysis and discussion of the acquisition potential to evaluate if the 3:1 mitigation ratio is even feasible. If the mitigation is not feasible and an alternative is not provided, the County will likely be unable to support the Project.

The Project will have impacts to Special-Status Plants, including but not limited to Harwood's milk-vetch. Currently the Project is still conducting 2012 fall botanical surveys. Until those surveys are complete and reviewed, the County is unable to analyze impacts or anticipate appropriate mitigation for impacts the Project may have on special-status plants. The County recommends completion and submittal of 2012 Fall botanical surveys for public review.

The Project would cause loss of 3,834 acres of occupied desert tortoise habitat. Proposed mitigation measures include: a set-aside of compensatory habitat at a 1:1 ratio, preparation of a translocation plan, and preparation of a Raven Management Plan. The Project has yet to identify the location of the compensatory mitigation. This location should be discussed publicly during the Project review stage to validate if it is obtainable and to analyze the location and impacts, if any, such a translocation effort might have. The County also recommends the Project submit a draft Desert Tortoise Translocation plan that identifies proposed translocation sites, methods of translocation, testing for disease, and outlines how long translocated tortoises will be monitored. This would provide a deeper understanding and analysis of the impacts, and whether or not the proposed mitigation is adequate. In addition, the PSA indicates that the BLM is still in Section 7 consultation with the U.S. Fish and Wildlife Service. A Biological Opinion has not yet been prepared, and is expected to run concurrently with the CEC review.

The Project will have impacts to bald and golden eagle foraging habitat, and the Project may cause direct take of eagles during operation. The Project proposes an Eagle Conservation Plan to evaluate risk, and a draft of this plan should be provided publicly during the project review stage to evaluate and identify all mitigation measures, including but not limited to retrofitting distribution lines.

The Project is also estimated to impact burrowing owls, which is a state listed Species of Special Concern. Owls located during the construction phase that cannot be avoided would be relocated. The Project should prepare a draft Burrowing Owl Mitigation and Monitoring Plan that clearly identifies the anticipated location where owls would be relocated, method of relocation, and the duration of monitoring. This draft burrowing owl relocation plan needs to be prepared in accordance with the 2012 CDFG Burrowing Owl Guidelines. These guidelines state that eviction of owls alone without further monitoring or habitat enhancement is not considered adequate mitigation under CEQA.

The Project would have impacts on migratory birds and other special status avian and bat species. Currently, the Project is required to complete one year of avian and bat monitoring in 2012. Those surveys are currently in progress and only the first quarter results have been submitted to the CEC for review. In order to fully evaluate the impacts this Project may have on avian and bat resources, the one year monitoring survey should first be completed and reviewed. In addition, while the Project proposes a post-construction Bird and Bat Monitoring Plan, the County cannot evaluate what elements need to be incorporated into that Monitoring Plan until staff can evaluate the overall level of anticipated impacts to avian and bat resources. In addition, once the 2012 surveys are completed and reviewed, the County recommends a draft Bird and Bat Monitoring Plan be submitted for review that outlines the methods and duration, and any

contingency measures, of the post-construction monitoring in order to evaluate its effectiveness in reducing impacts to these resources. Since the surveys are not complete at this time, the Project cannot quantitatively estimate impacts to these resources, which makes evaluating the mitigation approach difficult.

The Project would impact both desert kit fox and American badger habitat, and thus a pre-construction clearance and exclusion survey would be conducted prior to construction. However, based on the size and scale of the Project, additional information regarding the exclusion techniques and the duration of post-exclusion monitoring is needed at this time to evaluate if the proposed mitigation is adequate.

Surveys for sensitive resources are still in progress at this time; consequently, it is not possible to propose or fully evaluate mitigation measures. The County is unable to endorse the Project until surveys are complete and further details regarding pre-construction and post-construction monitoring for sensitive and fully protected biological resources are provided by the Project applicant.

CULTURAL RESOURCES

The assessment of cultural resources appears to be progressing well but still lacks significant data to be complete, as described in the PSA. It is the County's understanding that additional studies are underway and are to be incorporated into the Final Staff Assessment. Nonetheless, the approach and logic being applied for the impacts analysis and mitigation appear adequate and appropriate for this Project. However, the County reserves making final comments on the cultural resources section until the outstanding studies are complete.

The assessment of potential impacts to paleontological resources from installation of the heliostat pedestals (fossils at depth) is incomplete and it is recommended in the PSA that additional subsurface investigation be conducted at this time to assess this potential impact. The County agrees with CEC Staff's recommendation. However, it is not clear to the County what next step is to be taken on this matter as it does not appear to be addressed in the PSA or Conditions of Certification. Treatment of this potential impact should be clarified.

The County is also concerned about the historic passageway in the Project site now known as The Bradshaw Trail. The Bradshaw Trail is significant as a pre-historic trail; as a route often traversed in the Spanish colonial Californio period; and as a wagon and stage route from 1862-1877. Its importance spans thousands of years, and along its course are important cultural, archaeological and historical resources. To indicate that the portion of The Bradshaw Trail impacted by the Project is not significant opens the way for "chopping up" the remaining Trail and the prospect of further loss of Trail continuity. This needs to be evaluated further.

LAND USE

General Project Site Information:

1. The following information was gathered from the Riverside County Land Information System.

The Project site is located within:

- a. Community of Palo Verde
- b. Palo Verde Valley Area Plan

- c. Fourth Supervisorial District
 - d. Chuckawalla Zoning Area
 - e. General Plan Land Use Designation: AG, OS-RUR
 - f. Ordinance No. 348 Zoning Designation: W-2-10, N-A
 - g. Ordinance No. 659 (DIF) Fee Area
 - h. School District: Palo Verde Unified
 - i. Flood Plain Review: Within Areas of Flooding Sensitivity
 - j. Colorado Watershed
 - k. Liquefaction Potential: Low, Moderate, Very High
 - l. Subsidence: Susceptible
 - m. Paleontological Sensitivity: Low Potential
 - n. Airport Influence Area/Zone: Not Applicable
 - o. Farmland: Local Importance; Other Lands
2. The Project site is not located within a:
- a. MSHCP Conservation Area
 - b. Specific Plan
 - c. General Plan Overlay
 - d. Redevelopment area
 - e. Agricultural Preserve
 - f. Fault zone
 - g. High Fire Area
 - h. Lighting Ordinance No. 655 zone – not applicable, 120.68 miles from Mt. Palomar

General Plan

The County's General Plan is the development blueprint for the County. All land use activities must be consistent with the General Plan. The consistency of the Project with the General Plan remains a significant County concern and should be evaluated further. The Project site is designated Open Space-Rural and Agriculture on the Palo Verde Valley Area Plan Land Use Map of the General Plan. The Open Space-Rural land use designation is applied to remote, privately owned open space areas with limited access and a lack of public services. The Agriculture land use designation has been established to help conserve productive agricultural lands within the County. Areas designated Agriculture generally lack infrastructure that is supportive of urban development. The following General Plan policies should be considered when evaluating the Project's consistency with the General Plan:

- Land Use Element Policy LU 2.1.c. - Provide a broad range of land uses, including a range of residential, commercial, business, industry, open space, recreation and public facility uses.
- Land Use Element Policy LU 5.1- Ensure that development does not exceed the ability to adequately provide supporting infrastructure and services.
- Land Use Element Policy LU 7.1 - Accommodate the development of a balance of land uses that maintain and enhance the County's fiscal viability, economic diversity and environmental integrity.

