

Decommissioning impacts are anticipated to be similar to the construction impacts and would also use energy after the end of the Project's useful life, per an agency-approved Closure and Decommissioning Plan; however, the specific types and amount of energy to be used during decommissioning are uncertain. No mitigation would be necessary. The proposed Project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources.

### **Mitigation Measures for Impact E-1**

No mitigation would be required.

### **Significance After Mitigation**

This impact would be less than significant.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

## **3.7.6. Cumulative Impacts**

### **Geographic Scope**

The geographic scope of the cumulative analysis for energy consumption would be eastern Riverside County which includes all the cumulative projects identified in Tables 3.1-1 and 3.1-2. This geographic area was selected because all cumulative projects have the potential to utilize energy resources temporarily or permanently or have the potential to conflict with plans and policies related to increasing renewable energy and energy efficiency.

### **Cumulative Impact Analysis**

As discussed above, construction of the proposed Project would not result in significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources (Impact E-1). Energy use during construction would be reduced by best management practices and adherence to emissions control requirements to the proposed Mitigation Measure AQ-2 which would minimize construction equipment activity, limit the idling of equipment, and encourage carpooling. The use of fossil fuel by operational worker commutes and use of vehicles and equipment during maintenance is not considered to be wasteful, inefficient, or unnecessary. This energy use would contribute to the construction and operation of a solar facility that would increase the availability of renewable energy, thus reducing the use of fossil fuel for electrical generation by conventional power plants. Most of the cumulative projects identified in Tables 3.1-1 and 3.1-2 are renewable energy facilities and the remainder are energy infrastructure, such as a storage project, line capacity increase, or transmission lines and substations. If adopted, the proposed expansion of Joshua Tree National Park and creation of Chuckwalla National Monument would re-designate existing federal lands in the Project vicinity but would not create physical changes in the environment that would contribute to cumulative impacts.

Although construction activities associated with cumulative projects would require the use of fossil fuels, it is assumed each project would initiate best management practices and comply with applicable policies and regulations as part of project approval to reduce wasteful, inefficient, or unnecessary use of energy resources. Furthermore, most of the cumulative projects would also contribute renewable energy to the California electrical transmission system, reducing the State's overall reliance on fossil fuels. Cumulative impacts would be less than significant, and the proposed Project would not contribute to cumulatively considerable energy impacts and would make a beneficial cumulative contribution to supporting federal, state, and local plans for renewable energy development.

**Mitigation Measures for Cumulative Impacts**

No mitigation would be required.

**Significance After Mitigation**

Cumulative impacts would be less than significant. The Project's incremental contribution to impacts to energy would not be cumulatively considerable.

**3.7.7. Mitigation Measures**

No mitigation would be required.

## 3.8. Geology, Soils and Mineral Resources

This section describes the regional and local geology, soil conditions, and mineral resources, and the regulatory framework for these resources. CEQA does not generally consider the impact of the existing environment on the Project; however, this section identifies seismic hazards that could potentially affect structures associated with the Project to assist decision-makers in addressing regulatory concerns. The area relevant to the analysis of geology, soils, geologic hazards, and mineral resources is the physical footprint of Project construction, operation and maintenance, and decommissioning activities. The study area for faulting and seismic hazards includes the larger southern California region, because distant faults can produce ground shaking and secondary seismic hazards in the Desert Center area. An impact analysis and comparison of project alternatives is included in Section 5.

### 3.8.1. Environmental Setting

#### 3.8.1.1. Geologic Setting and Physiography

The Project site's elevation ranges from approximately 550 feet above mean sea level (amsl) near the easternmost boundary to approximately 745 feet amsl near the southwestern boundary corner (Google Earth, 2023). The Project site is located in the Chuckwalla Valley near the northeast corner of the Colorado Desert geomorphic province. The Colorado Desert is bounded to the east by the Colorado River, to the south by the Mexican border, and to the west by the Peninsular Ranges. The northern border extends approximately along the southern edge of the eastern Transverse Ranges and the San Bernardino–Riverside County line (Norris and Webb, 1976). Except for a narrow band along the Colorado River and northwestern Imperial County, drainage in the Colorado Desert is internal. In eastern Riverside County, much of the drainage ends in the Chuckwalla Valley.

The Chuckwalla Valley is situated between the Chuckwalla Mountains to the south and the Palen and Coxcomb Mountains to the north. Alluvial divides reaching up to 1,500 feet amsl serve as boundaries between the mountain ranges to the north and west of the valley. The valley is dominated by up to 1,200 feet of sand, gravel, and clay derived from the surrounding highlands, and contains numerous dry lake beds that are separated by sand dunes. The surrounding mountains reach 2,000 to 4,000 feet amsl and the lowest point of the valley is Ford Dry Lake, located southeast of the Project at an elevation of approximately 360 feet amsl. Most of the area consists of broad alluvial fans characterized by bar and swale topography interrupted by larger drainages which can be more heavily vegetated. Sand dunes occur in some regions of the Chuckwalla Valley.

#### 3.8.1.2. Geology

The site is situated on the western end of the Chuckwalla Valley and receives outwash from the Chuckwalla Mountains to the south. The geology of the area is dominated by alluvial fans and basin deposits. Geologic mapping of the area is provided on the Eolian System Map of the East Riverside Area (CGS, 2014) and Geologic Map of California: Salton Sea Sheet (Jennings, 1967) which indicates the Project site is underlain by Quaternary alluvium ranging from Holocene (less than 11,700 years before present [BP]) to latest Pleistocene (11,700 to 126,000 BP) in age. The California Geologic Survey (CGS) and Jennings units mapped in the Project area are somewhat equivalent, except for the scale and detail of mapping, and are discussed together. The units underlying the Project site are described below (CGS, 2014; Jennings, 1967).

**Alluvial Fan Deposits (Qyf)/Alluvium (Qal).** Alluvial fan deposits of Holocene to latest Pleistocene age consisting of unconsolidated to slightly consolidated, poorly to moderately sorted, fine to coarse grained sand and gravel. The gravel includes pebbles, cobbles, and boulders (CGS, 2014). Jennings (1967) describes this unit as alluvial sand, silt, clay, and gravel, locally including some older alluvium. This unit is broadly

distributed throughout the Chuckwalla Valley and locally contains active alluvial fans and washes that serve as sources of wind-blown (eolian) sediment. Modification of surface drainage by the construction of training dikes for the control of storm water runoff creates downstream shadow effects, rendering parts of these alluvial fans abandoned (CGS, 2014). This unit underlies most of the Project site and Project structures including solar arrays, laydown areas, access roads, fences, the BESS, and the substation would be located on this unit.

**Alluvial Wash Deposits (Qw)/Alluvium (Qal).** Alluvial wash deposits consisting of unconsolidated fine - to coarse-grained sand and sandy gravel with subordinate fine sand and silt and exhibits bar and swale morphology (CGS, 2014). As a channel meanders and erodes laterally, a succession of bars with intervening swales forms, called bar and swale topography. Bars in a river are elevated regions of sediment (such as sand or gravel) that have been deposited by the flow and swales are the intervening low-flow channels. This unit is included in the area mapped by Jennings (1967) as alluvium and is described as alluvial sand, silt, clay, and gravel, locally including some older alluvium. This unit is found underlying a small area of the northern portion of Project site near the northernmost boundary. Proposed solar arrays fence, proposed access roads, and a proposed laydown area would be located on areas within the Project underlain by this unit.

**Older Alluvium (Qoa)/Pleistocene Nonmarine Sedimentary Deposits (Qc/Qco).** Older alluvial deposits of Pleistocene age are comprised of undifferentiated alluvial fan, alluvial valley, and alluvial terrace deposits. In general, these deposits are capped by a gravel lag or desert pavement with moderately to strongly developed desert varnish (CGS, 2014). Jennings (1967) describes this unit as mostly dissected older alluvium and fanglomerate with well-developed desert pavement and desert varnish (Qc), with areas of extremely dissected older folded or uplifted fan deposits (Qco). This unit is found crossing portions of the proposed gen-tie line within the Oberon Project boundaries where it is consolidated with the Oberon Project gen-tie line right-of-way (ROW).

### 3.8.1.3. Slope Stability

Important factors that affect the slope stability of an area include the steepness of the slope, the relative strength of the underlying rock material, and the thickness and cohesion of the overlying colluvium. The steeper the slope and/or the less strong the rock, the more likely the area is susceptible to landslides. The steeper the slope and the thicker the colluvium, the more likely the area is susceptible to debris flows. Another indication of unstable slopes is the presence of old or recent landslides or debris flows. The Project site is relatively flat with a slight descending slope to the northeast. The Riverside County General Plan shows the Project area as having no potential for seismically induced slope instability and as having slope grades of less than 15 percent (Riverside County, 2021a). There is no potential for slope failure at the Project site.

### 3.8.1.4. Soils

The soils underlying the site reflect the underlying rock type, the extent of weathering of the rock, the degree of slope, and the degree of human modification. Potential hazards/impacts from soils include erosion, shrink-swell (expansive soils), and corrosion. The National Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) Soil Web Survey was reviewed to identify soil units and characteristics underlying the Project; however, no SSURGO soil data were available for the area. Therefore, national-level State Soil Geographic (STATSGO) soil data for California were reviewed (NRCS, 2016). The STATSGO data indicated that the Project area is primarily underlain by the Vaiva-Quilotosa-Hyder-Cipriano-Cherioni association, with a small amount of the Rositas-Dune Land-Carsitas association underlying portions of the eastern most parcels for the Project both north and south of Highway 177.



The Vaiva-Quilotosa-Hyder-Cipriano-Cherioni soil association typically consists of very shallow to shallow, somewhat excessively drained, gravelly to sandy loam (loam consists of approximately equal amount of sand, silt, and clay) formed in alluvium over shallow bedrock or hardpan (NRCS, 2023). The Vaiva-Quilotosa-Hyder-Cipriano-Cherioni soils are typically non-plastic to slightly plastic (plasticity, the ability of a soil to be deformed and retain that deformation, is exhibited by a soil due to the presence of clay minerals) and moderately alkaline (NRCS, 2023).

The Rositas-Dune Land-Carsitas soil association consists of very deep, somewhat excessively drained soils formed in sandy eolian material on dunes and sand sheets or alluvium on alluvial fans, fan aprons, valley fills, dissected remnants of alluvial fans and in drainageways (NRCS, 2023). Dune Land is a miscellaneous area with little to no identifiable soil and consists of unstable sand in ridges and troughs that shift with the wind (USDA, 2018). The Rositas-Dune Land-Carsitas soils are typically non-plastic and moderately alkaline (NRCS, 2023).

The preliminary geotechnical investigation for the Project site conducted by Terracon Consultants, Inc. (Terracon) (2024) indicate that the soil materials consist of medium dense to dense sand with varying amounts of silt, clay and gravel, with local layers of loose silty sand and hard lean clay. Limited laboratory testing of surface and near surface sandy materials indicates that they are non-plastic (non-expansive). Geotechnical evaluations conducted just east of the Project for the Athos Renewable Energy Project (Athos) by Terracon Consultants, Inc. (2018) indicates that soil materials in the Project vicinity generally consist of sand with variable amounts of silt, gravel, and cobbles, may be moderately corrosive, and are not expansive.

Potential soil erosion hazards vary depending on the use, conditions, and textures of the soils. Soils containing high percentages of fine sands and silt and that are low in density, are generally the most erodible. As the clay and organic matter content of soils increases, the potential for erosion decreases. Clays act as a binder to soil particles, thus reducing the potential for erosion. The soils in the Project area are predominantly sandy in character. The County of Riverside General Plan Safety Element (2019) maps the Project area as having moderate to high wind erosion susceptibility.

A total of approximately 66 acres of isolated areas of desert pavement were identified in western portions of the Project site within and near areas of desert dry wash woodland during the biological survey for the Project, with about 44 acres of desert pavement underlying Project disturbance areas. In the Project area, desert pavement is sparsely vegetated with an intermittent layer of cryptogamic crust (Ironwood, 2023, Appendix G). Along the gen-tie ROW, only small area of previously identified desert pavement, approximately 8 acres, were identified. The areas of desert pavement along the gen-tie ROW were previously identified during the Oberon Project and coincide with the area where the Easley gen-tie ROW is consolidated with the Oberon Project gen-tie line ROW.

Desert pavement is a desert surface with closely packed, interlocking angular or rounded rock fragments of pebble and cobble size. Desert pavement forms where wind action and sheetwash have removed all smaller particles or where rock fragments have migrated upward through sediments to the surface. This tightly packed gravel armors the surface and prohibits fine soil particles from being entrained by wind (Potter, 2016) and protects the finer grained underlying sediment from further erosion.

Older, well-established desert pavement typically exhibits varnish, an oxidized surface that occurs with age and fluvial inactivity. Desert varnish is the thin red to black coating found on exposed rock surfaces in arid regions. Varnish is composed of clay minerals, oxides, and hydroxides of manganese and/or iron. Desert pavement is sparsely vegetated with an intermittent layer of cryptogamic crust. The ground surface is sandy and gravelly mixed alluvium with various rocks and gravel. Desert pavement is often interwoven between areas of creosote bush scrub and desert dry wash woodland where it occurs on the Project site, and primarily occurs on the western portion of the Project site and crossing small portions of the gen-tie line.

Desert varnish was not mapped during Project surveys; however, it is common on exposed rock faces of desert pavement. Both desert pavement and desert varnish take thousands of years to form.

The significance of desert pavement is its long-term stability. When desert pavement is disturbed and broken up, the very fine particulate matter immediately beneath the stable pavement that has accumulated by infiltration through the pavement over centuries becomes exposed to air currents. The result is high inputs of fugitive dust into the air and subsequent soil loss on site. If left undisturbed, desert pavement restricts the infiltration of water into the underlying soils and allows desert runoff to playas near Desert Center.

Desert pavement is sparsely vegetated and can also include cryptogamic crusts (biologic soils crusts). Desert pavement generally overlies older alluvium formations (BLM, 2015); the alluvium in the Project area ranges in age from Holocene to late, therefore large amounts of desert pavement are not present and where present are most likely in areas of older, less disturbed, and more stable alluvium. Some of the surface soils in the area have been disturbed by past activities, including agricultural uses, grading of roads, and use as a World War II maneuver area (see Section 3.10, Hazards and Hazardous Materials), that have likely disrupted and significantly reduced the amount of desert pavement in the area.

### 3.8.1.5. Seismicity

The Project site is in seismically active Southern California. The type and magnitude of seismic hazards affecting the site is dependent on the distance to active faults, the intensity and the magnitude of a seismic event, distance from the event, and geologic conditions underlying and surrounding the area.

#### Fault Rupture

Fault rupture is the surface displacement that occurs when movement on a fault deep within the earth breaks through to the surface. The site is not crossed by any known active faults (USGS, 2023a) and is not located within an Alquist-Priolo Earthquake Fault Zone as shown on the Earthquake Zones of Required Investigation website (CGS, 2023). The closest known Quaternary faults to the site are the Blue Cut fault, located approximately 10.3 miles north of the Project; the Aztec Mine wash fault, approximately 12.6 miles south of the Project; and the Salton Creek fault, approximately 14 miles south of the Project (USGS, 2023a). All three are considered undifferentiated Quaternary in age and therefore potentially active, with the Blue Cut fault considered as a seismic source in the USGS National Seismic Hazard Model (NSHM) (USGS, 2023a). The Blue Cut fault is within a County of Riverside Earthquake Fault Study Zone on Figure S 2 of the Riverside County General Plan Safety Element (2019).

#### Ground Shaking

The area is subject to ground shaking associated with earthquakes on faults of the San Andreas fault system. Active faults of the San Andreas system are predominantly strike-slip faults accommodating translational movement. Several factors influence how ground motion interacts with structures, making the hazard of ground shaking hard to predict. What is normally felt during an earthquake are the vibrations caused by the seismic waves propagating through the earth's crust. These waves can vibrate in any direction at many different frequencies, depending on the frequency content of the earthquake, its rupture mechanism, the distance from the seismic epicenter, and the path and material through which the waves are propagating. Ground shaking due to nearby and distant earthquakes should be anticipated during the life of the Project. The seismic evaluation conducted for the adjacent Athos-Easley Project by Terracon (2018, 2024) indicates moderate to strong ground shaking should be anticipated in the Project area, and the seismic evaluation for the adjacent Athos Project (Terracon, 2018) indicates that moderate to strong ground shaking should be anticipated.

## Liquefaction

The Riverside County General Plan Safety Element (2019) maps the Project area in a moderate zone of liquefaction susceptibility. The area has not been mapped by the California Geologic Survey (CGS) Seismic Hazards Program. Liquefaction occurs when loose, water-saturated sediments lose strength and fail during strong ground shaking; it is further defined by the CGS as the transformation of granular material from a solid state into a liquefied state as a consequence of increased pore-water pressure. Liquefaction usually occurs in areas with young, saturated unconsolidated sediments with groundwater levels of 50 feet or less. Excess water pressure is vented upward through fissures and soil cracks and can also result in a water-soil slurry flowing onto the ground surface. Liquefaction-related effects include loss of bearing strength, ground oscillations, lateral spreading, and flow failures or slumping (Riverside County, 2021a). The preliminary geotechnical evaluation for the proposed Project concludes that based on the subsurface conditions encountered and the anticipated depth to groundwater, liquefaction hazard at the site is considered to be low, and other geologic hazards related to liquefaction, such as lateral spreading, are also considered to be low (Terracon, 2024). A geotechnical evaluation in the Project vicinity for the adjacent Athos Project (Terracon, 2018) estimated groundwater depth to be greater than 70 feet below ground surface in the area and concluded that potential for liquefaction is low due to anticipated depth of groundwater and subsurface conditions. The geotechnical evaluation for the Project (Terracon, 2024) conducted a seismic settlement analysis using an historic high groundwater depth of greater than 50 feet, as well as soil data from a Project boring, and determined that seismically induced settlement is considered to be negligible.

### 3.8.1.6. Subsidence

Land subsidence is a gradual settling or sudden sinking of the ground surface due to removal or displacement of subsurface earth materials. The principal causes include compaction associated with withdrawal of fluids such as groundwater or petroleum, compaction of organic soils, underground mining, or natural compaction or collapse, such as with sinkholes or thawing permafrost. In California, subsidence is typically caused by human withdrawal of fluids. Subsidence can also occur through earthquake induced ground failure, as well as the settling and compaction of unconsolidated sediments during liquefaction. The compaction of susceptible aquifer systems caused by excessive groundwater pumping is the single largest cause of subsidence in California. Fine-grained sediments (clays and silts) within an aquifer system are the main culprits in land subsidence due to groundwater pumping; when groundwater levels decline to historically low levels these fine sediments are susceptible to becoming compressed and having less space to store water. The County Safety Element maps the Project area as susceptible to subsidence; however, no areas with documented subsidence are mapped underlying the Project area (Riverside County, 2019). Additionally, no subsidence areas are mapped by the USGS as underlying the site (USGS, 2023b).

### 3.8.1.7. Sand Transport/Migration

Sand dune transport systems form where winds are consistently strong enough to lift and push fine sand grains across the dune surface, especially where there is little or no vegetation to stabilize the loose soil. Sandy alluvium (unconsolidated sediment deposited by flowing water in streams or sheets) in dry washes and alluvial fans are examples of sources for these materials, and strong winds generally transport the sands to areas with topographic irregularity, such as at the mountain front, where decreasing wind energy deposits sand. Active washes are large contributors of eolian sands in desert landscapes, transporting sand from upslope to the valley axis where most dune systems exist (areas of strongest prevailing winds). Except in high-force winds, wind does not typically suspend and transport sand high into the air (BLM, 2015).

The Chuckwalla Valley is a region of active aeolian sand migration and deposition. Aeolian processes play a major role in the creation and establishment of sand dune formations and habitat in the Chuckwalla Valley. A study by Kenney (2017) of the sand corridor throughout the Chuckwalla Valley concluded that the sand transport system relies on local sand systems, rather than systems that cross the entire Chuckwalla Valley. Regional eolian system studies in the valley indicate that the prevailing wind responsible for sand transport is from the northwest toward the southeast and locally controlled by topography (e.g., mountain ranges) (BLM, 2018). The dominant sand migration direction within the corridors is toward the east and south. Sand delivered from upwind is deposited, replenishing sand that has been lost downwind.

No active surface aeolian (wind-driven) sand deposits are present within the Project site; however, fluvial sand transport across the site likely carries sand downslope toward Big Wash and Pinto Wash, where fine sands may be taken up into the aeolian sand transport system toward the Palen Dunes. Eolian deposits mapped outside the sand migration zones are present outside of the Project boundary to the northeast.

At its closest point, the Project site is more than a mile southwest of the southeast-trending Palen Lake sand migration zone (SMZ); the Palen Lake SMZ is part of the Palen Sand Dune System. The Project site is not located within any identified sand transport or migration zone. Active washes near the Palen Lake SMZ are important for eolian systems as a sand source, sand transport, and stabilizing moisture. Several minor washes pass through the Project site that may aid in the transport of eolian material; however, they have not been mapped as eolian sand sources (Kenney, 2017). A portion of Big Wash, a drainage traversing east to southeast from the Eagle Mountains, located just north and northeast of the Project site is mapped by Kenney (2017) as an eolian sand source and provides stabilizing moisture.

#### **3.8.1.8. Mineral Resources**

The Project site is mapped within Mineral Resource Zone (MRZ) 4 (CGS, 1994; Riverside County, 2015), which is identified as “areas of no known mineral occurrences where geologic information does not rule out either the presence or absence of industrial mineral resources.” Therefore, no economically viable mineral deposits are known to be present at the site, and no mines are known to have existed within the Project boundaries. The California Department of Conservation Division of Mine Reclamation Mines Online website (CDOC, 2023) indicates that no mines are located within the Project area. Several gravel pits are mapped west of the Project site and two former borrow pits are mapped southeast of the Project site on USGS topographic maps (USGS, 1986 and 1987) in areas mapped as alluvium; however, these pits likely are no longer active as they are not mapped on the Mines Online website nor is there any visible evidence of active mining of the sites on aerial photographs (CDOC, 2023; Google Earth, 2023).

The U.S. Bureau of Land Management (BLM) categorizes mineral resources on BLM-administered land as locatable, leasable, or mineral materials. Locatable minerals include metallic minerals such as gold, silver, copper, lead, zinc, and uranium; nonmetallic minerals such as alunite, asbestos, barite, bentonite, gypsum, geodes/gem minerals, mica, and zeolite mica; and uncommon varieties of stone (BLM, 2015). Leasable minerals include fluid minerals such as oil, gas, coalbed methane, carbon dioxide, and geothermal resources, as well as solid minerals such as coal, sodium, and potash. Mineral materials include construction materials such as sand, gravel, cinders, decorative rock, and building stone. There are no BLM mapped locatable, leasable, or mineral material areas in the Project area (BLM, 2015). According to the BLM Mineral and Land Records System (MLRS) and the BLM Land and Records System (LR2000), there are no active mining claims, mineral use authorizations, or mineral leases within the Project site or surrounding area (BLM, 2023a and 2023b).

The presence of alluvial materials at and near the Project site means that the property could potentially be accessed and developed as a source of sand and gravel materials, collectively referred to as aggregate resources.

## 3.8.2. Regulatory Framework

### 3.8.2.1. Federal Laws, Regulations, and Policies

**International Building Code (IBC).** Published by the International Code Council (ICC), the purpose of the IBC is to establish minimum structural requirements to provide a reasonable level of safety, public health and general welfare through structural strength, and safety to life and property from fire and other hazards attributed to the built environment. The provisions of the IBC apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of buildings or structures, as well as any appurtenances connected to applicable buildings or structures. The IBC also incorporates the requirements and regulations set forth in several other ICC codes including the International Energy Conservation Code, the International Existing Building Code, the International Fire Code, and the International Fuel Gas Code. The IBC is in use or adopted in all 50 states of the U.S. and is updated every 3 years to ensure that new construction methods and technologies are incorporated into existing codes. The IBC has replaced the Uniform Building Code (UBC) as the basis for the California Building Code (CBC).

**Clean Water Act.** The Clean Water Act (CWA) (33 U.S. Code § 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of waters of the U.S. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point-source and certain non-point-source discharges to surface water. Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate point-source discharges of pollutants into waters of the U.S. Discharges or construction activities that disturb 1 or more acres are regulated under the NPDES stormwater program and are required to obtain coverage under a NPDES Construction General Permit. The Construction General Permit establishes limits and other requirements, such as the implementation of a Storm Water Pollution Prevention Plan (SWPPP), which would further specify best management practices (BMPs) and other measures designed to avoid or eliminate pollution discharges in waters of the U.S. The NPDES Program is a federal program which has been delegated to the State of California for implementation through the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards. Although the Project would not be required to obtain a NPDES permit as there are no waters of the U.S. on or near the Project site, the Applicant has committed to preparing at SWPPP or SWPPP-equivalent document for the Project.

**Institute of Electrical and Electronics Engineers.** The Institute of Electrical and Electronics Engineers (IEEE) 693 “Recommended Practices for Seismic Design of Substations” was developed by the Substations Committee of the IEEE Power Engineering Society and approved by the American National Standards Institute and the IEEE SA Standards Board. This document provides seismic design recommendations for substations and equipment consisting of seismic criteria, qualification methods and levels, structural capacities, performance requirements for equipment operation, installation methods, and documentation. This recommended practice emphasizes the qualification of electrical equipment. IEEE 693 is intended to establish standard methods of providing and validating the seismic withstand capability of electrical substation equipment. It provides detailed test and analysis methods for each type of major equipment or component found in electrical substations. This recommended practice is intended to assist the substation user or operator in providing substation equipment that will have a high probability of withstanding seismic events to predefined ground acceleration levels. It establishes standard methods of verifying seismic withstand capability, which gives the substation designer the ability to select equipment from various manufacturers, knowing that the seismic withstand rating of each manufacturer’s equipment is an equivalent measure. Although most damaging seismic activity occurs in limited areas, many additional areas could experience an earthquake with forces capable of causing great damage. This recommended practice should be used in all areas that may experience earthquakes.

**California Desert Conservation Area Plan.** The BLM manages the portions of the Project area on BLM-administered land under the California Desert Conservation Area (CDCA) Plan, As Amended. With respect to mineral resources, the CDCA Plan aims to maintain the availability of mineral resources on public lands for exploration and development. The DRECP LUPA amended the CDCA Plan with a focus on renewable energy and conservation. Regarding minerals, the DRECP does not amend the CDCA Plan goals, it adds the goal to support the national need for a reliable and sustainable domestic mineral and energy supply and to support responsible mining and energy development operations necessary for California’s infrastructure, commerce, and economic well-being.

### 3.8.2.2. State Laws, Regulations, and Policies

**California Building Code (CBC).** The CBC is promulgated under the California Code of Regulations, Title 24, Parts 1 through 12 (also known as the California Building Standards Code) and is administered by the California Building Standards Commission. The Project is subject to the applicable sections of the CBC. The Riverside County Building Department is responsible for implementing the CBC for the Project. The Project would comply with applicable seismic design and construction criteria of the most recent CBC or federal standards.

The earthquake design requirements consider the occupancy category of the structure, site class, soil classifications, and various seismic coefficients which are used to determine a Seismic Design Category (SDC) for a project as described in Chapter 16 of the CBC. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site and ranges from SDC A (very small seismic vulnerability) to SDC E (very high seismic vulnerability and near a major fault). For Seismic Design Categories D, E, and F, Chapter 18 requires analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading, plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. It also addresses mitigation measures to be considered in structural design, which may include ground stabilization, selecting appropriate foundation type and depths, selecting appropriate structural systems to accommodate anticipated displacements, or any combination of these measures.

**California Fire Code (CFC).** Chapter 12, Section 1206 of the 2019 CFC provides provisions related to the installation, operation, and maintenance of Electrical Energy Storage Systems. Subsection 1206.2.4 – Seismic and Structural Design states that “Stationary storage battery systems shall comply with the seismic design requirements in Chapter 16 of the California Building Code and shall not exceed the floor-loading limitation of the building.”

**Alquist-Priolo Earthquake Fault Zoning Act.** The Alquist-Priolo Earthquake Fault Zoning Act of 1972, Public Resources Code Sections 2621–2630 (formerly the Special Studies Zoning Act) regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. While this Act does not specifically regulate components not intended for human occupancy; it does help define areas where fault rupture, and thus related damage, is most likely to occur. This Act groups faults into categories of active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive. These classifications are qualified by the conditions that a fault must be shown to be “sufficiently active” and “well defined” by detailed site-specific geologic explorations to determine whether building setbacks should be established. Cities and counties affected by the zones must regulate certain development “projects” within the zones. They must withhold development permits for sites within the zones until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting.

**Seismic Hazards Mapping Act.** The Seismic Hazards Mapping Act (the Act) of 1990 (Pub. Resources Code, Chapter 7.8, Division 2, Sections 2690–2699.) is to reduce the threat to public health and safety and to minimize the loss of life and property by identifying and mitigating seismic hazards. The Act directs the California Department of Conservation, Division of Mines and Geology [now the California Geological Survey (CGS)] to delineate Seismic Hazard Zones or Zones of Required Investigation. Zones of Required Investigation referred to as “Seismic Hazard Zones” in CCR Section 3722, are areas shown on Seismic Hazard Zone Maps where site investigations are required to determine the need for mitigation of potential liquefaction and/or earthquake-induced landslide ground displacements. A geotechnical investigation of the site must be conducted, and appropriate mitigation measures incorporated into the project design before development permits may be granted. Cities, counties, and State agencies are directed to use seismic hazard zone maps developed by CGS in their land-use planning and permitting processes. The Act requires that site-specific geotechnical investigations be performed prior to permitting most urban development projects within seismic hazard zones. However, to date, seismic hazard mapping has not been completed by the State Geologist for the Project area.

**Surface Mining and Reclamation Act.** The Surface Mining and Reclamation Act (SMARA) of 1975 (Pub. Resources Code § 2710 et seq.) mandated the initiation by the State Geologist of mineral land classification to help identify and protect mineral resources in areas within the state subject to irreversible land uses that would preclude mineral extraction. The Act also allowed the State Mining and Geology Board to designate lands containing mineral deposits of regional or statewide significance. Mineral lands are mapped according to jurisdictional boundaries (i.e., counties), mapping all mineral commodities at one time in the area, using the California Mineral Land Classification System. Classification into Mineral Resource Zones is completed by the State Geologist in accordance with the State Mining and Geology Board’s priority list. Classification of these areas is based on geologic and economic factors without regard to existing land use and land ownership.

### 3.8.2.3. Local Laws, Regulations, and Policies

**Riverside County Code of Ordinances.** Title 15 of the Riverside County Code of Ordinances regulates buildings and construction by adopting by reference the CBC, in addition to County-specific amendments which are equal to or more stringent than the provisions of the CBC. The County requires project applicants to obtain a grading permit from the building official prior to conducting grading or clearing of any kind. County Ordinance No.457.98 requires a grading permit for any exploratory excavations consisting of 1,000 cubic yards or greater in any one location of one acre or more. This applies to all trenching, borings, and any access road clearing/construction that may be necessary.

**Riverside County Department of Environmental Health.** The Environmental Health Department oversee Onsite Wastewater Treatment Systems (OWTS) permits, projects, and reviews and approves the plans. To obtain a construction permit for the installation of a new septic system, a building permit is required from the local building and safety agency. A Land Use Application (OWTS Construction Application) must be submitted, along with supporting documentation and fees, at the Downtown Riverside or Indio Office, depending on the location of the project. After submission and evaluation, additional information may be required. Supporting documentation includes:

- A percolation report, including 3 sets of detailed plans, signed by a Professional of Record registered with the Department (individuals or companies listed here are permitted to perform percolation testing in unincorporated Riverside County contracted cities).
- A floor plan, drawn to scale, of the dwellings or structures that the septic system will service.
- Documentation of water service, such as a will-serve letter or water bill. If an existing water well will be used to supply potable water, a well evaluation may be required. If a new well will be constructed, a

Riverside County Environmental Health Permit for construction, reconstruction, or destruction of the well is required throughout the county.

**Riverside County General Plan.** The Multipurpose Open Space Element (MOSE) and the Safety Element of the General Plan provide policies to protect natural resources and open space and to minimize the effects of natural and human-caused hazards to safety in and around unincorporated Riverside County. The MOSE addresses protecting and preserving natural resources, agriculture and open space areas, managing mineral resources, preserving and enhancing cultural resources, and providing recreational opportunities for the citizens of Riverside County. The following policies included in the MOSE are relevant to the proposed Project with respect to conservation and protection of mineral resources (Riverside County, 2015).

- **Policy OS 14.2.** Restrict incompatible land uses within the impact area of existing or potential surface mining areas.
- **Policy OS 14.4.** The County Geologist shall impose conditions as necessary on proposed mining operations projects to minimize or eliminate the potential adverse impact of mining operations on surrounding properties, and environmental resources.

The intent of the Safety Element is to provide policies to reduce death, injuries, property damage, and economic and social impact from seismic and geologic, flood and inundation, fire, hazardous waste, and climate change-related hazards and provide policies for disaster preparedness, response, and recovery. The following policies included in the Safety Element are relevant to the proposed Project with respect to seismic and geologic hazards (Riverside County, 2021a).