- Land Use Element Policy LU 8.1 - Provide for the permanent preservation of open space lands that contain important natural resources and scenic and recreational values.
- Land Use Element Policy LU 9.1 – Requires that new development contribute their fair share to fund infrastructure and public facilities such as police and fire facilities.
- Land Use Element Policy LU 13.1 - Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public.
- Land Use Element Policy LU 15.15 - Permit and encourage, in an environmentally and fiscally responsible manner, the development of renewable energy resources and related infrastructure, including but not limited to, the development of solar power plants in the County of Riverside.
- Land Use Element Policy LU 16.1 - Encourage the retention of agriculturally designated lands where agricultural activity can be sustained at an operational scale, where it accommodates lifestyle choice, and in locations where impacts to and from potentially incompatible uses, such as residential uses, are minimized, through incentives such as tax credits.
- Land Use Element Policy LU 16.2 - Protect agricultural uses, including those with industrial characteristics (dairies, poultry, hog farms, etc.) by discouraging inappropriate land division in the immediate proximity and allowing only uses and intensities that are compatible with agricultural uses.
- Land Use Element Policy LU 16.4 - Encourage conservation of productive agricultural lands. Preserve prime agricultural lands for high-value crop production.

In addition, the following General Plan Land Use Element policies apply to properties designated as Open Space-Rural on the area plan land use maps:

- Land Use Element Policy LU 20.1 - Require that structures be designed to maintain the environmental character in which they are located.
- Land Use Element Policy LU 20.2 - Require that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance.
- Land Use Element Policy LU 20.3 - Require that adequate and available circulation facilities, water resources, sewer facilities, and/or septic capacity exist to meet the demands of the proposed land use.
- Land Use Element Policy LU 20.4 - Ensure that development does not adversely impact the open space and rural character of the surrounding area.

- Land Use Element Policy LU 20.5 - Encourage parcel consolidation.
- Land Use Element Policy LU 20.6 - Provide programs and incentives that allow Open Space-Rural areas to maintain and enhance their existing and desired character.

The PSA recognizes that the Project will be inconsistent with several of the above policies, but still determines that the Project is consistent with the County's General Plan solely by relying on Land Use Element Policy 15.15. While Land Use Element Policy 15.15 is one policy the County would consider for a consistency determination, it would not be the only one considered. Consistency with Land Use Element Policy 15.15 alone would not allow the Project to be designed in a fashion that promotes inconsistency with other, equally important, land use policies. By its own language, Land Use Element Policy 15.15 states that the development of solar power plants shall be done in an environmentally and fiscally responsible manner. This requires balancing and consideration of all General Plan policies, as well as fully implementing all aspects of the County's solar power plant program discussed in greater detail below. The County remains concerned that the scope, scale and, most specifically, the height of the Project creates inconsistency with the policies identified above. Further evaluation by CEC Staff of the above-referenced land use element policies, as well as any other relevant General Plan principles and policies, and implementation measures including the County's solar power plant program, should be done to determine the Project's consistency with the General Plan.

Zoning and Land Use

The County implements its General Plan through its Zoning Ordinance (Ordinance No. 348). The Project site is zoned W-2-10 (Controlled Development Areas, 10-acre minimum lot size) and N-A (Natural Assets). These zones are commonly applied to remote areas, with the W-2-10 zone generally applied to private lands and the N-A zone generally applied to federal land and other public lands. The "-10" in "W-2-10" is a suffix requiring a ten-acre minimum lot size for land division.

Ordinance No. 348.4705 amended Ordinance No. 348 to authorize solar power plants on lots ten (10) acres or larger in both the W-2 and N-A zones with a conditional use permit. Prior to the adoption of Ordinance No. 348.4705 on November 8, 2011, solar power plants were not previously permitted or conditionally permitted uses in any zone classification. They were therefore prohibited uses pursuant to Section 3.3 of Ordinance No. 348, which provides in pertinent part: "When a use is not specifically listed as permitted or conditionally permitted in a zone classification, the use is prohibited" As a result of Ordinance No. 348.4705, if the County had jurisdiction over the Project, it would require the approval of a conditional use permit in strict accordance with Ordinance No. 348. In approving such a permit, the County would be required to make the following findings:

- The Project is consistent with the County's General Plan.
- The Project will not be detrimental to the health, safety, or general welfare of the community, and such conditions have been applied as are necessary to protect the health, safety, or general welfare of the community.

Additionally, pursuant to Board of Supervisors' Policy B-29 which is discussed below in greater detail, approval of a conditional use permit for a solar power plant would require that a development agreement be approved and effective.

Any solar power plant conditionally permitted in the County must also comply with the development standards of the zone. The height of the Project remains a significant concern under both the zoning ordinance and the General Plan. The two 750-foot tall concrete towers of the Project do not comply with the height limits of either the W-2 or N-A zones. In most cases, a variance would be required under Section 18.27 of Ordinance No. 348 to exceed those height limits, the approval of which would compel the County to find that:

[B]ecause of special circumstances applicable to...[the] property, including size, shape, topography, location or surroundings, the strict application of th[e] ordinance deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification.

The required basis for such a variance cannot be made for this Project.

The PSA suggests that application of Section 18.34 would allow the Project to exceed the structure height development standards of the N-A and W-2 zones. This is incorrect. Section 18.34 can be used to seek an increase in structure height "when any zone classification provides that an application for a greater height limit may be made." The N-A zone does not provide for the application of Section 18.34. The W-2 zone provides for application of Section 18.34, but "[I]n no event, however, shall a building exceed seventy-five (75) feet in height or any other structure exceed one hundred five (105) feet in height" in the W-2 zone. Accordingly, Section 18.34 cannot be relied upon to change the height development standards of either zone to reach the total Project height of 760 feet.

Alternatively, Section 18.35 of Ordinance No. 348 states a zone change can be processed to allow structure height to deviate from zoning development standards provided a zone change is approved specifying the change to the development standard. Consequently, a change of zone under Ordinance No. 348 is necessary for the Project. Such change of zone would change the official zoning map for the Project area parcels to a development standard height of 760 feet. Such change of zone, an approval under Ordinance No. 348, would also need to comply with Board of Supervisors' Policy B-29.

Additionally, the Executive Summary of the PSA indicates that some portions of the gen-tie transmission corridor will cross private lands. If the County had jurisdiction over the Project, it would require the approval of a public use permit in strict accordance with Section 18.29 a.(2) of Ordinance No. 348 for those portions of the gen-tie crossing private land. Under Section 18.29, a public use permit is required for "facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction. This subsection shall take precedence over and supersede any conflicting provision in any zone classification. Facilities for the storage or transmission of electrical energy shall not be subject to the development standards of the zone classification in which they are located." Such public use permit, an approval

under Ordinance No. 348, would also need to comply with Board of Supervisors' Policy B-29.

Parcel Consolidation

The Project as proposed would cover several parcels, and it appears that structures would cross property lines. If the County had jurisdiction over the Project, it would require a reversion to acreage or a one lot parcel map to consolidate the parcels in strict accordance with the County's subdivision ordinance, Ordinance No. 460. If the parcels are not consolidated, either by reversion to acreage or a one lot parcel map, use of the parcels would be significantly constrained. Specifically, the Project developer would be required to comply with the specific setback requirements for the specific zone. This means that no buildings or structures could be built on top of actual parcel boundaries, and property within the setback areas could not be used.

While the County supports Condition of Certification Land-2, the County requests that it be made clear in the Condition of Certification that the Project applicant must consolidate the parcels in strict accordance with Ordinance No. 460, and that such parcel consolidation is a discretionary action by the County. Such parcel consolidation, an approval under Ordinance No. 460, would also need to comply with Board of Supervisors' Policy B-29.

Solar Power Plant Program

On November 8, 2011, the County adopted a comprehensive, integrated legislative solar power plant program which included General Plan Amendment No. 1080, Ordinance No. 348.4705, and Board of Supervisors' Policy B-29.

General Plan Amendment No. 1080 added Land Use Element Policy LU 15.5 to the General Plan as described below. Ordinance No. 348.4705 amended the County's Zoning Ordinance to authorize solar power plants on lots ten (10) acres or larger in a number of zones with a conditional use permit, including the W-2 and N-A zones applicable to the Project. Board of Supervisors' Policy B-29 added the following requirements:

- No encroachment permit shall be issued for a solar power plant unless the Board of Supervisors first grants a franchise to the solar power plant owner.
- No interest in the County's property, or the real property of any district governed by the County, shall be conveyed for a solar power plant unless the Board of Supervisors first approves a real property interest agreement with the solar power plant owner.
- No approval required by the County's Zoning or Subdivision Ordinances shall be given for a solar power plant unless the Board of Supervisors first approves a development agreement with the solar power plant owner and the development agreement is effective.

Board of Supervisors' Policy B-29 further requires that all such agreements shall include a term requiring a solar power plant owner to make an annual payment to the County of \$450 for each acre involved in the power production process and a term requiring a solar

power plant owner to secure the payment of sales and use taxes. The purpose of this program to ensure that the County can fully implement its General Plan, that the County does not disproportionately bear the burden of solar energy production, and that the County is compensated in an amount it deems appropriate for the use of its real property.

The Zoning Amendment, the General Plan Amendment, and the Board Policy were carefully considered and adopted by the Board of Supervisors as a comprehensive, integrated legislative program and each of its components has been expressly determined by the Board of Supervisors not to be severable. In order to ensure General Plan consistency, ensure full implementation of the County's General Plan, and ensure that the County does not disproportionately bear the burden of solar energy production, all aspects of the Solar Power Plant Program, including compliance with Board Policy B-29 must be satisfied in the permitting of solar power plants.

As set forth in our letter of March 7, 2012, to the Committee, it remains the County's current position that the pending litigation challenging the County's comprehensive, integrated legislative solar power plant program should not affect the CEC's evaluation of the Project's compliance with County LORS¹. However, if the County's solar power plant program is finally determined to be invalid or unenforceable, in whole or in part, by the courts, then all components of the program, including Board of Supervisors Policy B-29, General Plan Amendment No. 1080 (Land Use Policy LU 15.15) and Ordinance No. 348.4705, shall be deemed invalid in their entirety and shall have no further force or effect. If that occurs, a solar power plant, such as the Project, would not be in compliance with Ordinance No. 348 or the General Plan. As a result, it would not comply with County LORS.

Development Impact Fee (DIF) Ordinance No. 659

The County respectfully disagrees with both CEC Staff and the applicant with regard to the application and calculation of development impact fees for the Project.

Ordinance No. 659 is the County's Development Impact Fee Program ("DIF") adopted under the authority of the Mitigation Fee Act. The County established its DIF program recognizing that:

[I]n order for the County to construct or acquire the needed Facilities and preserve open space, wildlife, and their habitats, it is necessary to require that all new development bear its fair share cost of providing the Facilities, open, space and habitat reasonably needed to serve that development.

DIF applies to all development in the County, not just solar power plant development. The fees collected under the DIF program "shall be used toward the construction and acquisition of Facilities identified in the Needs List and the acquisition of open space and habitat." (See Ordinance No. 659). DIF is only for "facilities" and the acquisition of open space and habitat, and does not cover increased needs for services.

¹ As of the writing of this letter, the Superior Court has continued the trial on this matter from January 25, 2013, to May 24, 2013, as stipulated to by the parties.

Under Ordinance No. 659, the Rio Mesa SEGF is in the Palo Verde Valley Area Plan and the N-A and W-2 zones on which the Project is proposed are classified as “commercial zones.” The PSA correctly identifies the area plan and zone category for the Project, but only lists the “Public Facilities” amount of DIF. CEC staff calculates the DIF amount for the project as \$6,694 per acre multiplied by 3,805 acres. This is incorrect. Under Ordinance No. 659, a project must pay all components of the DIF total, meaning any amounts listed for the following categories in the ordinance: public facilities, fire facilities, transportation-roads, bridges, major improvements, transportation-signals, regional parks, community centers/parks, regional multipurpose trails, flood control, library books, and fee program administration. Under Ordinance No. 659, the total fee in the Palo Verde Valley Area Plan for a commercial zone project is currently \$16,939.50 per acre. It should be noted that this amount is a temporary 50 percent reduction previously adopted by the Board of Supervisors.