- **Policy S 2.2.** Request geological and geotechnical investigations in areas with potential for earthquake-induced liquefaction, landslides, or settlement, for any building proposed for human occupancy and any structure whose damage would cause harm, except for accessory structures/buildings, as determined by County officials. Any studies or surveys should be prepared/completed by a state licensed professional. (AI 81)
- **Policy S 2.3.** Require that a state-licensed professional investigate the potential for liquefaction in areas designated as underlain by “Susceptible Sediments” and “Shallow Groundwater” for all proposed critical facilities, except for accessory buildings. Any studies must be prepared/completed by a state-licensed professional.
- **Policy S 2.6.** Request structures in liquefaction and slope instability hazard zones to mitigate the potential of seismically-induced differential settlement through appropriate techniques as determined by geotechnical studies, including a 100-percent maximum variation of fill depths as warranted.
- **Policy S 2.10.** Identify and request mitigation of on-site slope instability, debris flow, and erosion hazards on lots undergoing substantial improvements, particularly during the entitlement or permitting process.
- **Policy S 2.11.** Request grading plans, environmental assessments, engineering and geologic technical reports, irrigation and landscaping plans, including ecological restoration and revegetation plans, as appropriate, to ensure the adequate demonstration of a project’s ability to mitigate the potential impacts of slope and erosion hazards and loss of native vegetation.
- **Policy S 2.15.** Request geotechnical studies within documented subsidence zones, as well as zones that may be susceptible to subsidence, prior to the issuance of development permits. Within the documented subsidence zones of the Coachella, San Jacinto, and Elsinore Valleys, the studies should address the potential for reactivation of these zones, consider the potential impact on the project, and provide adequate and acceptable mitigation measures.



- **Policy S 2.18.** Request studies that assess the potential of this hazard on proposed development within “High” and “Very High” wind erosion hazard zones and request appropriate mitigation to wind erosion hazards prior to the issuance of development permits.
- **Policy S 2.20.** Request buildings to be designed to resist wind loads as appropriate for their form and location.

**Desert Center Area Plan:** The Project site is located within the area covered by the Desert Center Area Plan (DCAP). The DCAP contains policies that guide the physical development and land uses in this oasis in the unincorporated portion of eastern Riverside County and addresses critical issues facing Desert Center. Policies are included that address land use, agricultural preservation, light pollution, transportation, multipurpose open space and wildlife habitat and local wildland fire, seismic, and geologic slope hazards (Riverside County, 2021b). The DCAP does not include any policies specific to mineral resources. The DCAP includes the following policies specific to geologic and seismic hazards.

- **DCAP 11.1.** Protect life and property from seismic-related incidents through adherence to the policies in the Seismic Hazards and Geologic Hazards section of the General Plan Safety Element.
- **DCAP 12.1.** Protect life and property, and maintain the character of Desert Center, through adherence to the Hillside Development and Slope section of the General Plan Land Use Element, the Rural Mountainous and Open Space land use designations within the General Plan Land Use Element, and the Slope and Soil Instability Hazards section of the General Plan Safety Element.

The proposed Project is consistent with these County policies and would comply with requirements for technical studies identified in the policies.

### 3.8.3. Methodology for Analysis

Evaluation of potential geology-related impacts is based on data and reports from the BLM, County of Riverside, USGS, and CGS. Geotechnical considerations for structures would be in accordance with current applicable building and seismic codes in effect at the time the engineering plans and designs are approved. The Applicant will include the recommendations of the required geotechnical investigation in all final engineering plans and designs. It is assumed that geotechnical considerations for future structures are designed in accordance with applicable requirements of the CBC and the County of Riverside Municipal Code and any applicable building and seismic codes in effect at the time the grading plans are approved. It is also assumed that the Applicant will include a geotechnical engineering review of the Project engineering plans prior to construction. This EIR assesses impacts to soils and geologic hazards based on these considerations.

This EIR assesses impacts of the Project on mineral resources based on the Mineral Resource Zone and BLM, CGS, and County identification of the mineral resources for the area. The EIR assesses the degree to which the Project would reduce the availability of mineral resource areas identified within the Project area.

### 3.8.4. CEQA Significance Criteria

The criteria used to determine the significance of potential geology, soils, and mineral resources impacts are based on Appendix G of the State CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to geology, soils, and mineral resources if the Project would:

- *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving:*
  - *Strong seismic ground shaking (Impact GEO-1);*
  - *Seismic-related ground failure, including liquefaction (Impact GEO-2);*

- *Result in substantial soil erosion or the loss of topsoil (Impact GEO-3);*
- *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (Impact GEO-4);*
- *Be located on expansive soil, as defined in Table 18.1-B of the Uniform Building Code (1994) [Section 1802.3.2 of the California Building Code (2007)], creating substantial direct or indirect risks to life and property (Impact GEO-5);*
- *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Impact GEO-6);*
- *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (Impact MR-1).*

The County of Riverside's Environmental Assessment Form includes additional significance criteria, which were also used in the analysis. Most of the County of Riverside criteria for the issue area of Geology, Soils, and Mineral Resources are identical to the existing CEQA Appendix G criteria for those issue areas, except for several criteria related to topography, unstable soils, sewage disposal systems, and wind erosion that differ in wording, include additional hazards, or are completely new and different criteria. The County criteria that differ from the CEQA criteria would result in a significant impact if the Project would:

- *Be impacted by or result in an increase in wind erosion and blowsand, either on or off site (see Impact GEO-3)*
- *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, collapse, or rockfall hazards (see Impact GEO-4)*
- *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in ground subsidence (see Impact GEO-4).*

The following State CEQA Appendix G significance criteria were found to have no impact and are not analyzed or discussed further beyond these summaries:

- *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving:*
  - *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.*

No known active faults or Alquist-Priolo Earthquake Fault Zones or County of Riverside Fault Study Zones cross or are in the immediate vicinity of the Project. Therefore, there would be no impact related to fault rupture.

- *Landslides*

The Project site is relatively flat to gently sloping with no potential for landslides or seismically induced landslides. Therefore, there would be no potential for loss, injury, or damage due to landslides or seismically induced landslides.

- *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.*

There are no locally important mineral resource recovery sites in the Project area delineated in the County of Riverside General Plan (Riverside County, 2015) or the Desert Center Area Plan (Riverside County, 2021b).

The following criteria from the County of Riverside's Environmental Assessment Form not already included in CEQA Appendix G and discussed above were found to have no impact and are not analyzed or discussed further beyond these summaries:

■ *Be subject to geologic hazards, such as seiche, mudflow, or volcanic hazard?*

The Project site is not located near any large bodies of water and would not be subject to seiche. There are no volcanos in Riverside County and thus the Project would not be subject to volcanic hazards. The Project site is located on and in a relatively flat area and is not near any significant slopes, the soils are primarily sandy to loamy, and thus the Project would not be subject to mudflows.

■ *Change topography or ground surface relief features?*

The proposed Project site is flat to gently sloping and no mass grading would be conducted on the Project site. Mowing, grubbing, grading, and compaction would be conducted for the substation, storage container, operation and maintenance (O&M) facility, laydown yards, pre-fabrication areas, and internal and external roads. Inverter station locations would require only light grubbing. The solar array areas would not be graded, but instead would be mowed and rolled to reduce vegetation height.

■ *Create cut or fill slopes greater than 2:1 or higher than 10 feet?*

No mass grading or cut and fill slopes would occur as part of the Project.

■ *Result in grading that affects or negates subsurface sewage disposal systems?*

No mass grading or cut and fill slopes would occur as part of the Project and therefore there would be no impact related to grading affecting or negating existing subsurface sewage disposal systems.

■ *Potentially expose people or property to hazards from proposed, existing, or abandoned quarries or mines?*

No proposed, existing, or abandoned quarries or mines are located within or near the Project site or along the gen-tie line.

### 3.8.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to geology, soils, and mineral resources. Public concerns expressed during the scoping process involved concerns regarding impacts of ground disturbance and grading changing drainages and washes, erosion due to the removal of stabilized soils and soil crusts, concerns regarding the ability of the soil to support revegetation after the Project's life due to chemical vegetation treatments resulting in sterilization of the soil, and adverse effects on carbon sequestration in desert vegetation and desert soils due to Project grading and soil disturbance.

Project decommissioning impacts would be the same as those described under Project construction.

**Impact GEO-1. The Project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving strong seismic ground shaking.**

**LESS THAN SIGNIFICANT.** Although no known active or potentially active faults underlie the Project area, seismically induced ground shaking due to earthquakes along the active faults in the region could occur. Ground shaking at the site could range from moderate to strong (Terracon, 2018) and could result in

damage to Project structures, including the PV solar panels, inverters/transformers, interior collection lines, BESS, on-site substations, O&M building, and the gen-tie line, which could result in adverse effects if not designed and engineered appropriately.

Potential impacts on the solar facilities and associated structures from ground shaking would be reduced through compliance with applicable regulations and standards, and established engineering practices. Seismic design of the substation would be per the current IEEE 693 “Recommended Practices for Seismic Design of Substations.” The regulatory requirements put in place prior to final Project design and construction would minimize any potential impacts related to secondary seismic effects during operation and maintenance activities. A geotechnical investigation and report would be required and would include recommendations regarding geotechnical and engineering design. Structures would be designed in accordance with the County of Riverside Building Code and the most recent CBC and would be consistent with the recommendations outlined in the geotechnical report to be prepared for the proposed Project. Compliance with existing regulatory requirements and implementation of geotechnical design recommendations in the Project’s final engineering design would reduce impacts of seismically induced ground shaking to a less than significant level.

### **Mitigation Measures for Impact GEO-1**

No mitigation would be required.

### **Significance After Mitigation**

The impact would be less than significant.

**Impact GEO-2. The Project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving seismic-related ground failure, including liquefaction.**

*LESS THAN SIGNIFICANT.* Liquefaction occurs when loose, water-saturated sediments lose strength and fail during strong ground shaking. Liquefaction usually occurs in areas with young, saturated unconsolidated sediments with groundwater levels of 50 feet or less. The Project site is located in seismically active Southern California and may be subject to moderate to strong ground shaking. Although the County of Riverside has mapped the Project area as having moderate susceptibility to liquefaction, the geotechnical evaluations in the Project area indicate that due to soil conditions and groundwater levels in the Project area that are expected to be greater than 70 feet below ground surface resulting in there is a low potential negligible potential for liquefaction (Terracon, 2018 and 2024). Additionally, the solar facilities, gen-tie line, and associated structures would be designed in compliance with applicable regulations and standards, geotechnical recommendations, and established engineering procedures. The impact of seismic-related ground failure, including liquefaction, that would result in substantial adverse effects would be less than significant.

### **Mitigation Measures for Impact GEO-2**

No mitigation would be required.

### **Significance After Mitigation**

The impact would be less than significant.

**Impact GEO-3. Result in substantial soil erosion or the loss of topsoil.**

**LESS THAN SIGNIFICANT WITH MITIGATION.** Since most of the Project site has nearly level to gently sloping topography, no mass grading would be required; however, some areas of the solar site would be impacted by some form of ground disturbance, including mowing, grubbing, minor grading, compaction, and excavation. Some of the areas where facilities and arrays would be located would require light grubbing for leveling and trenching.

Construction would require ground disturbance for construction of the solar arrays, substation, O&M building, septic system, BESS foundations, access roads, gen-tie line towers, and other features. These activities would expose soil and increase the potential for wind and water erosion and also could disturb desert pavement, resulting in the ecological loss of this soil characteristic. Ground disturbance for Project construction could disturb approximately 44 acres of desert pavement on the Project site (or 67% of the total 66 acres of desert pavement mapped on the Project site) that primarily underlies solar arrays. The remaining mapped desert pavement in the Project site is within or near areas of dry desert wash woodland avoidance and would not be disturbed by Project construction. Areas of desert pavement have been previously mapped with the Oberon Project gen-tie ROW where the proposed Easley gen-tie will be consolidated (approximately 8 acres); however, disturbance for the gen-tie towers would be limited to the tower site and these areas will have likely been previously disturbed by Oberon Project construction (IP Oberon LLC, 2021). Although, the areas of mapped desert pavement that underlie the solar arrays would be primarily mowed and grubbed, it is likely that the surface of these areas of desert pavement would be disturbed to some degree during construction activities for the components that overlie the mapped desert pavement. Undisturbed desert pavements have been found to be the lowest emitters of dust in a study of Mojave Desert soil surfaces but when the underlying soils particles are exposed due to mechanical disturbance, the fine soils below desert pavements can become the highest emitters of dust in desert landscapes (Potter, 2016). Disturbed soils and desert pavement can cause or accelerate erosion, the generation of fugitive dust, and increase sediment in stormwater runoff to ephemeral streams and playa lakes, causing increased turbidity and sedimentation.

The increase in erosion due to Project construction would result in a significant impact without mitigation. Mitigation Measure AQ-1 (Fugitive Dust Control Plan) would require a fugitive dust abatement plan that would mitigate the dust emissions during construction by implementing a suite of effective dust control practices, such as using soil stabilizers or watering exposed areas. The Applicant has prepared a Dust Control Plan that includes identification of sources of fugitive dust that are anticipated to occur during construction, identifies Best Available Control Measures (BACMs) implemented during construction to reduce fugitive dust emissions, and identifies contingency control measures implemented if the BACMs are not adequately controlling fugitive dust (see IP Easley, 2023, Appendix U). Mitigation Measure HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]) would ensure proper protection of water quality and soil resources, address exposed soil treatments in the solar fields for both road and non-road surfaces, and identify all monitoring and maintenance activities. Mitigation Measure HWQ-5 (Project Drainage Plan) would require hydrologic assessment of flood discharges and would show how they would be conveyed through or around the site and ensure that erosion does not leave the site and impact adjacent landowners or nearby water features such as ephemeral streams and playas. Mitigation Measure BIO-1 (Biological Monitoring) requires a biological monitoring team oversee activities that impact vegetation and ground disturbing activities. Mitigation Measure BIO-3 (Minimization of Vegetation and Habitat Impacts) would require minimization of soil and vegetation disturbance and impacts to soil and root systems, including management of vegetation height and density. Additionally, MM BIO-5 (Vegetation Resources Management Plan) would require revegetation of disturbed areas, which would reduce the potential for soil erosion in areas of disturbed soils, including areas of disturbed desert pavement, during Project operation. With implementation of the mitigation measures, impacts related to soil erosion would

be less than significant. In addition, the Applicant has committed to preparing a SWPPP (or equivalent document) that would also include BMPs that would reduce potential erosion.

Soils in desert environments and vegetation are involved in carbon sequestration, the long-term storage of carbon dioxide (CO<sub>2</sub>) removed from the atmosphere due to biological activities of plants that ultimately sequester carbon within the soil. The CO<sub>2</sub> released into the soil by the plants may combine with calcium to form calcium carbonate (or caliche) in the soil (Allen and McHughen, 2011). Disturbance of soils and removal of vegetation during Project construction could result in the release of CO<sub>2</sub> into the atmosphere due to damage to carbon sequestering materials. However, the Project does not include any mass grading; only mowing, grubbing, limited grading, and compaction would occur for small areas of the site for the substation, storage containers, BESS, O&M facility, laydown yards, pre-fabrication areas, and internal and external road locations, and Project construction would not remove large swaths of vegetation. Most areas of the Project site would only require mowing and rolling of woody vegetation to a height of 12 inches and woody vegetation in areas that would not impact Project operation would only be partially cut during construction to allow for regrowth. Most areas of important hydrologic functions and areas of dry desert wash woodland would be avoided by Project design. Implementation of Mitigation Measure BIO-3 would require minimization of soil and vegetation disturbance which would further reduce the potential for disturbance of carbon sequestering soils during Project construction. Therefore, soils sequestering carbon would not be substantially disturbed and would thus not release large quantities of CO<sub>2</sub> to the environment. Additionally, implementation of MM BIO-5 (Vegetation Resources Management Plan) would require revegetation of disturbed areas which would reduce the potential for carbon loss to the atmosphere during Project operation. Due to Project design and implementation of the mitigation measure, impacts related to damage to carbon sequestering materials and release of CO<sub>2</sub> into the atmosphere would be less than significant.

Operation and maintenance activities would include daily operations and routine maintenance activities, such as PV panel washing, up to four times per year, to optimize output. Cleaning operations would not alter the drainage patterns on site and would not lead to a substantial increase in erosion or loss of topsoil. No heavy equipment use is anticipated during normal operation activities. Roads would be reconditioned approximately once per year to repair erosion or destabilization. Operation and maintenance vehicles could include trucks (pickup and flatbed) and loaders for routine and unscheduled maintenance and water trucks for solar panel washing. During O&M activities, vehicles would be limited to use existing roads and travel paths roads and would not result in additional ground disturbance. Mitigation Measure AQ-1 (Fugitive Dust Control Plan) restricts vehicular access during O&M to desert established unpaved travel paths and ensure the paths remain stabilized and Mitigation Measure HWQ-5 (Project Drainage Plan) requires a Project Drainage Plan that shows how water would traverse the Project without altering drainage patterns and leading to erosion or loss of topsoil. With implementation of the mitigation measures, impacts related to soil erosion during Project operation and maintenance would be less than significant.

At the end of the Project's operation, the solar modules, gen-tie line, and all other improvements would be dismantled and removed from the site. Impacts to soil erosion would be similar to those under construction and similar mitigation would be required to reduce erosion to less than significant.