The PSA then goes on to state:

No development impact fee would be required because no new or expanded public facilities are necessary, and the proposed project will be required to offset its impacts to sensitive biological species and their habitat.

This is also incorrect and of concern to the County. Compliance with County LORS includes compliance with DIF, and payment of the proper DIF amount. Credits for DIF amounts are only given when “an owner or developer of real property dedicates land or constructs facilities identified in the Public Facilities Needs List. (See Section 18 of Ordinance No. 659). That has not occurred here.

The County also disagrees with the applicant’s attempted calculation of DIF. First, the applicant contends that the calculation should be for industrial zones and the Desert Center/CV Desert area plan. Both of which are clearly incorrect based on the zoning and location of the Project site. Further, the applicant advised the CEC that the County already has an “approved methodology” for DIF for solar projects and that the amount is much smaller than the full project site acreage. Based on a record of conversation posted on the CEC’s website for the Project, the applicant advised the CEC that:

Per John Snell on 10/16/2012 who spoke with the Riverside County Planning Director and confirmed this is the correct interpretation of the application of Ordinance 659 with respect to utility scale solar facilities.

The applicant provides no background documentation to support this “approved methodology.” Nor does the applicant provide any details of which Planning Director spoke to John Snell and when such conversations occurred. John Snell is a Planning Commissioner. He is not an employee of the Planning Department, nor is he a County policy maker. County staff believes this quote may be referring to a conversation Mr. Snell had with former Planning Director Ron Goldman about the Blythe 1000 MW solar project approved by the CEC in 2010. However, it must be noted that the County does not have a Board of Supervisors “approved methodology” using “occupied” and “industrial” areas as claimed by the applicant. Absent a development agreement, the only methods of calculation approved by the Board of Supervisors for DIF are those set forth in Ordinance No. 659 and its implementing resolution, Resolution No. 2008-160.

Calculation of DIF is on an acreage basis in the commercial and industrial zones, and under a strict application of the ordinance the amount for the Project would be quite large, given the acreage involved. Currently, the County is negotiating DIF in conjunction with individual development agreements for solar power plants in the County. Such agreements specify the acreage of the project area subject to DIF, and adjust the fee based on project specifics and terms of the development agreement. Within the context of a negotiated development agreement approach on this Project, the County would consider limiting DIF to the following fee components under the fee structure for industrial, rather than commercial zones: fire facilities; transportation (including roads, bridges, and major improvements, but excluding traffic signals); regional parks; regional multipurpose trails; and fee program administration. Under the industrial fee structure and with the temporary 50 percent reduction, this would yield a total DIF of \$4,406 per acre, or a total of \$17.9 million. The payment of such a DIF amount is necessary for the Project to effectively comply with County LORS.

PUBLIC HEALTH

A concern from a health perspective is fugitive dust and PM10. As the PSA indicates, this area of Riverside County is already considered non-attainment for PM10 by the state, and there is a quantifiable risk already to the eastern county of higher rates of respiratory disease at baseline. The potential for inducing chronic pulmonary disease has an undoubted long-term health impact. This impact would be clearly most acute during the construction phase, but some lingering effect is likely especially from service operations on-site. As page 4.1-16 of the PSA mentions,

[T]he onsite fugitive dust emissions estimate may be underestimated given the amount of activity on the site and appropriate level of control for the applicant's proposed mitigation measures.

The PSA repeats this warning again on page 4.1-18. The proposed mitigation measures for fugitive dust and PM10 during construction and operation seem reasonable, assuming monitoring assures they make meaningful and EPA-compliant reduction in dust release (pages 4.1-21 through 30, inclusive). Although there is always concern about diesel exhaust particulates, the planned normal operation of the site (page 4.1-13) and the expected infrequent use of the diesel emergency engines make it unlikely they will be a significant negative effector to health by themselves; the majority of boiler fuel will be natural gas and within emission limits of the MDAQMD.

The Public Health review in section 4.7 of the PSA appears sufficient on its face, but does not acknowledge several confounding factors. As such, the conclusions of the CEC Staff should be considered carefully.

On page 4.7-5, the reviewer noted that the overall asthma rate in Riverside County was lower than the state average. However, particular high risk populations have a considerably poorer record. In pediatric asthma, the County ranked 37th out of 41 in a recent study of pediatric asthma hospitalizations (see attached EPE brief). These hospitalizations are high cost on a population ill able to afford it, and the impact weighs accordingly; see also page 4.8-5 in the PSA.

There is also well-documented disparity between western and eastern Riverside County. OSHPD data from 2007-2009, reported in the same attached EPE brief, gives the 92225 Blythe zip code the second highest rate of emergency room visits within the County due

to asthma in children. Diagnosis rates are further confounded by greatly impaired medical access in the Palo Verde-Blythe area. For the eastern portion of the County, 28.6 percent of adults are uninsured (2010 HARC figures), and the same OSPHD analysis showed only nine providers serving a population of approximately 17,020 in that zip code, for almost 2,900 patients per provider. This indicates the prevalence stated during the time period studied in this report is likely to be substantially underestimated. Based on these facts, any subsequent analysis of health impact, especially respiratory illness, should be very careful not to rely unnecessarily on statistics referencing the County as a whole.

Although there is a risk of Valley Fever due to the Project, the exact level of risk and health impact may be difficult to quantify. The issues with clear definition of Valley Fever cases may make the statistics on page 4.7-6 unreliable. However, the mitigation and safety measures proposed on pages 4.7-14 and 15, inclusive, do seem adequate for reducing worker exposure risk to soil spores and, as long as dust plumes are mitigated as indicated above, the County's Interim Public Health Officer agrees they are unlikely to spread beyond the plume area. However, he also agrees with his colleague Dr. Michael MacLean, MD, MS, health officer for Kings County, that Valley Fever assessment for this area is speculative at best (page 4.15-15).

The discussion and analysis of MICR/PMI on pages 4.7-19 through 22 inclusive appears to be adequate and complete.

Due to the presence of transmission lines from the Project, electromagnetic field exposure is mentioned as a concern. However, the County's Interim Public Health Officer agrees with the reviewer on page 4.12-7 that research "has not established that such fields pose a significant health hazard to exposed humans," and the proposed field-strength reductions measures on page 4.12-9 appear prudent and reasonable.

With regard to worker safety, in addition to the discussion of Valley Fever, the recommendations for avoiding pesticide exposure and unexploded ordnance both on 4.15-9, and injury reduction on pages 4.15-17 through 19, inclusive, appear adequate.