The Project does not include any sand transport or migration zones so would not result in a loss of sand transport from development of a solar project. The minor washes that pass through the Project site are located more than a mile southwest of the SMZ and are not mapped as eolian sand sources; however, fluvial sand transport across the Project site likely carries sand downslope toward Big Wash and Pinto Wash, which are both mapped as eolian sand sources (Kenney, 2017). Construction of a solar project on this site may result in a slight reduction of the sand source and sand transport; however, large portions of the Project area along the washes would not be developed to avoid direct impacts to desert dry wash woodland and the Project would be designed to allow water to flow through the Project site. Therefore,

the Project would continue to allow sand and stabilizing moisture to reach their destination. Impacts would be less than significant.

### Mitigation Measures for Impact GEO-3

- MM AQ-1**      **Fugitive Dust Control Plan.** See full text in Section 3.4 (Air Quality).
- MM BIO-1**      **Biological Monitoring.** See full text in Section 3.5 (Biological Resources).
- MM BIO-3**      **Minimization of Vegetation and Habitat Impacts.** See full text in Section 3.5 (Biological Resources).
- MM BIO-5**      **Vegetation Resources Management Plan.** See full text in Section 3.5 (Biological Resources).
- MM HWQ-1**      **Drainage Erosion and Sedimentation Control Plan [DESCP].** See full text in Section 3.11 (Hydrology and Water Quality).
- MM HWQ-5**      **Project Drainage Plan.** See full text in Section 3.11 (Hydrology and Water Quality).

### Significance After Mitigation

The impact would be less than significant.

**Impact GEO-4. The Project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.**

**LESS THAN SIGNIFICANT.** The Project site is in an area that has no landslide, lateral spreading, or rockfall hazard due to the flat to gentle slope and a low liquefaction potential as discussed above. The site is in an area mapped as susceptible to subsidence by the County (Riverside County, 2019). Regional ground subsidence is typically caused by petroleum or groundwater withdrawal, and documented historic subsidence has occurred in Riverside County in the areas of Temecula, Murrieta, San Jacinto Valley, and Coachella Valley due to increased groundwater pumping for agricultural and increased urbanization (Riverside County, 2016). However, there are no areas of documented current or historic subsidence in or near to the Project area (Riverside County, 2019; USGS, 2023b). During the 1980s and 1990s when regional groundwater extraction was at its historic maximum in the area, no localized or regional subsidence was documented. No petroleum or natural gas withdrawals are taking place in or near the Project area. Therefore, the potential for local or regional ground subsidence resulting from petroleum, natural gas, or groundwater extraction is considered to be very low and not significant. Given the geologic setting of the region, the Project site is unlikely to become unstable as a result subsidence caused by the Project and result in collapse. The impact would be less than significant.

Overall, the Project area has a low risk of becoming unstable and resulting in geologic impacts. The solar facilities and associated structures would be designed in compliance with all applicable federal, state, and local regulations and standards, and established engineering procedures. A geotechnical investigation and report would be required and would include recommendations regarding geotechnical and engineering design. Compliance with existing regulatory requirements and implementation of the geotechnical recommendations of the required geotechnical investigation and report in Project design would reduce impacts related to unstable geologic units or soil to less than significant.

### Mitigation Measures for Impact GEO-4

No mitigation would be required.

**Significance After Mitigation**

The impact would be less than significant.

**Impact GEO-5. The Project would be located on expansive soil creating substantial direct or indirect risks to life and property.**

*LESS THAN SIGNIFICANT.* Expansive soils are characterized by their ability to undergo significant volume change (shrink and swell) due to variation in soil moisture content. Changes in soil moisture could result from several factors, including rainfall, landscape irrigation, utility leakage, and/or perched groundwater. Expansive soils are typically very fine grained with a high to very high percentage of clay. Soils with moderate to high shrink-swell potential would be classified as expansive soils. The soils in the Project area contain high percentages of sand and have a low to no potential to be expansive. Therefore, the potential for expansive soils to create direct or indirect risks to life or property are less than significant.

**Mitigation Measures for Impact GEO-5**

No mitigation would be required.

**Significance After Mitigation**

The impact would be less than significant.

**Impact GEO-6. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.**

*LESS THAN SIGNIFICANT.* Construction and decommissioning would require several hundred temporary employees. During construction, restroom facilities would be provided by portable units to be serviced by licensed providers and no permanent wastewater disposal system would be needed.

During operations, restroom facilities would be located adjacent to the O&M building for on-site personnel. A self-contained septic system or a septic system and leach field would be used. The septic system, and leach field if required, would be in the vicinity of the O&M building to serve the sanitary wastewater treatment needs. Soils in the Project area are somewhat excessively drained and contain high percentages of sand. Percolation testing and design of the septic system would be conducted to meet applicable County septic system requirements. The impact would be less than significant.

**Mitigation Measures for Impact GEO-6**

No mitigation would be required.

**Significance After Mitigation**

The impact would be less than significant.

**Impact MR-1. The Project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.**

*LESS THAN SIGNIFICANT.* No known mineral sites or mines are located on the Project site, and it is not under a claim, lease, or permit for the production of locatable, leasable, or saleable mineral or mineral materials. The site is located within MRZ 4, where there is not enough information available to determine the presence or absence of mineral deposits. As such, the Project would not result in the loss of availability of a known mineral resource of value to the region or residents of the state.



Construction and operation of the proposed Project would restrict mineral exploration on this land for the life of the Project, but it would not change the mineral content of the area. The Project site is underlain by alluvial materials that may contain aggregate resources; however, use of the site as a solar PV energy facility would not appreciably reduce or restrict the availability of aggregate resources from outside the Project site. Any potential on-site aggregate resources would become available again following decommissioning of the Project. The use of the Project site would result in a less-than-significant impact on known mineral resources.

### **Mitigation Measures for Impact MR-1**

No mitigation would be required.

### **Significance After Mitigation**

The impact would be less than significant.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

## **3.8.6. Cumulative Impacts**

### **Geographic Scope**

The geographic extent for the consideration of cumulative effects to geologic, soils, and mineral resources is the Project footprint and a 1,000-foot buffer around the Project. The buffer size corresponds with impacts resulting from geologic hazards being localized in nature, despite geologic hazards, such as seismic events, being felt for great distances. Impacts resulting from erosion are also localized in nature and unlikely to extend much beyond the actual Project's boundaries and adjacent areas of other projects unless an extreme event results in substantial downstream/downwind erosion for soil.

Tables 3.1-1 and 3.1-2 list existing and reasonably foreseeable projects in the region. The existing Desert Sunlight and Desert Harvest Solar Projects are north of the proposed Project, the Oberon Renewable Energy Project is to the southeast, and the Athos Renewable Energy Project is located to the east. Under-construction solar projects near the proposed Project include ~~the Oberon Renewable Energy Project to the southeast~~ and the Arica and Victory Pass Solar Projects to the southeast. The proposed Sapphire Solar Project is adjacent to the northern area of the Easley Project and the Skybridge Project is located farther north by the Desert Sunlight Solar Farm. The work associated with SCE's line rating increases is not yet known, but construction activities may occur in the vicinity of the Red Bluff Substation. The Athos Renewable Energy Project, the Oberon Renewable Energy Project, the Sapphire Solar Project, and the Desert Harvest Solar Project would be adjacent to the Project site, with several gen-tie lines partially co-located in the Oberon ROW.

These projects could therefore combine with the proposed Project and result in a cumulatively considerable geologic or erosion impacts.

### **Cumulative Impact Analysis**

The Project would have no impact related to fault rupture, landslides, seismically induced landslides, or locally important mineral resource recovery sites; therefore, it could not contribute to cumulative impacts for these issue areas. Geologic hazards would be site-specific impacts for the Project and each of the past, present, and reasonably foreseeable development projects in the cumulative analysis study area. While the geologic and seismic hazards could impact the Project infrastructure, it would be unlikely to be damaged or destroyed in a manner that would combine with the geologic and seismic impacts to the adjacent project and cause injury to a nearby person. As such, the geologic and seismic impacts would not

combine to result in a cumulatively significant geologic impact and the Project's contribution to such impacts would not be cumulatively considerable.

With respect to soil resources and the potential for erosion and loss of topsoil, impacts to soil erosion triggered by Project construction and operation could combine with the effects of construction and operation of other projects if they were adjacent to each other; for example, if they contributed sediments to the same waterways. The proposed Project is adjacent to two large solar projects that would require substantial ground disturbance, the Oberon Renewable Energy Project (operational) and the Sapphire Solar Project (proposed). While each project's soil disturbance could result in off-site water and wind erosion, the Oberon and Sapphire Projects have or would also undergo an environmental review under NEPA and CEQA and would be required to abide by existing regulations and Applicant commitments such that they would have a DESCP, Drainage Plan, and SWPPP, and plans to stabilize and/or revegetate disturbed areas that that would reduce wind and water erosion and minimize its potential to leave its project site. ~~Additionally, construction of the Oberon Project is expected to be~~ has been completed prior to the start of construction of the Easley Project. Additionally, the Easley Project would be subject to the same regulations, have a SWPPP (or equivalent plan), and have similar mitigation measures requirements for dust control, minimization of vegetation and soil disturbance, revegetation of disturbed areas, a DESCP, and a Drainage Plan (MM AQ-1, MM BIO-1, MM BIO-3, MM BIO-5, MM HWQ-1, and MM HWQ-5, respectively) to reduce wind and water erosion and prevent soil from leaving the site. Because wind and water erosion of disturbed soil would be minimized by implementation of plans required by regulations and mitigation measures, it would not combine with the potential erosion from nearby projects ~~and would not combine~~ to create a cumulatively significant impact due to erosion. These same plans, regulations, and measures would ensure that the proposed Project's contribution to erosion would not be cumulatively considerable.

#### **Mitigation Measures for Cumulative Impacts**

Mitigation Measures MM AQ-1, MM BIO-1, MM BIO-3, MM BIO-5, MM HWQ-1, and MM HWQ-5 would be implemented to address potential geology, soils, and mineral resources impacts for the proposed Project and alternatives. No additional mitigation is required.

#### **Significance After Mitigation**

The impact Cumulative impacts would be less than significant and the Project's contribution to those impacts would not be cumulatively considerable.

### **3.8.7. Mitigation Measures**

- MM AQ-1**      **Fugitive Dust Control Plan.** See full text in Section 3.4 (Air Quality).
- MM BIO-1**      **Biological Monitoring.** See full text in Section 3.5 (Biological Resources).
- MM BIO-3**      **Minimization of Vegetation and Habitat Impacts.** See full text in Section 3.5 (Biological Resources).
- MM BIO-5**      **Vegetation Resources Management Plan.** See full text in Section 3.5 (Biological Resources).
- MM HWQ-1**      **Drainage Erosion and Sedimentation Control Plan [DESCP].** See full text in Section 3.11 (Hydrology and Water Quality).
- MM HWQ-5**      **Project Drainage Plan.** See full text in Section 3.11 (Hydrology and Water Quality).

## 3.9. Greenhouse Gas Emissions

This section describes the environmental setting and regulatory framework with respect to greenhouse gas (GHG) emissions for the proposed Project, including applicable plans, policies, and regulations. The analysis describes the Project's potential GHG emissions during construction and operation, as well as the Project's consistency with state or local plans adopted for the purpose of reducing GHG emissions. This section includes an estimate of the electricity produced from renewable energy resources that would displace the production of electricity from conventional (fossil-fueled) resources. An impact analysis and comparison of project alternatives is included in Section 5.

### 3.9.1. Environmental Setting

The global climate depends on the presence of naturally occurring GHG to provide what is commonly known as the "greenhouse effect" that allows heat radiated from the Earth's surface to warm the atmosphere. The greenhouse effect is driven mainly by water vapor, aerosols, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and other constituents. Globally, the presence of GHG affects temperatures, precipitation, sea levels, ocean currents, wind patterns, and storm activity.

Human activity directly contributes to emissions of six primary anthropogenic GHGs: CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). The standard definition of anthropogenic GHG includes these six substances under the 1997 Kyoto Protocol (UNFCCC, 1998). The most important and widely occurring anthropogenic GHG is CO<sub>2</sub>, primarily from the use of fossil fuels as a source of energy.

**Effects of GHG Emissions.** Changing temperatures, precipitation, sea levels, ocean currents, wind patterns, and storm activity provide indicators and evidence of the effects of climate change. From 1950 onward, relatively comprehensive data sets of observations are available. Research by California's OEHHA documents climate change indicators by categorizing the effects as: changes in California's climate; impacts to physical systems including oceans, lakes, rivers, and snowpack; and impacts to biological systems including humans, vegetation, and wildlife. The primary observed changes in California's climate include increased annual average air temperatures, more-frequent extremely hot days and nights, and increased severity of drought. Impacts to physical systems affected by warming temperatures and changing precipitation patterns show decreasing snowmelt runoff, shrinking glaciers, and rising sea levels. Impacts to terrestrial, marine, and freshwater biological systems, with resulting changes in habitat, agriculture, and food supply are occurring in conjunction with the potential to impact human well-being (OEHHA, 2018).

**California GHG Emissions Trends.** California first formalized a strategy to achieve GHG reductions in 2008, when California produced approximately 479 million metric tons of CO<sub>2</sub> equivalent (MMTCO<sub>2</sub>e) according to the official Air Resources Board inventory (CARB, 2022a). The State's economy-wide emissions have been declining in recent years. California's sources of GHG emitted approximately 369 MMTCO<sub>2</sub>e in 2020 (CARB, 2022a), which is less than ten percent of the U.S. total GHG emissions. The electric power sector emissions were 59.5 MMTCO<sub>2</sub>e in 2020 from a combination of in-state generation and electricity imported to California (CARB, 2022a).

### 3.9.2. Regulatory Framework

#### 3.9.2.1. Federal Laws, Regulations, and Policies

**U.S. EPA GHG Mandatory Reporting Program (40 CFR Part 98).** This rule requires mandatory reporting of GHG emissions for industrial facilities and power plants that emit more than 25,000 MTCO<sub>2</sub>e per year. The reporting program (40 CFR Part 98.300, Subpart DD) applies to electric and transmission distribution

equipment that use high GWP gases, including SF<sub>6</sub>, for insulation. Currently, there are no federal regulations limiting GHG emissions from the types of sources that would occur with the proposed Project. The circuit breakers and gas switches related to electric power transmission and distribution may be sources of GHG subject to reporting due to the leakage of SF<sub>6</sub>.

### 3.9.2.2. State Laws, Regulations, and Policies

**California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)].** The California Global Warming Solutions Act of 2006 (AB 32) required that California's GHG emissions be reduced to 1990 levels by 2020. The reduction is being accomplished through an enforceable statewide cap on global warming emissions beginning in 2012. AB 32 directs the California Air Resources Board (CARB) to develop regulations and a mandatory reporting system to track and monitor global warming emissions levels (AB 32, Chapter 488, Statutes of 2006). AB 32 requires CARB to update the Scoping Plan at least every 5 years. Accordingly, CARB released a 2022 Scoping Plan Update in November 2022 (CARB, 2022b), which outlines a roadmap to achieve carbon neutrality by 2045.

In passing AB 32, the California Legislature found that:

*Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.*

Other major Executive Orders, legislation, and regulations adopted for the purpose of reducing GHG emissions support the implementation of AB 32 and California's climate goals, as described below.

**California Governor's Executive Orders on GHG Emissions.** In September 2018, Executive Order B-55-18 established a new statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. CARB was directed to develop the framework for implementing the goal of carbon neutrality. Executive Order B-30-15 (April 2015) established a California GHG reduction target of 40 percent below 1990 levels by 2030. One purpose of this interim target is to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050 (Executive Order S-3-05, June 2005). This executive order also specifically addresses the need for climate adaptation and directs State agencies to update the California Climate Adaptation Strategy to identify how climate change will affect California infrastructure and industry and what actions the State can take to reduce the risks posed by climate change. Senate Bill 32 (SB 32) of 2016 codified this GHG emissions target to 40 percent below the 1990 level by 2030.

**California Renewables Portfolio Standard (RPS) Program.** Electric utilities in California must procure a minimum quantity of the sales from eligible renewable energy resources as specified by RPS requirements. To integrate renewable generators on the grid, optimize the delivery of growing amounts of renewable energy production, and facilitate achieving the targeted GHG reductions, the California legislature has also authorized energy agencies to establish energy storage procurement targets.

The Clean Energy and Pollution Reduction Act of 2015 [Senate Bill 350 (SB 350)] established California's state policy objectives on long-term energy planning and procurement as signed into law on October 7, 2015. The 100 Percent Clean Energy Act of 2018 [Senate Bill 100 (SB 100)] revised the RPS targets to establish the policy that eligible renewable energy resources and zero-carbon resources supply 100

percent of retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. With SB 350 and SB 100, California's objectives include:

- To set the RPS for the procurement of California's electricity from renewable sources at 33 percent by 2020, 50 percent by 2026, and 60 percent by 2030;
- To plan for 100 percent of total retail sales of electricity in California to come from eligible renewable energy resources and zero-carbon resources by December 31, 2045; and
- To double the energy efficiency savings in electricity and natural gas end uses by retail customers by 2030.