SOCIOECONOMICS

With regard to socioeconomics, CEC staff concludes in the PSA that the Project:

[W]ould not cause significant direct, indirect, or cumulative socioeconomic impacts on the project area's housing, schools, law enforcement, and parks, and would not have a socioeconomic impact on any environmental justice population. Staff also concludes that the project would not induce a substantial population growth or displacement of population, or induce substantial increases in demand for housing or public services.

The County has concerns regarding a number of underlying assumptions on which these conclusions are founded. With regard to housing supply, in Socioeconomic Table 8 (pages 4.8-9 and 4.8-10) CEC staff indicates that there a total of 800,707 housing units for "Riverside County, CA" with 114,447 corresponding vacancies within a 2 hour commute from the Project at the time of the 2010 census. This includes vacancies counted within Riverside County's resort communities. What may not have been considered is that occupation of housing in these resort communities is highly seasonal, and the population in the desert cities listed in Socioeconomic Table 8 fluctuates

significantly throughout the year. As a result, the PSA's conclusion regarding available housing stock may be overinflated.

With regard to availability of hotel and motel rooms within the 2 hour commute range, Socioeconomic Table 9 (page 4.8-10) there are 12,612 rooms within the study area. As with housing, the PSA does not appear to acknowledge that a substantial number of the rooms listed are within high end luxury resort communities, and many of these rooms draw premium room rates. In evaluating true room availability to the Project's employee base, the CEC should consider whether all the rooms counted would fall within any per diem allowance provided to the Project's workers. If a significant number of the luxury hotel rooms are realistically out of reach of the Project's workers, the availability of temporary housing may also be overstated as well.

Consequently, the County is concerned that the amount of affordable housing within reach of the Project's average worker may be significantly less than projected. Given the economic times, the number of similar solar projects in the pipeline that will also compete for available affordable housing, and the experience of other energy-related boom-town areas, the County can foresee the potential for some level of displacement. This is of concern not only with respect to the impact on permanent residents, but also the impact on long-time returning tourism and agricultural workers, on which the area's economy depends.

The County must also assume pressure will occur on the RV parks and long-term camping at the County's parks in the vicinity of the Project. To mitigate, in part, the potential impact on tourism along the Colorado River, upgrades will be necessary to the County's park facilities to accommodate the additional use that can be anticipated to result from construction of solar power plant projects in the area. For this reason, the County requests the County's DIF, discussed elsewhere in this letter, include the component for capital improvements for County parks.

With respect to the PSA's conclusion that there will be no net increase in population in Riverside County as a result of the Project, and therefore no consequent increase in need for public services, the County's position is that the number of similar representative projects is too few and the resulting body of data too small to draw definitive conclusions. The County is cautiously hopeful that high ratio of Riverside County residents will, in fact, be hired for this and other solar power plant projects, while recognizing that a rapid demand for skilled labor may quickly outstrip the region's qualified pool of workers. If this occurs, the County must be prepared to address the added service needs that an influx of workers from outside the County may cause.

Finally, the County disagrees with CEC staff's conclusion that there will be no environmental justice issues created by the Project because no minority population exists within reach of the Project. This conclusion is based on use of a 6 mile study zone around the project perimeter. However, calculations given in the PSA indicate that the community of Ripley is 6.8 miles from the Project, and Socioeconomic Table 2 indicates that 91 percent of the population of Ripley is minority. This ratio is significantly higher than the surrounding area generally.

Given that Highway 78 runs through Ripley, and alternative traffic routes surround Ripley, it is unquestionable that the population of Ripley, which fluctuates with agricultural work, will be exposed to the effects of construction traffic. In addition, as

indicated in the PSA, the prevailing winds often blow from the southwest, and will cross the Project toward Ripley. Given the nature of dust storms in the desert during high wind conditions, it is entirely conceivable that under such conditions drift from the Project could make the additional 0.8 of a mile to Ripley.

Contrary to the assumptions in the PSA, the absence of hospitals, schools and nursing homes within the study zone does not indicate an absence of a vulnerable population, but is instead indicative of the economic disadvantage of the area. As an agricultural labor community, there are families with both young children and elderly adults vulnerable to air quality and health issues. In addition, the PSA appears only to count residents within the 6 mile study zone, and does not consider the nature of the agricultural area within that zone as a work environment that may be subject to drift from the Project. As noted elsewhere in this letter, the County has serious concerns regarding the already significant challenges of serving the health care needs of the area, and the added burden that increased particulates and Valley Fever that may result from the Project. The County recommends broadening the buffer zone to include, at minimum, the community of Ripley and preferably farm houses in the neighboring agricultural area to assure that the goals of the National Environmental Policy Act and the California Environmental Quality Act are fulfilled and the potential impact on a highly vulnerable population is not overlooked.

PSEC

The County is also concerned about the Project's impacts on the County's Public Safety Enterprise Communication System Project ("PSEC"). The County has invested \$178 million in PSEC, a new regional public safety voice and data communication network. When fully implemented in December of 2013, the PSEC system will provide voice and data communication for law enforcement and other public safety first responders. The PSEC system will deliver enhanced interoperability between public safety agencies through a network of seventy-seven radio sites throughout the County. Since the PSEC sites are secure sites, the County can only provide general locations in a public document. Fifteen sites are located in the area east of Road 177, south of Road 62, west of Arizona 95, and the southern County border. Sites located in the east end of the County, where the Rio Mesa SEGF is proposed, are in very remote areas necessary to the PSEC system.

One of the primary concerns to the County is the potential for the Project to interfere with operation of the PSEC network. This concern is two-fold. First, the height of the two proposed 750 foot solar power towers may obstruct the PSEC microwave network. Microwave functions on a direct line of sight to the various connection points, and is the backbone of the network. Microwave provides the link to every site and a path back to the master site. If the proposed solar power towers are positioned between our microwave paths, then they will disrupt mission-critical PSEC communications, including those of law enforcement and other public safety first responders.

Second, the County is concerned about the potential impact the large heliostat fields may have on the PSEC microwave network, specifically the interference that solar flux from the heliostat fields may generate. Neither the information provided by the applicant nor included in the PSA about the Project are sufficient for the County to assess this impact. Although the County requested additional information on this issue from the applicant at a recent CEC workshop, no additional documentation was received by the County. Furthermore, the County is unaware of any other similar project of this scale in

operation that might provide real world data about the impact such heliostat fields have on microwave communications.

In addition, the County requires regular, unobstructed 24/7 access via the Bradshaw Trail to maintain our PSEC tower sites located in the mountains adjacent to the Project. The County is extremely concerned that County ingress and egress via Bradshaw Trail be preserved and in no way be disrupted at any time by construction or operational traffic related to the Project.