**Cap-and-Trade Program (17 CCR 95801 to 96022).** The California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation (Cap-and-Trade Program) was initially approved by CARB in 2011. The Cap-and-Trade Program applies to covered entities that fall within certain source categories, including suppliers of transportation fuels, retail providers of electricity, and operators of electricity generating facilities. The program is triggered when facility emissions exceed 25,000 metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2</sub>e) in a year. The covered entities must hold compliance instruments sufficient to cover the actual GHG emissions, as evidenced through CARB's Mandatory Reporting Regulation requirements. This means that transportation fuel suppliers bear the GHG compliance obligation in the Cap-and-Trade Program for the GHG emissions from motor vehicle and off-road equipment fuels used by construction workforces and crews. No specific reporting requirements apply to electric power generation from solar resources.

**Emission Reductions of SF<sub>6</sub> from Gas Insulated Equipment (17 CCR 95350 to 95359).** Electric power gas insulated equipment and switchgear used in transmission and distribution systems are subject to this regulation for reducing or phasing-out SF<sub>6</sub> emissions and leaks. The regulation, initially adopted by CARB in 2010 and amended in 2022, requires owners of such gas-insulated equipment or switchgear to phase out use of SF<sub>6</sub>, maintain records and inventories of their gas-insulated equipment and capacities, and report CO<sub>2</sub>e emissions to demonstrate compliance with annual limits set by the rule.

**California Governor's Office of Planning and Research, Guidelines on GHG (SB 97).** The California Natural Resources Agency originally adopted amendments to the State CEQA Guidelines for reviewing the topic of GHG emissions to implement the California Legislature's directive in Public Resources Code Section 21083.05 [enacted as part of Senate Bill 97 (Chapter 185, Statutes, 2007)]. With the amendments that became effective in March 2010, the Natural Resources Agency developed a Final Statement of Reasons that guides the scope of GHG analyses for CEQA documents and addresses the subject of life-cycle analysis.

Life-cycle analysis (i.e., assessing economy-wide GHG emissions from the processes in manufacturing and transporting all raw materials used in developing a given project and infrastructure) depends on emission factors or econometric factors that are not well established for all processes. The basis of State CEQA Guidelines set forth by the Natural Resources Agency indicate that a full life-cycle analysis would be beyond the scope of a given CEQA document because of a lack of consensus guidance on life-cycle analysis methodologies.

### 3.9.2.3. Local Laws, Regulations, and Policies

**County of Riverside Climate Action Plan (CAP).** The County published a Climate Action Plan Update, in November 2019, to present the current GHG inventory, forecasts and targets for the County of Riverside. The CAP includes GHG inventories of community-wide and municipal sources based on the data available for the year 2017. The County's 2017 inventory amounted to 4.9 MMTCO<sub>2</sub>e for activities within the unincorporated communities served by the County of Riverside, as well as County government operations (Riverside County, 2015 and 2019).

The 2019 Climate Action Plan Update identifies various policies to promote renewable energy as a means of achieving GHG emissions reductions. The County General Plan includes one policy directly relevant to the proposed Project:

- **Policy AQ 20.19.** Facilitate development and siting of renewable energy facilities and transmission lines in appropriate locations (AI 147).

The Project, a solar generation and energy storage facility, is consistent with this policy.

### 3.9.3. Methodology for Analysis

All construction- and operation-related emissions are quantified based on the best available forecast of Project activities. The emissions estimates are derived from use of the California Emissions Estimator Model (CalEEMod), version 2020.4.0, software developed by California Air Pollution Control Officers Association (CAPCOA).<sup>23</sup> The Easley Renewable Energy Project EIR Appendix J, Greenhouse Gas Emissions Report, September 2023, provides details on the construction and operational assumptions for the proposed Project and resulting quantities of GHG emissions used in this analysis.

This analysis includes an estimate of GHG emissions avoided by the ability of the proposed solar facility to produce electricity from renewable resources. To determine the potential GHG avoided, the overall annual energy production volume is estimated, without considering energy storage. The amount of energy produced for the grid is assumed to displace the use of California's flexible natural gas-fired resources or electricity otherwise imported to California. The calculation considers that solar production without storage occurs during mid-day hours when California's demand for grid power is off-peak; however, the storage component would allow the solar facility to shift delivery to peak demand hours, when higher-emitting fuel-burning resources could be displaced.

The overall quantities of direct and indirect GHG emissions are compared against the CEQA threshold of significance for GHG emissions recommended by the California local air quality management district, in this case the SCAQMD.

### 3.9.4. CEQA Significance Criteria

The criteria used to determine the significance of potential environmental impacts of GHG emissions are based on Appendix G of the CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to GHG emissions if the Project would:

- *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*
- *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

The threshold of significance for GHG emissions from industrial facilities in the SCAQMD is 10,000 MTCO<sub>2</sub>e per year (SCAQMD 2023). Project-related GHG emissions would be considered to have a significant impact on the environment if total Project emissions (direct and indirect effects) would exceed this threshold. Construction-phase GHG emissions arising from short-term activities may be amortized over the longer-term life of the Project, defined as 30 years, and added to the operational emissions for comparison with the threshold (SCAQMD 2008).

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<sup>23</sup> Use of desktop version 2020.4.0 of CalEEMod is allowed based on the project 2022 application filing date; the initial online version of the CalEEMod software was launched in December 2022 (2022.1.1.3).

### 3.9.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed public concerns related to the topic of global climate change in the desert ecosystem and dry spells. Public concerns address the use of water and temperatures of the region. As part of the effort to address scoping comments and disclose indirect GHG emissions, this analysis includes quantification of GHG emissions attributable to energy consumed for the purposes of delivering the water supply. The “Heat Island Effect” is discussed in Section 3.5 (Biological Resources).

Scoping comments also identify concerns about the production of the solar panels that could be used for the Project, and the potential carbon footprint (for example, emissions created by manufacturing and transporting) of imported or foreign-produced solar panels. Following the changes in the CEQA Guidelines established in response to SB 97, the California Natural Resources Agency indicated that full life-cycle analysis is beyond the scope of a CEQA document for a given project.

**Impact GHG-1. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**LESS THAN SIGNIFICANT.** The Project would directly and indirectly generate GHG emissions due to construction activities and during operation. Operation of the solar generating station would produce electricity from renewable energy resources that would displace the need to produce electricity from conventional (fossil-fueled) resources. Separate discussions appear for the different effects on GHG emissions: those caused by development activities including construction and operations with maintenance and inspection; the effects of land use conversion; and indirect GHG emissions reductions due to the electricity produced from renewable energy.

**Emissions from Development Activities: Construction, Operations, and Decommissioning.** Construction, operations, and eventual decommissioning activities would cause GHG emissions resulting from fossil-fuel combustion in the engines of construction equipment and the vehicles carrying construction materials and workers to and from the site. Diesel fuel or gasoline is used in mobilizing the heavy-duty construction equipment, site development and preparation, facility construction, and roadway construction, and eventual decommissioning. Decommissioning activities would create a temporary phase of emissions similar to those of construction after the end of the Project’s useful life of 30 to 50 years, per an agency-approved Closure and Decommissioning Plan.

Equipment and vehicle use over the duration of construction would amount to 11,222 MTCO<sub>2</sub>e of GHG emissions during the construction years. Energy consumed during the extraction and delivery of the construction water supply would add 756 MTCO<sub>2</sub>e to the one-time construction emissions. The sum of emissions from these one-time construction activities would be 11,978 MTCO<sub>2</sub>e. (Refer to EIR Appendix J, Easley Renewable Energy Project, Greenhouse Gas Emissions Analysis, September 2023, Attachment A for emissions inventory results, and Attachment B for CalEEMod Output.)

The effects of short-term construction GHG emissions may be averaged over a 30-year life of the Project when comparing to the annual significance threshold, as recommended by SCAQMD (SCAQMD 2008). The overall construction GHG emissions amortized over 30 years would be equivalent to an annualized rate of 399 MTCO<sub>2</sub>e/year. This would be the sum of 374 MTCO<sub>2</sub>e/year from equipment, vehicles, and helicopters plus 25 MTCO<sub>2</sub>e/year for the use of water during construction when considered over 30 years. During the operational life of the Project, direct on-site O&M activities would contribute an additional amount of 559 MTCO<sub>2</sub>e/year. These annually recurring GHG emissions from development activities are shown in Table 3.9-1.

**Table 3.9-1. Easley Project: GHG Emissions**

<b>Activity</b>	<b>One-Time During Construction (MTCO<sub>2</sub>e)</b>	<b>30-year Amortized Emissions (MTCO<sub>2</sub>e per year)</b>	<b>Easley Project GHG Emissions (MTCO<sub>2</sub>e per year)</b>
Construction Equipment and Vehicles, Year 1: One-Time and 30-year Amortized	4,072	136	—
Construction Equipment and Vehicles, Year 2: One-Time and 30-year Amortized	7,069	236	—
Construction Helicopter Activity, Year 2: One-Time and 30-year Amortized	81	3	—
Construction Water Use, Year 1-2: One-Time and 30-year Amortized	756	25	—
<b>Total, Construction: One-Time and 30-year Amortized</b>	<b>11,978</b>	<b>399</b>	<b>399</b>
Operation and Maintenance	—	—	559
Effects of Land Use Conversion	—	—	16,098
Emissions Avoided by Producing Electricity	—	—	-333,686
<b>Total GHG Emissions, Construction and Operations</b>			<b>-316,630</b>

Source: EIR Appendix J.

**Effects of Land Use Conversion.** Installation of the Project would result in ground disturbance that would disturb soils and remove some vegetation that naturally provide carbon uptake. Converting a portion of the existing land would eliminate the natural sequestration of carbon because the existing soil and vegetation acts as a sink by removing CO<sub>2</sub> from the atmosphere. Ground disturbance and vegetation removal during construction accordingly adds to the GHG impact because a portion of the soils and vegetation onsite would no longer be present to sequester CO<sub>2</sub>. The loss of carbon uptake depends on what fraction of natural vegetation on the site would be cleared for permanent installation of foundations, roads, or other onsite facilities, and on efforts to minimize soil erosion or protect existing ground cover to minimize the loss of carbon uptake. The actual amount of this loss is uncertain because ~~it would depend on the particular characteristics of the site, and~~ the available data on rates of sequestration by vegetation and soils are approximations and depend on the particular characteristics of the natural vegetation and soils of each site. The loss of natural carbon uptake at the Project site would not be expected to exceed 4.31 MTCO<sub>2</sub>e per year per acre; absent a reliable factor for the site setting, this factor is a proxy based on removing the natural sequestration capability of grassland (published in Appendix A of the CalEEMod User's Guide; CAPCOA 2021). At this rate, the permanent conversion of up to 3,735 acres, due to vegetation removal within the solar and BESS facility site, compacted soils for access roads, and impervious areas for equipment at the site, would result in 16,098 MTCO<sub>2</sub>e per year of sequestration capability being lost. This estimate is conservatively high because the result assumes all aboveground vegetation and soil carbon accumulation potential for the site would be entirely removed. Construction strategies such as restoring portions of the site to pre-project conditions, controlling fugitive dust, and minimizing impacts to vegetation, habitat and soil erosion contribute to preserving some of the natural carbon storage process for effective carbon sequestration.

**Emissions Avoided by Producing Electricity.** The production of renewable power would displace power produced by carbon-based fuels that would otherwise be used to meet electricity demand. The power displaced is incremental power provided by generators elsewhere on the grid, typically from natural gas power plants.



The Project would produce up to about 840,000 megawatt-hours (MWh) of electricity each year for delivery to California's end-users. Some of the electricity produced would displace fuel-burning by California's flexible natural gas-fired resources or electricity otherwise imported to California. This would avoid GHG that could otherwise be emitted by fuel-burning generators. The rate of GHG emissions displacement would vary with the mix of generators and imported electricity displaced, with the least efficient and highest-emitting generators normally being turned down to accommodate the additional renewable generation; in California, there is a single dominant dispatchable fuel (natural gas) (CEC 2019; CPUC 2022). To estimate the emissions avoided by solar production, this analysis assumes that the BESS component would dispatch its stored energy after the solar output decreases for the day. Because natural gas provides most of the flexible capacity, this analysis uses an avoided emissions displacement factor of approximately 0.373 MT of CO<sub>2</sub> per MWh, which is a conservatively low emission factor for efficient, conventional generation using natural gas, combined cycle generators (CEC 2019). (Refer to EIR Appendix J, Easley Renewable Energy Project, Greenhouse Gas Emissions Analysis, September 2023, Attachment C for details on the avoided GHG emissions results.)

The proposed energy storage component would allow the solar facilities to shift the solar output to the grid-wide system during peak (evening) hours when the solar production has the most benefits (or is most valuable in deferring use of natural gas elsewhere). While the solar PV component of the Project would provide power to the grid during daylight hours, the BESS component allows that power to be stored and discharged during high demand periods. The battery system would be charged fully during the cheapest CAISO generation hours (i.e., during middle of the day when solar generation is highest and power prices are lowest across the grid, commonly referred to as the belly of the duck). Energy from the BESS would then be dispatched during the evening ramp after the sun goes down and power prices peak as natural gas-fired power plants must be dispatched rapidly to meet evening demand. The BESS is expected to be both charged and discharged fully each day. Applying the factor of 0.373 MTCO<sub>2</sub>/MWh for displacement of efficient, conventional generation using natural gas, as published by the California Energy Commission (CEC 2019), operation of the BESS as articulated above would result in the avoidance of 333,686 MTCO<sub>2</sub>/year for the 650 MW BESS.

The combined direct and indirect effects of the emissions quantified in Table 3.9-1 indicates that a net GHG reduction would occur as a result of implementing the Project, by avoiding around 316,630 MTCO<sub>2</sub>e annually. This impact would be less than significant, and no mitigation is required.

### Mitigation Measures for Impact GHG-1

No mitigation would be required.

### Significance After Mitigation

This impact would be less than significant.

### Impact GHG-2. Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

**LESS THAN SIGNIFICANT.** The Project would produce electricity in a manner that improves California's ability to supply renewable energy to end-use customers and to achieve statewide renewable energy goals. Electricity from the solar generating station would be used to serve the needs of California's customers and would facilitate compliance with California's Renewables Portfolio Standard (RPS).

The renewable energy targets in the RPS support California's overall approach to achieving GHG reduction goals. The California Global Warming Solutions Act of 2006 (AB 32) and Senate Bill 32 (SB 32) of 2016

codified the GHG emissions target to 40 percent below the 1990 level by 2030. Subsequently, California's Clean Energy and Pollution Reduction Act of 2015 [Senate Bill 350 (SB 350)], SB 350 set ambitious 2030 targets for energy efficiency and renewable electricity, among other actions aimed at reducing GHG emissions across the energy and transportation sectors. SB 350 also enhances the state's ability to meet its long-term climate goal of reducing GHG emissions to 80 percent below 1990 levels by 2050. The current RPS was signed into law in September 2018 with Senate Bill 100 (SB 100), which established the goals of 50 percent renewable energy resources by 2026 and 60 percent renewable energy resources by 2030. SB 100 also sets a target for California to achieve a GHG-free energy supply by December 31, 2045.

The strategy for achieving the GHG reductions is set forth by the ARB Climate Change Scoping Plan. Overall, the electricity produced by the Project would contribute to continuing GHG reductions in California's power supply. Because the Project would use renewable energy resources to produce electricity, the avoided GHG emissions would be consistent with and would not conflict with the California's GHG emissions reduction targets and the Climate Change Scoping Plan that relies on achieving the RPS targets. Additionally, the Project would be consistent with County of Riverside policy direction on promoting renewable energy, as in the 2019 Climate Action Plan Update, and to facilitate development and siting of renewable energy facilities and transmission lines in appropriate locations (Policy AQ 20.19).

Other activities related to construction, operation, and decommissioning of the Project would either be exempt from or would be required to comply with ARB rules and regulations to reduce GHG emissions and would cause no other potential conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

As the total GHG emissions generated during construction, operation, and decommissioning of the Project would be considerably less than the GHG emissions avoided, the solar power plant would lead to a net reduction in GHG emissions across the State's electricity system, which would contribute to meeting the State's GHG reduction goals under AB 32 and subsequent targets for 2030 and beyond. The Project would not conflict with any applicable GHG management plan, policy, or regulation. This impact would be less than significant, and no mitigation is required.

### **Mitigation Measures for Impact GHG-2**

No mitigation would be required.

### **Significance After Mitigation**

This impact would be less than significant.

***\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\****

## **3.9.6. Cumulative Impacts**

### **Geographic Scope**

This impact assessment describes impacts of the proposed Project of contributing towards global climate change through GHG emissions. Because the direct environmental effect of GHG emissions is to influence global climate change, GHG emissions are by their nature inherently a cumulative concern with a cumulatively global scope. Therefore, the geographic extent of the Project's cumulative area of impact would be worldwide.

### Cumulative Impact Analysis

~~No single project could, by itself, result in a substantial change in the global climate. As the project-specific analysis for this proposed Project analyses cumulative global impacts, there is no separate cumulative impacts analysis for global climate change. The main contribution of GHG emissions from the Project would be from construction equipment usage during the construction phase and motor vehicles trips by employees and maintenance vehicles during Project operations. The Project's emissions would, therefore, contribute to the increase in emissions in the transportation sector. Construction emissions would be finite and temporary and would cease at the end of construction activities.~~

~~Although the Project would result in a short-term contribution to cumulative GHG emissions in California, operation of the Project would offset emissions from the electricity generation sector. Therefore, the total GHG construction emissions that would be associated with the Project would be offset by Project operations. Overall, the Project would not contribute to cumulative GHG emissions in California because operation of the Project would provide electric power with negligible operational GHG emissions over the long term when compared to traditional fossil-fueled generation technologies. Thus, the Project would not have a cumulatively considerable impact on global climate change, and cumulative impacts would therefore be less than significant.~~

~~Furthermore, the evaluation of GHG impacts evaluates the contribution of the proposed Project to inherently address cumulative climate change effects and demonstrates that the proposed Project would result in a long-term net reduction of GHG emissions and would not conflict with GHG reduction goals. The Project-specific incremental contribution to GHG emissions would therefore not be cumulatively considerable.~~

### Mitigation Measures for Cumulative Impacts

No mitigation would be required.

### Significance After Mitigation

This impact would be less than significant.

### 3.9.7. Mitigation Measures

Impacts would be less than significant, and no mitigation would be required.

## 3.10. Hazards and Hazardous Materials

This section evaluates the impacts from hazards and hazardous materials resulting from implementation of the proposed Easley Renewable Energy Project (Project). The analysis in this section: presents an overview of existing conditions that influence risks associated with hazards and hazardous materials; describes the applicable regulations; identifies the criteria used for determining the significance of environmental impacts; and describes the potential impacts from hazards and hazardous materials of the proposed Project. An impact analysis and comparison of project alternatives is included in Section 5.

Issues raised during scoping related to hazards and hazardous materials include concerns regarding health effects from the increase in wind-blown dust, which carries silica, pollens, and other chemicals/pollutants (herbicides), concerns relating to Valley Fever, health hazards related to electric and magnetic fields (EMF), increased risk of wildfire due to presence of power lines, contamination from chemicals used for vegetation management, concerns regarding hazardous materials releases if/when the solar panels are broken. These issues are discussed in the analysis below.

### 3.10.1. Environmental Setting

#### 3.10.1.1. Land Use

Existing and past land use activities are commonly used as indicators of sites or areas where hazardous material storage and use may have occurred or where potential environmental contamination may exist. For example, many historic and current industrial sites have soil or groundwater contaminated by hazardous substances. Other hazardous materials sources include leaking underground tanks in commercial and rural areas, contaminated surface runoff from polluted sites, and contaminated groundwater plumes. Current and former agricultural properties commonly have herbicide, pesticide, and/or fumigant soil contamination.

The Project is located primarily on open space desert scrub land in Riverside County, north of Interstate 10 (I-10) and east of Desert Center, California. Vegetation communities at the Project site are generally limited to scattered creosote brush scrub and desert dry wash woodland. Land uses near the Project include agriculture, the small community of Lake Tamarisk, scattered residences, renewable energy, energy transmission, historical military operations, and recreational development and use. The community of Lake Tamarisk, identified as the Lake Tamarisk Desert Resort (LTDR), is located south to southwest of the Project site and is a 55-plus, member-owned community. In addition to community facilities and amenities, the Lake Tamarisk community includes individual homes and RV lots.

The Project is on a mix of private and federal lands. The federal lands are BLM-administered public lands within a Desert Renewable Energy Conservation Plan (DRECP) Development Focus Area (DFA). The surrounding area consists of primarily BLM-administered land with some private land, including the small community of Lake Tamarisk, scattered rural residences, and farms. Several existing, under construction, and proposed solar projects are in the Desert Center vicinity. The existing Desert Sunlight and Desert Harvest solar projects are north of the proposed Project and Athos Renewable Energy Project is located to the east. Solar projects that are under construction nearby include the Oberon Renewable Energy Project to the southeast, and the Arica and Victory Pass Solar Projects and the Palen Solar Project to the southeast. The Sapphire Solar Project, proposed by EDF Renewables, is adjacent to the northern area of the Easley Project. The Project's proposed gen-tie line would be located within an approximate 6.7-mile 500 kV ROW starting at the onsite substation located on private property (APN 808-023-018) and continuing south of the substation into and across the Oberon Renewable Energy Project site on BLM-administered land for the remainder of the route.

### 3.10.1.2. Hazardous Materials

Hazardous materials used during construction may include petroleum products such as gasoline, diesel fuel, and hydraulic fluid; lubricating oils and solvents; cleansers; explosives; and other substances. Some of these materials would be used at material yards and on the ROW to operate and maintain equipment during construction. During construction, hazardous materials would be stored at designated material yards for storing hazardous materials on private land adjacent to BLM-administered land. Hazardous materials would be stored only in designated areas on impervious surfaces, on plastic groundcovers, or with secondary containment, to prevent spills or leaks from infiltrating the ground. Liquids would be stored in secured areas (fenced or locked building on the solar site). Storage containers would be properly labeled to indicate the contents of the container. Staging yards, refueling areas, and chemical storage areas, if needed, would be located on private land adjacent to BLM-administered land in upland areas that do not slope to sensitive resources. Construction materials would be sorted on site throughout construction and hazardous waste would be transported to an appropriate hazardous waste handling facility. (IP Easley, 2023, Appendix W)

Due to the remote location of the Project site, if onsite fuel tanks are utilized for equipment refueling, they are assumed to be no larger than 1,000 gallons each and they would comply with all applicable regulations. All hazardous chemicals would be stored in appropriate containers in an enclosed and secured location with secondary containment to prevent leakages. The fuels stored on site would be within a fenced and secure temporary staging area. As there would be regulated hazardous materials on site, storage procedures would be dictated by the Hazardous Materials Management Plan (HMMP) (IP Easley, 2023, Appendix W) that would be developed prior to construction. Spill prevention measures and secondary containment would be implemented as part of the Project where warranted.

Trucks and construction vehicles would be serviced from off-site facilities. The use, storage, transport, and disposal of hazardous materials used in construction of the facility would be carried out in accordance with federal, state, and county regulations. No extremely hazardous substances (i.e., those governed pursuant to Title 40, Part 355 of the Code of Federal Regulations) are anticipated to be produced, used, stored, transported, or legally disposed of as a result of Project construction. Material Safety Data Sheets for all applicable materials present on site would be made readily available to on-site personnel.

If quantities of hazardous materials exceed regulatory thresholds, the Project would ensure that storage is undertaken in compliance with a Spill Prevention, Control, and Countermeasure (SPCC) Rule and a Hazardous Materials Business Plan (HMBP), which would be developed prior to construction, in compliance with the Unified Program (EPA, 2010; CalEPA, 2023). Regulatory thresholds for a SPCC are onsite tanks with storage capacity of more than 1,320 gallons of petroleum, and for an HMBP are hazardous materials handled and stored on site in quantities of equal to or greater than 500 pounds, 55 gallons, or 200 cubic feet of gas.

Noxious weeds and other nonnative invasive plant species could create a fire hazard if allowed to become established, and invasive weeds could also become problematic from an ecological perspective. Therefore, weed control activities would be implemented within the Project limits and would include both mechanical and targeted herbicide control methods, as necessary. Herbicides may be necessary to control the spread of invasive weeds following construction as part of an integrated pest management strategy. All weed control using herbicides and adjuvants used on the Project site would be conducted with chemicals identified in the approved Integrated Weed Management Plan (IWMP) at rates and in conditions specified in the IWMP (IP Easley, 2023, Appendix N). Pesticides and herbicides are hazardous materials and would be used according to manufacturer labeling. Pesticides and herbicides used on BLM-administered land will be those identified and approved by the BLM in the IWMP. Small quantities of other materials such as pesticides, fertilizers, paints, lubricants and fuels, cleaners and solvents, and miscellaneous chemicals

may be used during Project operation and maintenance activities. The HMMP developed for the Project (IP Easley, 2023, Appendix W) provides hazardous materials management guidelines, including handling and storage procedures, hazardous materials spill prevention, response, and cleanup procedures, and notification and reporting procedures.

Non-hazardous construction materials that cannot be reused or recycled would likely be disposed of at county landfills. Hazardous waste and electrical waste would be transported to a hazardous waste handling facility (e.g., electronic-waste recycling) by authorized disposal companies as needed. All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste.

### **3.10.1.3. Formerly Used Defense Sites (FUDS)**

There are three formerly used defense sites located in the vicinity of the Project: Desert Training Center/California-Arizona Maneuver Area (DTC/C AMA), Desert Center Division Camp (Camp Desert Center), and Desert Center Army Air Field. In 1942, as part of World War II (WWII) military efforts, the DTC/C AMA facility was created for training troops in desert conditions. DTC/C AMA was the largest training ground in military history, at approximately 18,000 square miles, and included 11 divisional camps and stretched from Indio, California, eastward to near Prescott, Arizona, north to Searchlight, Nevada, and south to Yuma, Arizona. Desert training of troops, armored vehicles, artillery, and military planes took place at DTC/C AMA from 1942 to 1944. These maneuvers included weapons training, firing exercises, and laying out and removing landmine fields (Meller, 1946). Three separate maneuver areas were identified within DTC/C AMA, areas A, B, and C; the proposed Project is located in area A, which consisted of the portions of DTC/C AMA west of the Colorado River (BLM, 1985).

Desert Center Division Camp was located primarily north and west of Desert Center, California, northwest of and in the general vicinity of the Project, and consisted of 34,000 acres used for maneuvers, camp sites, an evacuation hospital, and an ammunition depot. No permanent division camp was constructed at this site, only temporary structures used to house the evacuation hospital, an observer detachment, an ordnance maintenance company, a quartermaster truck unit, and Ammunition Depot. No. 1. The maneuver areas were associated with the surrounding DTC/C AMA (USACE, 1996).

The Desert Center Army Airfield, located approximately 1 mile east of the Project, was located within the Desert Center Division Camp and was used to aid in combat training during maneuvers (Military Museum, 2020). The airfield included two 5500-ft runways with associated taxiways and parking aprons, and numerous support buildings. The airfield had two petroleum underground storage tanks (USTs) that were removed in 1998 (USACE, 2021). The airfield is currently owned and operated by the Chuckwalla Valley Raceway.

The former WWII military use of the Project area may have resulted in the presence of military munitions and explosives of concern (MEC), munitions debris (MD), and unexploded ordnance (UXO). The Project operator would prepare an Unexploded Ordnance (UXO) Identification, Training and Reporting Plan to formalize UXO training, investigation, removal, and disposal of military waste debris and ordnance.

### **3.10.1.4. Valley Fever**

Valley Fever (coccidioidomycosis or “cocci”) is an illness caused by the inhalation of soil-dwelling *Coccidioides* fungus spores. The *Coccidioides* fungus lives in the top 2 to 12 inches of soil and dirt in many parts of California; it is most prevalent in the Central Valley and in desert/dry areas (CDPH, 2013). When soil containing this fungus is disturbed by activities such as digging, vehicles, or by the wind, the fungal spores become airborne and can be inhaled. Valley Fever is not transmitted from person to person (CDPH, 2023a).

Valley fever can be serious and even fatal. Many people exposed to the *Coccidioides* fungus spores exhibit no symptoms, while others may have cold or flu-like symptoms that usually go away on their own after several weeks to months. It is likely that numerous mild cases of Valley Fever go undiagnosed. It usually infects the lungs and can cause flu-like symptoms or pneumonia. Some people may require hospitalization. In rare cases, the infection can spread beyond the lungs to other parts of the body (this is called disseminated Valley fever) (CDPH, 2023b).

Valley Fever is generally considered endemic in California, with cases in the state increasing from less than 1000 cases in 2000 to a high of more than 9000 cases in 2019 and 7200 cases in the first 9 months of 2020 (CDPH, 2020, ~~2022a~~). According to the California Department of Public Health (CDPH), the number of reported incidences of Valley Fever in California in 2019 was the highest since coccidioidomycosis became individually reportable in 1995 (CDPH, 2020). The incidence rates of coccidioidomycosis in California has decreased since 2019, with rates of 18.2 per 100,000 population (7,252 cases) in 2020, of 20.1 per 100,000 population (8,030 cases) in 2021, and of 19.1 per 100,000 population (7,451 cases) in 2022 (CDPH, 2022a, 2023c). However, the rate seems to be on an increasing trend since the decrease in 2020. There were 9089 cases reported in 2020, with an incidence rate of 22.9 cases per 100,000 population (CDPH, 2022).

Valley Fever is highly endemic in counties where incidence rates are greater than 20 per 100,000 population (CDPH, 2013). The number of incidences has significantly increased in Riverside County from 34 cases with an incidence rate of 1.5 per 100,000 in 2013 to 290-349 cases and an incidence rate of 11.9-14.3 per 100,000 in 2019-2022 (CDPH, 2022b, 2023c). In 2021 and 2022, there were an estimated 471 and 385 reported cases, respectively; this results in incidence rates of approximately 19.2 and 15.7 per 100,000 for 2021 and 2022 (CDPH, 2023c) the County reported the highest number of incidences in the last 10 years with an estimated 455 cases and an incidence rate of 18.4 per 100,000 population, which are rapidly approaching approaches the rate required for a County to be classified as having endemic Valley Fever. Despite the general increasing trend of incidence rates for Valley Fever in Riverside County, the rate has remained below the statewide incidence rate.

Several notable incidences of solar farm construction workers contracting Valley Fever have occurred in San Luis Obispo and Monterey Counties. Between October 2011 and April 2014, 44 cases of Valley Fever were identified among the 3,572 employees at 2 solar farm construction sites in San Luis Obispo County (an incidence rate of 1.2 cases per 100 workers) (Wilken et al., 2015). In Monterey County, nine confirmed cases of Valley Fever were identified among 2,410 construction workers who worked on a solar farm project in 2016. This corresponded to an annualized rate of Valley Fever among workers of 1,095 per 100,000 population whereas the 2016 rate for the entire County was 17.5 per 100,000 population in July 2017. At the Monterey solar site, the workers reported frequent high dust levels that were unable to be controlled by water trucks, infrequent use of respirators or dust masks, and inadequate Valley Fever symptom and prevention training. In both cases the CDPH conducted investigations and provided similar recommendations that included: improving worksite dust-control measures; using earth-moving equipment and trucks with high-efficiency particulate air (HEPA) filtered enclosed cabs to protect the operator; implementing and enforcing criteria for suspending work on the basis of wind and dust conditions; providing outdoor workers access to National Institute for Occupational Safety and Health-approved respiratory protection when conducting or in close proximity to soil-disturbing work, and for exposure to excessive wind-blown dust; providing clean coveralls daily to employees; encouraging workers to remove coveralls and work shoes before entering vehicles to leave the worksite; developing effective Valley Fever training for all employees that includes ways to reduce exposure, how to recognize symptoms, and where to seek care; and improving compliance by employers and their designated health care providers with reporting cases to local health jurisdictions, workers' compensation carriers, and Cal/OSHA.

### 3.10.1.5. Environmental Contamination

Ground-disturbing activities could encounter environmental contamination if the activity is near commercial or industrial sites with known contamination or adjacent to sites that store and use large quantities of hazardous materials, or in agricultural areas that may have used herbicides, pesticides, or fumigants. The substation, storage container, O&M facility, laydown yards, pre-fabrication areas, and internal and external road locations would require mowing, grubbing, grading and compaction. Inverter station locations would require light grubbing. The solar array areas would require mowing and rolling of woody vegetation to a height of 12 inches in an effort to preserve vegetation and provide for better and faster post-construction site revegetation. Some of the areas where facilities and arrays would be located would require leveling and smoothing. Ground disturbance for the 500 kV gen-tie line would include excavation for tower foundations and smoothing or grading of pull sites.

Land uses in the region of the proposed Project include existing/under construction solar facilities (Desert Sunlight, Desert Harvest, Athos Renewable Energy Project, Oberon Renewable Energy Project, Arica and Victory Pass Solar Projects, Palen Solar Project, and the Sapphire Solar Project), the Lake Tamarisk residential community, a mobile home park, agricultural parcels, a towing and storage facility, and the Chuckwalla Valley Raceway and associated private airport (Desert Center Airport). Otherwise, no commercial or other industrial uses are near the Project site, other than the land uses listed above.