The County requests the following conditions be incorporated into the Proposed Conditions of Certification: 1) to secure full financial compensation to the County in the event the Project interferes with or renders inoperable any portion of the County's PSEC system; and 2) to guarantee the County unobstructed 24/7 priority access through the Bradshaw Trail.

SOIL AND SURFACE WATER

The PSA does not address the County's prior requests to the applicant regarding fencing requirements and elevating buildings and heliostats outside the floodplain limits to a minimum of 24 inches. Additionally, heliostats and the common service buildings are proposed within the 100-year floodplain, which must be kept free of fill, buildings and structures.

TRAFFIC AND TRANSPORTATION

The County is concerned about the impact that construction-related traffic will have on County roads. Absent the CEC's certification authority, the County would have the ability to ensure the mitigation of these impacts and respectfully requests that the CEC do the same.

On page 4.11-10 the PSA states the peak construction period would involve a workforce of 2,200 construction workers. Without sufficient detail, this is summarized as equating to 1,370 construction worker vehicles per day and amounting to 2,740 daily trips. The reviewer concludes that in order to support the 1,370 work vehicles, a carpool participation rate of 75 percent of the construction workforce is necessary. The County considers this assumed participation rate highly optimistic and potentially leading the PSA to understate significantly the traffic impacts. Unless this assumed carpool participation rate of three out of every four workers is substantiated through documentation, or enforced in the form of mitigation, the PSA has the potential to be deemed inadequate with regards to traffic impacts. In order for the Rio Mesa SEGF to utilize the trip generation assumptions in the PSA and to ensure adequate mitigation is provided for the 2,740 daily construction worker trips, the County highly recommends the CEC incorporate a required carpool participation rate of 75 percent into the Proposed Conditions for Certification Trans-2. The County further requests the following language and verification measures be incorporated into Proposed Condition of Certification Trans-2:

The following conditions shall be incorporated into the Proposed Conditions for Certification Trans-2:

Condition: Rio Mesa SEGF shall establish a rideshare program during the peak construction period and shall require 75 percent of the project construction workforce to participate.

Verification: In order to monitor and verify the construction traffic trips generation by the project, Rio Mesa SEGF shall conduct daily traffic counts at its project access points and provide this data to the County of Riverside Transportation Department (RCTD) for review. In the event the actual construction traffic trips exceeds those identified in the PSA, Rio Mesa SEGF shall prepare and submit a revised traffic impact analysis to RCTD and incorporate any new mitigation identified in the analysis into this Condition for Certification.

Furthermore, prior to the approval of the Project, the County requires the Project applicant to perform and provide analyses of the pavement structure for all roadways that may be utilized by Project construction traffic. If the analyses determine the pavement would not provide sufficient load bearing capacity for the construction traffic, the County would require the Project applicant to provide road improvements, as specified by the County Director of Transportation. The County would further require the Project applicant restore all public roads, easements, and rights-of-way that may be damaged due to Project-related construction activities to original or near-original condition in a timely manner. In addition, the County would seek financial security to ensure the restoration or replacement of such public roads, easements, and rights-of-way.

The County would require the Project applicant to provide evidence of primary and secondary access. The primary and secondary accesses shall be improved routes as approved by Transportation Department. Such secondary onsite and offsite access is necessary to provide fire protection and emergency medical response to all development areas. As currently proposed, the secondary access leading into the Project area through private land appears to be inadequate by County standards. The currently-proposed location of the secondary access requires concurrence and approval of both the County Transportation Department and the County Fire Department, and would be required to be maintained throughout all Project phasing and operation.

Further, as mentioned during the CEC's public workshops on the PSA, the Bradshaw Trail is a County maintained dirt road that the County requires be improved within the Project area with a minimum of 24 foot wide asphalt concrete pavement and 8 foot graded shoulders connecting to an existing asphalt concrete County maintained roadway on the east side of the Project, as approved by Transportation Department.

During the recent public workshops on the Project, it also came to light from the farming community that there is a well-known, unofficial alternate trucking route around the community of Ripley. Traveling southbound from the Interstate 10, on Neighbours/Highway 78, this alternate route turns west onto 20th Avenue from Neighbours and follows 20th Avenue west to the 90-degree turn into Rannells Boulevard, then south on Rannells Boulevard four miles to 28th Avenue, at which point the route rejoins Highway 78. This is effectively 7 mile customary bypass. The impacts of the Project construction traffic on this well-known alternative route should also be evaluated and mitigated.

VISUAL RESOURCES

The County continues to have concerns about the visual impact of the Project. CEC staff concluded that the Project, after implementing all staff-recommended conditions of

certification, would still have significant and unavoidable adverse direct visual impacts. The County agrees with this conclusion.

The Project, on its own and also in combination with existing and foreseeable future projects within the immediate project viewshed, will contribute to significant unavoidable cumulative visual impacts. Project impacts, in combination with existing and foreseeable future solar and other development projects within the I-10 corridor in Riverside County, will contribute to a perceived sense of cumulative industrialization of the currently open, undeveloped desert landscape of the eastern Chuckwalla Valley and Palo Verde Mesa, and impact views of scenic resources experienced by I-10 motorists, local residents, and recreational visitors within the Project viewshed.

The County agrees with CEC staff that the significant visual impacts cannot be mitigated. As noted at length above, the County further agrees the Project will be inconsistent with several important policies of the Riverside County General Plan. County residential, agricultural, and open space areas in the Project viewshed will be strongly impacted by effects of bright glare from the Project. However, the County does not believe the proposed mitigation is sufficient to off-set the vast changes being imposed on the residents within the vicinity of the Project. The proposed “off-site landscape screening” mitigation in Condition of Certification Vis-2 is not sufficient. It is unrealistic to assume that trees able to grow in the harsh, windswept desert environment of the Palo Verde Mesa would provide suitable screening. Since these impacts cannot be fully mitigated, the residents should reap some benefit from the Project that they will live with, and see, daily. The residents in the vicinity of the Project should receive some greater benefit.

Further, the County is concerned about the effects of bright glare along recognized scenic and historical recreational areas, including the Bradshaw Trail, Palo Verde Mountains Wilderness Area, and Cibola National Wildlife Refuge. The PSA recognizes that these areas “would experience a decline in [scenic and recreational] values due to bright glare.” The landscape setting of the Project has a mostly natural character. The Project would “be a visually dominant and highly intrusive feature that would degrade the scenic qualities of its surroundings.” Even though these areas may not be under the County’s jurisdiction, these scenic and historical recreational areas are important to County residents and County tourism, on which much of the local economy of that area depends. The County also remains concerned about the scenic viewshed along the historic Bradshaw Trail. The County asks for stronger efforts to minimize and fully mitigate the visual impacts of the Project.