A review of the State Water Resources Control Board (SWRCB) GeoTracker and Department of Toxic Substance Control (DTSC) EnviroStor websites revealed no known listed hazardous material or contaminated sites at or immediately adjacent to the Project site (SWRCB, 2023; DTSC 2023). The Geotracker database review did identify a landfill, the Desert Center Sanitary Landfill (DCSL), located approximately 0.35 miles west of the Project and a closed leaking underground site located 2 miles south of the Project in Desert Center (SWRCB, 2023). The DCSL is on land owned by the BLM, but the landfill is operated by the Riverside County Department of Waste Resources (RCDWR). The DCSL was opened to the public in 1972 and is still in operation; the current permitted waste management area accepting waste is approximately 7 acres in size. Wastes accepted at the landfill include residential, mixed municipal, agricultural, construction/demolition wastes and small amounts of dead animals and triple rinsed pesticide containers (RCDWR, 2022). The DCSL is currently undergoing site monitoring and sampling of three groundwater monitoring wells along the periphery of the landfill as per a Waste Discharge Requirement Order and an accompanying Monitoring and Reporting Program. In 2000, volatile organic compounds (VOCs) were detected in the monitoring wells and after additional sampling and testing and coordination with the Regional Water Quality Control Board (RWQCB), monitored natural attenuation and continued groundwater and gas probe monitoring was chosen as the appropriate corrective action for the DCSL (RCDWR, 2022). The trend of VOCs in the groundwater at and near the DCSL shows a general decreasing trend of VOC concentration in the wells since 2005 (RCDWR, 2022). Groundwater flow in the landfill area is to the northeast and water levels range from 220 to 240 feet below ground surface. This deep contaminated groundwater is unlikely to be encountered during Project construction even if it has migrated towards the Project site.

Two Phase II Environmental Site Assessments (ESAs) were conducted for Project private parcels that were identified by the Applicant's Phase I ESAs as sites with potential environmental contamination due to former agricultural activities (since at least 1978) and the presence of waste drums and fuel aboveground storage tanks (ASTs) (Stantec, 2024). The Phase II ESAs included limited shallow soil testing for total petroleum hydrocarbons (TPHs), volatile organic compounds (VOCs), organochlorine pesticides (OCPs), and metals. The sampling and testing for the 2 Phase II ESAs were conducted in May 2022 and October 2023/February 2024. Results of the analyses found OPCs and VOCs were not detected above laboratory reporting limits, and metals concentrations were found to be within the range considered natural for soil within California (Stantec, 2024). Petroleum hydrocarbons (TPH) in the oil and diesel range were found in low concentrations in the soil at the identified fuel ASTs and waste drums, however the detected levels



were not above the commercial screening levels (Stantec, 2024). Stantec recommended further sampling and analyses at one of the ASTs, which is currently ongoing.

### 3.10.1.6. Battery Energy Storage Systems

The Project includes the installation of up to 650 MW of 2- or 4-hour energy storage. The storage system would consist of battery or flywheel system technology housed in electrical enclosures and buried electrical cable. Up to 300 electrical enclosures would be installed on concrete foundations designed for secondary containment. The storage component would have a footprint of approximately 35 acres. A battery energy storage system (BESS) is a type of system that uses an arrangement of batteries and other electrical equipment to store electrical energy. Containerized systems, which are one form of a modular design, have become a popular means of integrating BESS projects efficiently.

The battery energy storage system (BESS) could use any commercially available battery technology, including but not limited to lithium ion, flow, lead acid, sodium sulfur and sodium or nickel hydride. Battery systems are operationally silent. Flywheel systems have a noise rating of 45 dBA. However, either system would be accompanied by air conditioners or heat exchangers and inverters, and a 150,000-gallon water tank would be located at each BESS ~~unit/arealocation~~.

The BESS would be designed, constructed, operated and maintained in accordance with applicable industry best practices and regulatory requirements, including fire safety standards. The BESS would comply with the current California Fire Code (CFC), which governs the code requirements to minimize the risk of fire and life safety hazards specific to battery energy storage systems used for load shedding, load sharing and other grid services (Chapter 12 Section 1206 of the 2019 CFC). In accordance with the CFC, the battery enclosure and the site installation design are all required to be approved by the State Fire Marshal. Final safety design would follow applicable standards and would be specific to the battery technology chosen, including, but not limited to, National Fire Protection Association 855 (standard for the Installation of Stationary Energy Storage Systems) and Section 1206 of the California Fire Code.

If applicable, the BESS would be certified to UL 9540, the standard associated with control, protection, power conversion, communication, controlling the system environment, air, fire detection and suppression system related to the functioning of the energy storage system. The battery would be tested to UL 9540A, a test method intended to document the fire characteristics associated with thermal event or fire and would confirm that the system would self-extinguish without active fire-fighting measures. The system would be designed, such that, during a fire event, the results of the UL 9540A test would show that any internal fire is contained within the enclosure and not spread to the other parts of the facility. The results of this test are used to inform facility safety system design and emergency response plans which would be shared with first responders. If applicable, the system would use a chemical agent suppressant-based system to detect and suppress fires. If smoke or heat were detected, or if the system were manually triggered, an alarm would sound, horn strobes would flash, and the system would release suppressant, typically FM 200, NOVEC 1230 or similar from pressurized storage cylinders. Final safety design would follow applicable standards and would be specific to the technology chosen.

Large-scale BESS are commonly designed for high-powered and rapid-charge cycles that can generate heat quickly and affect the safe operation of the batteries (Conzen et al, 2022). BESS require a reliable and well-performing cooling system that either directly cools the battery cell/modules or cools the enclosure in which the battery packs are installed. Failures of the BESS cooling or fire prevention systems can result in fires and explosions within BESS containers. This can occur under a variety of scenarios (i.e., short circuit), in which the stored chemical energy is converted to thermal energy with the results of cell rupture and the release of large amounts of flammable and potentially toxic gases, which can lead to fire and explosion (Conzen et al, 2022). As of June 2021, approximately 30 global large-scale BESS have experienced failures and destructive fires.

A notable event that led to a shift in the industry in terms of hazard mitigation at BESS in the USA occurred in 2019 at a BESS unit owned and operated by Arizona Public Service Company. The facility experienced a thermal runaway event and, even though the BESS was equipped with a clean agent suppression system, it was not provided with deflagration venting or explosion prevention systems (i.e., the requirement for explosion control was not satisfied). When the HAZMAT team attempted to enter the BESS to survey the scale of the event, an explosion occurred, seriously injuring the firefighters. Five contributing factors that led to the incident were identified: Internal failure in the battery cell initiated thermal runaway; the clean agent fire suppression system was incapable of stopping thermal runaway; the facility lacked thermal barriers between battery cells, this lack of barriers allowed the thermal runaway event to cascade to adjacent cells, without a means to ventilate the enclosure, the flammable off-gases from the batteries concentrated to explosive levels; and the emergency response plan did not include extinguishing, ventilation, or entry procedures.

#### **3.10.1.7. Wildland Fires**

The Project is located in both Federal Responsibility Areas (FRAs) and Local Responsibility Areas (LRAs) (CAL FIRE, 2007; Riverside County, 2021). According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zones (FHSZ) Map and County of Riverside General Plan Safety Element, the Project would be in areas of FRA and LRA Moderate FHSZ (CAL FIRE, 2007; Riverside County, 2021). The Project is located adjacent to the Lake Tamarisk Community, which is within a Local Responsibility Area. Agencies that are likely to provide wildfire protection to the Project would be Riverside County Fire Department and BLM Fire and Aviation Program. Because the Project is not located in a State Responsibility Area, CAL FIRE would not have primary responsibility for fire management or suppression activities in this area. While individual fire agencies have primary responsibility for specific geographic areas, under interagency cooperative and mutual aid agreements, fire agencies throughout the region aid each other as needed. Typically, when a wildland fire is reported, the nearest available firefighting units are dispatched, as it is not always immediately clear which wildland parcels are involved and which agency has jurisdiction. There is limited potential for wildfire on the site due to sparse vegetation. (See also Section 3.19, Wildfire, where wildfire hazards are discussed in more detail.)

#### **3.10.1.8. Schools**

There are no schools or learning centers located within a 0.25-mile radius of the proposed Project. As discussed in Section 3.16, Public Services and Utilities, the closest school to the proposed Project is the Eagle Mountain School, located approximately 6 miles northwest of the Project.

#### **3.10.1.9. Airports and Airstrips**

The closest airport to the Project is the private Desert Center Airport, located approximately 1 mile east of the proposed Project. (See Figure 2-1, Project Area). The airport has one runway and is part of the Chuckwalla Valley Raceway and is available for daily use for airplane, helicopter, and skydiving operations. No master plan has been prepared for the Desert Center Airport and because the airport activity level is very low, the outer edge of the FAR Part 77 horizontal surface serves to define the Airport Influence Area Boundary. The Project site is not located within the Airport Influence Area Boundary nor any of the Airport Compatibility Zones; the Airport Influence Area Boundary and the outer edge of Compatibility Zone E are located just east of the portion of the Project east of Highway 177 (RCALUC, 2004). Compatibility Zone E is defined as the area wherein 10 to 15 percent of near-airport accidents occur. There are very few restrictions for development within Zone E, except uses that represent a hazard to flights. Uses that attract very high concentrations of people in confined areas also are discouraged in locations below or near the

~~principal arrival and departure flight tracks, and where concern for risks applies to uses for which potential consequences are severe (e.g., very high intensity activities in a confined area).~~

The Blythe Airport is the nearest public airport serving Riverside County, located approximately 40 miles east of the Project. The airport has two runways and is mostly used for general aviation (AirNav, 2023a). Julian Hinds Pump Plant Airstrip, a private airstrip, and the Chiriaco Summit Airport, a public airstrip, are located about 14 and 18.5 miles west of the proposed Project (AirNav, 2023b). The Project is not within the airport influence area of these airports.

~~Based on the California Military Land Use Compatibility Analyst (CMLUCA) database the Project site is not within 4,000 feet of a military installation, or within of a military special-use airspace, or beneath a military designated low-level flight path.~~ Based on the California Military Land Use Compatibility Analyst (CMLUCA) database, However, based on the CMLUCA, the Project site is located within/crossed by military training Visual Route (VR) flight paths (CMLUCA, 2023). The FAA Military Training Route (MTR) map indicates that the Project site and surrounding area are crossed by military training routes that include low level training with elevations that range from 200 to 7000 feet MSL (FAA, 2024).

### 3.10.1.10. Electric and Magnetic Fields

Electric voltage and electric current from transmission lines create electric and magnetic fields (EMF). Possible health effects associated with exposure to EMF have been the subject of scientific investigation since the 1970s, and there continues to be public concern about the health effects of EMF exposure. However, EMF is not addressed here as an environmental impact under CEQA. EMF has repeatedly been recognized as not an environmental impact to be analyzed in the context of CEQA because (1) there is no agreement among scientists that EMF does create a potential health risk, and (2) there are no defined or adopted CEQA standards for defining health risks from EMF.

### 3.10.2. Regulatory Framework

Hazardous materials are defined by federal and state regulations that aim to protect public health and the environment. Hazardous materials have certain chemical, physical, or infectious properties that cause them to be considered hazardous. The term “hazardous materials” refers to both hazardous substances and hazardous wastes. Under federal and state laws, any material, including wastes, may be considered hazardous if it is specifically listed by statute as such or if it is toxic (causes adverse human health effects), ignitable (has the ability to burn), corrosive (causes severe burns or damage to materials), or reactive (causes explosions or generates toxic gases). Hazardous materials are defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 101(14), and also in the California Code of Regulations, Title 22, Chapter 11, Article 2, Section 66261, which provides the following definition:

*A hazardous material is a substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed.*

For this analysis, soil that is excavated from a site containing hazardous materials would be considered a hazardous waste if it exceeded specific California Code of Regulations Title 22 criteria or criteria defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or other relevant federal regulations. Remediation (cleanup and safe removal/disposal) of hazardous wastes found at a site is required if excavation of these materials occurs; it may also be required if certain other activities occur. Even if soils or groundwater at a contaminated site do not have the characteristics required to be

defined as hazardous wastes, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking lead jurisdiction.

### 3.10.2.1. Federal Laws, Regulations, and Policies

**USEPA California Toxics Rule (Title 40 Code of Federal Regulations (CFR) 131).** In 2000, the U.S. Environmental Protection Agency (USEPA) promulgated numeric water quality criteria for priority toxic pollutants and other water quality standards provisions to be applied to waters in California to protect human health and the environment. Under Clean Water Act section 303(c)(2)(B), the USEPA requires states to adopt numeric water quality criteria for priority toxic pollutants for which the USEPA has issued criteria guidance, and the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses. These federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries.

**Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6901 et seq.).** The RCRA authorizes the USEPA to control hazardous waste from “cradle to grave” (generation, transportation, treatment, storage, and disposal). RCRA’s Federal Hazardous and Solid Waste Amendments from 1984 include waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. The Department of Toxic Substances Control is the lead State agency for corrective action associated with RCRA facility investigations and remediation. Under RCRA, decommissioned solar panels are treated as hazardous waste.

**Toxic Substances Control Act (TSCA) (15 U.S.C. § 2601 2692).** The TSCA authorizes the USEPA to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. It also addresses production, importation, use, and disposal of specific chemicals, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, lead-based paint, and petroleum.

**Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9601 et seq.).** CERCLA, including the Superfund program, was enacted by Congress on December 11, 1980, and is administered by the USEPA. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

**Clean Water Act/SPCC Rule (33 U.S.C. § 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972.** As part of the CWA, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the Code of Federal Regulations, Part 112, which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend, and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans. A facility is subject to SPCC regulations if a single oil (or gasoline, or diesel fuel) storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States.

**Occupational Safety and Health Administration.** OSHA is the agency responsible for assuring worker safety in the handling and use of chemicals in the workplace. The federal regulations pertaining to worker

safety are contained in Title 29 of the Code of Federal Regulations, as authorized in the Occupational Safety and Health Act of 1970. They provide standards for safe workplaces and work practices, including standards relating to hazardous materials handling. At sites known or suspected to have soil or groundwater contamination, construction workers must receive training in hazardous materials operations and a site health and safety plan must be prepared. The health and safety plan establishes policies and procedures to protect workers and the public from exposure to potential hazards at the contaminated site.

**Department of Transportation, CFR Title 49, Subtitle B.** The United States Department of Transportation (USDOT) is the primary federal agency responsible for regulating the proper handling and storage of hazardous materials during transportation (49 CFR. §§ 171-177 and 350-399).

**National Fire Protection Association (NFPA) 855.** NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) provides minimum requirements for mitigation of hazards associated with Energy Storage Systems (ESS). The design, construction, and installation of ESS and related equipment shall comply with NFPA 855 Chapter 4 and as supplemented or modified by the technology-specific provisions in Chapters 9 through 13. Chapter 4 includes, but is not limited to, provisions regarding gas release, testing requirements, hazard mitigation analysis, availability of operation and maintenance manuals, and staff training. UL 9540 falls under the NFPA 855 and addresses key issues associated with energy storage including battery system safety, functional safety, environmental performance, containment, and fire detection and suppression. The UL 9540A test is a method to evaluate thermal runaway fire propagation in an ESS. ESS plans and specifications should be submitted to the jurisdictional agency.

**Federal Aviation Administration (FAA).** The Federal Aviation Regulation (49 CFR Part 77) establishes standards and notification requirements for objects that may impact navigable airspace. Airports and navigable airspace that are not administered by the Department of Defense are under the jurisdiction of the FAA. This regulation includes: (a) FAA notification requirements for proposed construction, or the alteration of existing structures, that meet specific standards; (b) the standards used to determine obstructions to air navigation, and navigational and communication facilities; (c) the process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and (d) the process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

With regard to aviation safety, Subpart B, Section 77.9 of the regulations indicates that for areas around airports having runways longer than 3,200 feet, if any construction that is more than 200 feet above ground level or results in an object penetrating an imaginary surface extending outward and upward at a ratio of 100 to 1 from a public or military airport runway out to a horizontal distance of 20,000 feet (approximately 3.78 miles), then an applicant is required to submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area for review and approval of the Project (FAA, 2018).

Currently, there are no defined thresholds for project size, type, or distance from the airport available that automatically trigger FAA airspace review with respect to solar glare on aviation safety (FAA, 2018). However, proximity to the airport and solar technology are two indicators of likely FAA interest in a solar project (FAA, 2018). According to a FAA technical guidance document, it is the responsibility of local governments, solar developers, and other stakeholders in the vicinity of an airport to check with the airport sponsor and the FAA to ensure there are no potential safety or navigational problems with a proposed solar facility, especially if it is a large facility. Sponsors should notify the FAA when such activities are proposed, and the FAA needs to participate in public meetings or permitting processes.

**Federal Land Policy and Management Act of 1978 (43 U.S.C. § 1701 et seq.) and Title 43 Code of Federal Regulations (43 CFR § 9212.2).** BLM is authorized and required to manage federal lands, which includes providing funding, resources, and regulations for prevention and protection of wildland fires. In California,

BLM establishes seasonal and year-round fire prevention orders and restrictions to assist with wildland fire prevention efforts throughout federal public lands within the California Desert District (CDD), which consists of Inyo, Imperial, Kern, Mono, Los Angeles, San Bernardino, San Diego and Riverside Counties.