WASTE MANAGEMENT

The proposed Condition of Certification - Waste 4 requires that a Construction Waste Management Plan be prepared for all waste generated during construction of the facility, with submittal to Riverside County for review. The County requests that the “Verification” section be revised to specify that the Construction Waste Management Plan be submitted to the Riverside County Waste Management Department for review.

Proposed Condition of Certification - Waste 6 requires that an Operation Waste Management Plan be prepared for all wastes generated during operation of the facility. The County requests that the “Verification” section be amended to specify that the Annual Compliance Report shall also be submitted to the Riverside County Waste Management Department for review.

The County also requests that the Waste Management Table 2 in the PSA be revised to reflect that a) the estimated closure date of the Oasis Landfill is 2021; and b) the location of the County's Lamb Canyon Landfill is in Beaumont, California.

WORKER SAFETY AND FIRE PROTECTION

The Riverside County Fire Department ("RVC Fire") reviewed the Worker Safety and Fire Protection section of the PSA, as well as a copy of a Fire and Emergency Services Risk and Needs Analysis (FESNA) generated by the applicant.

While the County appreciates the scope covered by the applicant's self-assessment and the thoroughness of CEC Staff's report, the County must take issue with some of the content and conclusions of both the FESNA and PSA. Likewise, the County must clearly state that this Project does have a significant impact on RVC Fire. A global look at what is occurring in Eastern Riverside County shows what is ultimately becoming the huge industrialization of major tracts of previously sparsely populated and un-utilized desert. This is important to understand, both with regard to the impacts of the Project and the existing capability of RVC Fire services currently serving the nearby rural and agricultural communities.

Less than accurate efforts were made in the FESNA submitted by the applicant to show all hazards as being mitigated to "Less than significant" through compliance with applicable safety LORS and on-site measures. This submittal by the applicant is noted in the Summary of Conclusions of the PSA (page 4.15-1) which states:

In response to data requests, the applicant provided a Fire and Emergency Service Risk and Needs Analyses (FESNA). The analyses suggest that by complying with LORS, the project would not create significant impacts on the local RCFD or local emergency response resources because of the projected infrequency and small scale of any responses needed for fire, medical, or technical rescue needs.

RVC Fire is the Authority Having Jurisdiction (AHJ) for these emergency responses into the Project, and the County strongly disagrees with the CEC's statement above. The County applauds the proposed worker safety and fire protection plan and recognizes, like any good safety plan, it has the potential to limit incidents and accidents within a project. However, the experience of RVC Fire across the County in dealing with a huge cross section of business and industry is that in spite of workplace plans, OSHA regulations, and numerous other laws and ordinances, industrial accidents still occur. This unfortunate fact is what necessitates the existence of RVC Fire and the County's strong response to this PSA. While the Project's submittal and CEC staff's proposed Conditions of Certification "Worker Safety" 1 through 8 attempt to alleviate most emergencies internally, the ultimate responsibility for response and mitigation of any emergency still rests with RVC Fire. As such, RVC Fire must take a proactive position in the planning, staffing, equipping, training, response and overall preparation for these potential and likely emergencies. Therefore the County must strongly argue that this Project would have a significant impact on our County Fire Department.

In the submittal by the applicant, much attention is paid to the frequency of calls in determining impact. However, the County contends that it is not only the frequency of those calls, but the hazards created by the proposed land uses, activities, occupancy

and consequent inherent risks and related emergencies which will significantly impact RVC Fire. RVC Fire terms these as *low frequency/high risk/little discretionary time* emergencies.

Within RVC Fire, there is a base or core set of training and equipment outfitting which is the standard compliment for the County's engine companies and allow for rapid response to most conventional emergencies. Battalion 8, which serves the area, reflects this basic service delivery model. However, more complex emergencies requiring technical expertise and specialized equipment including, but not limited to, confined space, trench, hi-angle rope rescues, entrapments, etc. are handled by "truck companies." Truck companies are each staffed by four of our highest trained firefighters, and equipped with a veritable rolling tool box of specialized tools and equipment to affect these rescues. Currently, RVC Fire has seven such truck companies covering the entire urbanized and industrial areas of Riverside County. The closest RVC Fire truck company to the Project is located in Indio, and would have a response time of approximately 1 hour and 40 minutes. This is unacceptable in light of this Project, and the greater industrial accident risks that these solar projects generally pose to Eastern Riverside County. The current staffing, training and equipping of existing stations serving this area are not adequate to handle the technical rescues these projects can cause both during construction and operation. Some of these risks are summarized in the PSA (page 4.15-4):

Industrial environments are potentially dangerous during construction and operation of facilities. Workers at the proposed Rio Mesa SEGF would be exposed to loud noises, moving equipment, trenches, and confined space entry and egress problems. The workers could experience falls, trips, burns, lacerations, and numerous other injuries. Workers would also have the potential to be exposed to falling equipment or structures, chemical spills, hazardous waste, fires, explosions, and electrical sparks and electrocution.

RVC Fire understands these complex incidents, and must establish and maintain the ability to handle the specialized and technical emergencies that may occur at the Project site. The specific needs of this additional rescue capability are covered in the attached document "Battalion 8 Solar Project Impacts and Mitigation." It is the position of the County that in order to provide necessary public protection, the Project must participate in the attached fire service mitigation measures and assume a proportional share of both the capital and operations and maintenance costs.

Respectfully, the next area of disagreement with the PSA is the information initially found on page 4.15-1 which states:

In the event that Riverside County Solar Policy B-29 is overturned, staff proposes Conditions of Certification Worker Safety-9, and -10, to provide an alternative mechanism for determining and implementing mitigation for impacts to the fire department.

This information is repeated on page 4.15-32 which infers that Riverside County Solar Policy B-29 is intended as mitigation for impacts to the fire department. This misinformation may have been derived from a letter written by RVC Fire Captain Jason Neuman, which incorrectly misstates that assumption. Board of Supervisors' Policy B-

29 is not mitigation of service or capital needs, nor does it replace Development Impact Fees (DIF). As noted above, it is the County's position that the Project must participate in its proportional share of the mitigating costs for impacts, in part, to RVC Fire facilities through the DIF process.

With regard to conditions of certification pertaining to worker safety, the County supports the measures in Worker Safety 1 through 4, and 6 through 8. The County also agrees that construction should not occur until funding of mitigation measure discussed below occurs. Likewise, the County will thereafter, to the best of its ability, initiate improvements to County Fire assets and services to best protect the workers on this Project, and the surrounding community. However, the County has concerns with other of the safety measures in that section.

With respect to Worker Safety 5, the County supports the presence of an on-site Automatic External Defibrillator (AED) program and the concurrent training of sufficient staff to ensure there is always someone on site capable of putting it into service. However, while the County supports this requirement, it is inadequate in providing for possible medical emergencies. While the inclusion of an AED in their program is warranted for heart-related emergencies, the type of medical emergencies more likely will be traumatic worker injuries. The County recommends the CEC require that in addition to an AED being on site, the same delegated staff and foremen be trained in First Aid, CPR and AED to a recognized standard, such as American Red Cross. In addition, the County recommends requiring "Trauma/First-Aid" kits sufficient to handle anticipated industrial accidents. Identical Trauma/First-Aid kits should also be located in the field (i.e.: in vehicles) at all times with those delegated staff and foremen as mentioned in Worker Safety 5.

With respect to Worker Safety 9, as previously stated, Board of Supervisors' Policy B-29 is not a mitigation of the impacts of the Project on the RVC Fire. Therefore, the County does not agree to the content of Worker Safety 9 as replacing Board Policy B-29. Likewise, as noted above, there are significant impacts to RVC Fire caused by this Project. The development of this huge industrial project brings with it the recognized potential for many different types of specialized and technical rescue emergencies, which are not currently within the capacity of existing County local fire stations. The County appreciates that CEC staff noted in Worker Safety 9 (1) that the Project should fund:

[I]ts project-related share of capital and operating costs to improve fire protection/emergency response infrastructure and provide appropriate equipment as mitigation of project-related impacts on fire protection/emergency response services within the jurisdiction.

The County requests the CEC continue to recognize this fact and condition all appropriate mitigation requirements on this Project. In addition to requiring mitigation for fire capital needs addressed in detail above in the discussion of DIF, the County requests an annual mitigation of \$375,000 to support the added operational expenses of the fire rescue program. In the event the Project's proportionate share of County Fire's actual annual expenses necessary to maintain readiness are less, the County will only accept the annual amount necessary to meet related expenses from such projects.

The County does not agree to a study conducted by a contractor chosen by the Project owner (Worker Safety 9 (2)). The CEC is in a position to evaluate this and other impacts and mitigations without a potentially biased study completed by a contractor chosen by the Project owner.

With respect to Worker Safety 10, in light of the issues discussed above, the County does not support Worker Safety 10.

ALTERNATIVES

The PSA states the Palen Solar Project Site is rejected as an alternative site “because it is an already approved project that has been considered as part of the California’s renewable portfolio since its approval.” Yet, the PSA does not investigate the possibility of an oversubscription of projects intended to meet California’s RPS. Due to the high concentration of renewable energy projects within the eastern portion of Riverside County; and more specifically along the Interstate-10 corridor, there is a high probability that some projects will not be constructed due to a lack of demand for renewable energy projects as investor and publically owned utilities meet their individual RPS thresholds.

Page 6.1-18 of the PSA includes the most recent census date (U.S. Census 2010) for the community of Palo Verde as 171 permanent residents. However, this number can be misleading as to the potential for long-term impacts to Riverside County residents. The community of Palo Verde is a highly commercialized agricultural community that, by the nature of seasonal harvesting, includes a substantial transit population that would not be included as permanent residents. It is recommended in the analysis of this alternative that the seasonal migrant farm worker population is considered.

Additionally, page 6.1-18 of the PSA states, “The project site is currently zoned Open Space – Rural (OS-RUR) and Agriculture (AG) by the Riverside County Zoning Ordinance.” This statement is incorrect. As discussed in the Land Use section above, the County employs a hierarchy of land use regulation and at the top of this hierarchy is the County’s General Plan – the constitution of the County – and the project site is designated in the General Plan as OS-RUR and AG. The zoning on the project site is a combination of Controlled Development (W-2) and Natural Assets (N-A). This is an important distinction, especially when the PSA discusses the inconsistency of the Project in regards to the County’s height restrictions. These height restrictions are set forth within the County’s zoning ordinance, rather than the General Plan; and as such, a Change of Zone is necessary to ensure that the Project complies with the County’s LORS, specifically with respect to height standards and zoning consistency.

It is also important to note and requested that in the Biological Resources section of the Alternatives beginning on page 6.1-18, that the County be identified as the responsible maintenance entity for a majority of the roads, primarily Bradshaw Trail, in and surrounding the project site.

The Visual Resources Section in the No Project Alternative analysis mentions the potential impacts on the agricultural community of Ripley. However, the Socioeconomics Section of the PSA eliminates any further discussion of this unique community due to the 6-mile study radius established under the Socioeconomics section of the PSA. The County believes that the impacts of the Project on the community of Ripley should fully be evaluated for all environmental assessment topics.

The County does not agree with the following statement on page 6.1-30 of the PSA:

“Similar to the proposed Rio Mesa site, the construction of the solar power plant at the Sonoran West Off-site Alternative site would not physically divide a community and would not conflict with applicable land use plans or regulations as it is located entirely on BLM land and within a proposed SEZs.”

While these characteristics are likely true for the Sonoran West Off-site Alternative, folding in the proposed Rio Mesa site in this statement is confusing and provides the impression that the same concerns with respect to community impacts and land are not applicable to the Rio Mesa Project while in fact the County believes that they are and that additional information may be required to investigate further. The County recommends the removal of a comparison to the Rio Mesa Project site in this statement.

The County is also concerned about the apparent conclusion on page 6.1-70 that solar photovoltaic technology, as an alternative to the Project, would result in “similar socioeconomic impacts”. The County disagrees with this conclusion, in part; primarily in that a solar PV facility has fewer construction workers and will require a lower number of construction trips per day, which creates a lessened impact upon the surrounding circulation system of the Palo Verde area. These impacts associated with the construction of a large solar thermal generating facility has the potential to create a “boom town” effect upon the far easterly reaches of Riverside County, which is an area that is underserved by housing and public infrastructure.

Thank you again for the opportunity to provide comments on this Project that will have a lasting impact on the County. The County reserves the right to issue additional comments on the Preliminary Staff Assessment and Final Staff Assessment as the Project moves forward and additional information about the Project is known. Should you need additional information from the County, please contact Principal Planner Adam Rush at (951) 955-3200 or Deputy County Counsel Tiffany North at (951) 955-6300.

Sincerely,

John Tavaglione, Supervisor
Second District
Chairman of the Board