**Federal Wildland Fire Management Policy.** On BLM-administered lands in the California Desert, the BLM implements Federal Wildland Fire Management policies and objectives in coordination with state and other federal agencies as part of the California Desert Interagency Fire Management Organization. The Federal Wildland Fire Management Policy was developed by a federal multi-agency group that establishes consistent and coordinated fire management policy across multiple federal jurisdictions. The policy acknowledges the essential role of fire in maintaining natural ecosystems, but also prioritizes firefighter and public safety first in every fire management activity and focuses on risk management as a foundation for all fire management activities. The policy promotes basing responses to wildland fires on approved Fire Management Plans and land management plans, regardless of ignition source or the location of the ignition.

**National Electric Safety Code (NESC) and American National Standards Institute (ANSI) Guidelines.** A variety of line and tower clearance standards are used throughout the electric transmission industry. Nationally, most transmission line owners follow the NESC rules or ANSI guidelines, or both, when managing vegetation around transmission system equipment. The NESC deals with electric safety rules, including transmission wire clearance standards, whereas the applicable ANSI code deals with the practice of pruning and removal of vegetation.

### 3.10.2.2. State Laws, Regulations, and Policies

**California Environmental Protection Agency.** The California Environmental Protection Agency (Cal EPA) was created in 1991, which unified California's environmental authority in a single cabinet-level agency and brought the ARB, SWRCB, RWQCBs, Integrated Waste Management Board (IWMB), Department of Toxic Substance Control (DTSC), OEHHA, and DPR under one agency. These agencies were placed within the Cal/EPA "umbrella" for the protection of human health and the environment and to ensure the coordinated deployment of state resources. Their mission is to restore, protect and enhance the environment, to ensure public health, environmental quality, and economic vitality.

**California Hazardous Waste Control Law.** The California Hazardous Waste Control Law (HWCL) is administered by Cal EPA to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the EPA approves the California program, both the state and federal laws apply in California. The HWCL lists 791 chemicals and about 300 common materials that may be hazardous; establishes criteria for identifying, packaging and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal and transportation; and identifies some wastes that cannot be disposed of in landfills.

**California Department of Toxic Substance Control (DTSC).** DTSC is a department of Cal EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Recent revisions to DTSC hazardous waste regulations (revisions in Cal. Code Regs tit. 22, div. 4.5, sections and articles in chapters 10, 11, and 23) allow PV solar panels in California to be managed as "universal waste" instead of under the HWCL, beginning on January 1, 2021. By being classified as universal waste, PV solar panels will now be subject to a streamlined set of standards that are intended to ease regulatory burden and promote recycling. The revised regulations also include requirements for reporting and notifications to DTSC, training, handling, response to breakage and releases, containment and record keeping.

**California Fire Code (CFC).** Chapter 12 of the CFC provides provisions related to the installation, operation and maintenance of energy systems used for generating or storing energy to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations. Section 1207 of the 2022 CFC provides requirements for Electrical ESS. Battery Energy Storage Systems (BESS) greater than 600 kWh are required by the CFC to be UL (Underwriter’s Laboratory) listed and have full-scale testing using the testing standard UL9540A. UL9540A tests a variety of fire and life safety features on the battery including thermal runaway, gas venting, and fire propagation.

**Porter-Cologne Water Quality Act.** The Porter-Cologne Water Quality Act is a state law that provides a comprehensive water quality management system for the protection of California waters. The act designates the SWRCB as the ultimate authority over state water rights and water quality policy, and also established nine RWQCBs to oversee water quality on a day-to-day basis at the local and regional level. The Colorado River Basin RWQCB is responsible for protecting the beneficial uses of surface water and groundwater resources in the Project area. The Colorado River Basin RWQCB adopted its Basin Plan (Water Quality Control Plan for the Colorado River Basin Region) in 1993 and amended it in 2019. This Basin Plan set forth implementation policies, goals, and water management practices in accordance with the Porter-Cologne Water Quality Control Act. The Basin Plan establishes both numerical and narrative standards and objectives for water quality aimed at protecting aquatic resources. Project discharges to surface waters are subject to the regulatory standards set forth in applicable regional basin plans, which prevent the discharge of hazardous materials into waters of the State.

**Unified Program.** In 1993, the State (Cal-EPA) was mandated by Senate Bill 1082 (Health and Safety Code Chapter 6.11) to establish a “unified hazardous waste and hazardous materials management” regulatory program (Unified Program). The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs: Hazardous Materials Release Response Plans and Inventories (Hazardous Material Business Plan [HMBP]), California Accidental Release Prevention (CalARP) Program, Underground Storage Tank Program, Aboveground Petroleum Storage Act, Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs, and California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements. The Unified Program is implemented at the local level by local government agencies certified by the Secretary of Cal-EPA. These agencies, known as Certified Unified Program Agencies (CUPA), implement all the Unified Program elements and serve as a local contact for area businesses. The CUPA for the area is the Riverside County Department of Environmental Health Hazardous Materials Branch. The CUPA also oversees the two Participating Agencies (Corona Fire and Riverside Fire) that implement hazardous materials programs within the County.

**The California Public Resources Code (CPRC) Sections 4292 and 4293.** CPRC sections 4292 and 4293 specify requirements related to fire protection and prevention in transmission line corridors. CPRC Section 4292 states that any person that owns, controls, operates, or maintains any electrical transmission or distribution line has primary responsibility for fire protection of such areas, and shall maintain around and adjacent to any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction, or dead end or corner pole, a firebreak which consists of a clearing of not less than 10 feet in each direction from the outer circumference of such a pole or tower (CPRC § 4292). CPRC § 4293 states that any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, or grass covered land which has primary responsibility for the fire protection of such area, shall maintain a clearance of the respective distances.

**California Department of Industrial Relations, Division of Occupational Safety and Health Administration.** The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337 340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

**California Strategic Fire Plan.** The Strategic California Fire Plan was finalized in June 2010 and directs each CAL FIRE Unit to prepare a locally specific Fire Management Plan. In compliance with the California Fire Plan, individual CAL FIRE units are required to develop Fire Management Plans for their areas of responsibility. These documents assess the fire situation within each of CAL FIRE's 21 units and six contract counties. The plans include stakeholder contributions and priorities and identify strategic areas for pre-fire planning and fuel treatment, as defined by the people who live and work with the local fire problem. The plans are required to be updated annually.

**Assembly Bill 203.** Adds section 6709 to the Labor Code regarding occupational safety and health related to Valley Fever. This section applies to a construction employer with employees working at work sites in counties where Valley Fever is highly endemic, including, but not limited to, the Counties of Fresno, Kern, Kings, Madera, Merced, Monterey, San Joaquin, San Luis Obispo, Santa Barbara, Tulare, and Ventura, where work activities disturb the soil. This includes, but is not limited to, digging, grading, or other earth moving operations, or vehicle operation on dirt roads, or high winds. Highly endemic means that the annual incidence rate of Valley Fever is greater than 20 cases per 100,000 persons per year. An employer subject to this section shall provide effective awareness training on Valley Fever to all employees by May 1, 2020, and annually by that date thereafter, and before an employee begins work that is reasonably anticipated to cause exposure to substantial dust disturbance. Substantial dust disturbance means visible airborne dust for a total duration of one hour or more on any day. The training may be included in the employer's injury and illness prevention program training or as a standalone training program. Riverside County's Valley Fever incidence rates are currently not high enough to be considered highly endemic and require Valley Fever awareness training under AB 203.

### 3.10.2.3. Local Laws, Regulations, and Policies

**Riverside County General Plan.** The intent of the Safety Element of the Riverside County General Plan is to reduce death, injuries, property damage, and economic and social impact from hazards. The following policies included in the Safety Element generally relate to the proposed Project with respect to hazards and hazardous materials (Riverside County, 2021).

- **Policy S 5.1.** Develop and enforce construction and design standards that ensure that proposed development incorporates fire prevention features through the following:
  - All proposed development and construction within Fire Hazard Severity Zones shall be reviewed by the Riverside County Fire and Building and Safety departments.
  - All proposed development and construction shall meet minimum standards for fire safety as defined in the Riverside County Building or County Fire Codes, or by County zoning, or as dictated by the Building Official or the Transportation Land Management Agency based on building type, design, occupancy, and use.
  - In addition to the standards and guidelines of the California Building Code and California Fire Code fire safety provisions, continue to implement additional standards for high-risk, high occupancy, dependent, and essential facilities where appropriate under the Riverside County Fire Code (Ordinance No. 787) Protection Ordinance. These shall include assurance that structural and nonstructural archi-



tectural elements of the building will not impede emergency egress for fire safety staffing/personnel, equipment, and apparatus; nor hinder evacuation from fire, including potential blockage of stairways or fire doors.

- Proposed development and construction in Fire Hazard Severity Zones shall provide secondary public access, in accordance with Riverside County Ordinances.
  - Proposed development and construction in Fire Hazard Severity Zones shall use single loaded roads to enhance fuel modification areas, unless otherwise determined by the Riverside County Fire Chief.
  - Proposed development and construction in Fire Hazard Severity Zones shall provide a defensible space or fuel modification zones to be located, designed, and constructed that provide adequate defensibility from wildfires.
- **Policy S 5.6.** Demonstrate that the proposed development can provide fire services that meet the minimum travel times identified in Riverside County Fire Department Fire Protection and EMS Strategic Master Plan.
  - **Policy S 7.3.** Require commercial businesses, utilities, and industrial facilities that handle hazardous materials to: install automatic fire and hazardous materials detection, reporting and shut-off devices; and install an alternative communication system in the event power is out or telephone service is saturated following an earthquake.
  - **Policy S 7.14.** Regularly review and clarify emergency evacuation plans for dam failure, inundation, fire and hazardous materials releases.
  - **Policy S 7.15.** Develop a blueprint for managing evacuation plans, including allocation of buses, designation and protection of disaster routes, and creation of traffic control contingencies.

The proposed Project would be consistent with County policies and requirements for fire safety and handling of hazardous materials and would comply with the requirements of the applicable federal and State regulations.

**County of Riverside Department of Environmental Health (DEH).** The DEH is responsible for protecting the health and safety of the public and the environment of Riverside County by assuring that hazardous materials are properly handled and stored. The DEH accomplishes this through inspection, emergency response, site remediation, and hazardous waste management services. The County of Riverside DEH also acts as the CUPA for Riverside County and is responsible for reviewing Hazardous Materials Business Plans. A CUPA is a local agency that has been certified by Cal EPA to implement state environmental programs related to hazardous materials and waste. The specific responsibilities of the DEH include the following:

- Inspecting hazardous material handlers and hazardous waste generators to ensure full compliance with laws and regulations.
- Implementing CUPA programs for the development of accident prevention and emergency plans, proper installation, monitoring, and closure of underground storage tanks and the handling, storage and transportation and disposal of hazardous wastes.
- Providing 24-hour response to emergency incidents involving hazardous materials or wastes in order to protect the public and the environment from accidental releases and illegal activities.
- Overseeing the investigation and remediation of environmental contamination due to releases from underground storage tanks, hazardous waste containers, chemical processes or the transportation of hazardous materials.
- Conducting investigations and taking enforcement action as necessary against anyone who disposes of hazardous waste illegally or otherwise manages hazardous materials or wastes in violation of federal, state, or local laws and regulations.

### 3.10.3. Methodology for Analysis

The hazardous materials analyzed include those potentially existing on the site and those that would be used as part of Project construction, operations and maintenance, and decommissioning. Potential existing hazardous materials hazards were assessed based on review of information in state hazard databases and maps for the Project area.

Some hazardous materials would be used on a short-term basis during construction and decommissioning. Others would be stored on site for use during operations and maintenance. Therefore, this analysis examines the choice and amount of chemicals to be used, how the Applicant would use the chemicals, how they would be transported to the facility, and how the Applicant plans to store the materials on site.

Potential and existing physical hazards such as wildfire, aviation hazards, valley fever, and unexploded ordnance, are assessed based on review of information from online sources and from local and state agency databases and maps for the Project area and are analyzed based on proposed Project construction, operation and maintenance, and decommissioning footprints and potential areas of impact.

### 3.10.4. CEQA Significance Criteria

The criteria used to determine the significance of potential hazards and hazardous materials impacts are based on Appendix G of the CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to hazards and hazardous materials if the Project would:

- *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (see Impact HAZ-1).*
- *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (see Impact HAZ-2).*
- *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (see Impact HAZ-3).*
- *Result in a safety hazard or excessive noise for people residing or working in the project area within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport (see Impact HAZ-4).*
- *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (see Impact HAZ-5).*
- *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires (see Impact HAZ-6).*

The County of Riverside's Environmental Assessment Form includes additional significance criteria, which were also used in the analysis. Almost all of the County of Riverside criteria for the issue area of Hazards and Hazardous Materials are identical to existing the CEQA criteria for that issue area, except for several criteria related to airports and aviation hazards. The additional criteria differing from the above CEQA criteria that indicate that a project could have potentially significant impacts are:

- *It would result in an inconsistency with an Airport Master Plan (see Impact HAZ-4).*
- *It would require review by the Airport Land Use Commission (see Impact HAZ-4).*

The following CEQA significance criteria from Appendix G and County of Riverside were not included in the analysis and are not discussed further beyond this summary:

- *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*

No schools are located within one-quarter mile of the site. The proposed Project would not use acutely hazardous materials and the limited amounts of hazardous materials (such as fuels and greases) used during construction and operation and maintenance would be used, stored, transported, and disposed of following all applicable laws and regulations. Therefore, the Project would not result in hazardous materials impacts to existing or proposed schools.

- *For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?*

There are no private airstrips or heliports in the vicinity of the Project, therefore, construction and operation of the Project would not result in adverse aviation safety hazards related to private airstrips or heliports.

### 3.10.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to hazards and hazardous materials. Public concerns raised during scoping involved health effects from the increase in wind-blown dust, which carries silica, pollens, and other chemicals/pollutants (herbicides); concerns relating to Valley Fever; health hazards related to EMF; increased risk of wildfire due to presence of power lines; contamination from chemicals used for vegetation management; and concerns regarding hazardous materials releases if/when the solar panels are broken.

Project decommissioning impacts would be the same as those described under Project construction.

**Impact HAZ-1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

**LESS THAN SIGNIFICANT WITH MITIGATION, CONSTRUCTION AND DECOMMISSIONING.** Construction of the Project would involve the use of small amounts of hazardous materials. No extremely hazardous substances (i.e., those governed pursuant to Title 40, Part 335 of the Code of Federal Regulations) are anticipated to be produced, used, stored, transported, or disposed of as a result of Project construction. Hazardous substances would include fuels and greases to fuel and service construction equipment and small quantities of chemicals required for construction. Onsite fuel tanks no larger than 1,000 gallons may be used to fuel construction equipment and would comply with all applicable regulations. Trucks and construction vehicles would be serviced from off-site facilities. Helicopters may be used during construction; however, helicopter refueling will take place off site, likely at the Desert Center Airport. Hazardous materials storage, use, transportation, and disposal procedures would be dictated the HMMP developed prior to construction and by local, state, and federal regulations.

Hazardous liquids would be stored in secured areas (fenced or locked building on the solar site) and all hazardous material storage containers would be properly labeled to indicate the contents of the container. Hazardous materials would be stored only in designated areas on impervious surfaces, on plastic groundcovers, or with secondary containment, to prevent spills or leaks from infiltrating the ground. Material Safety Data Sheets for all applicable materials present on site would be made readily available to on-site personnel. If quantities exceed regulatory thresholds, the Applicant would ensure that storage is undertaken in compliance with the SPCC Rule and a HMBP, which would be developed prior to construction. The use, storage, transport, and disposal of hazardous materials used in construction of the facility

would be carried out in accordance with current applicable regulations and the Project-specific HMMP (IP Easley, 2023, Appendix W). Implementation of these procedures and plans and compliance with applicable local, state, and federal regulations would minimize the risk of adverse effects from use, disposal, and transport of hazardous materials to less-than-significant levels.

The Project may use a variety of PV technologies including, but not limited to, cadmium telluride panels, crystalline silicon panels, or copper indium gallium diselenide panels. None of the panels being considered contain materials that are classified as hazardous wastes. The chemicals within PV modules are highly stable and would not be available for release to or interaction with the environment. If a panel is broken during construction or operation, the pieces would be cleaned up completely and returned to the manufacturer for recycling. At the end of the Project's useful life, solar panels would be decommissioned and dismantled per an agency-approved Closure and Decommissioning Plan. Upon ultimate decommissioning, the panels will be suitable for recycling or reuse, and Project decommissioning would be designed to optimize such salvage as circumstances allow and in compliance with all local, State, and federal laws and regulations in effect at the time of decommissioning. With current technology, although very expensive, approximately 90% of a PV system is recyclable with the glass, metallic, and PV film components separated by mechanical and chemical processes for remanufacturing into new panels or other products (Westcoast Solar Energy, 2023; Peplow, 2022). Currently, approximately 80% of a silicon panel's mass including the aluminum frame and glass covers is easily recycled (Peplow, 2022).

Throughout construction, waste materials would be sorted on site and transported to appropriate licensed waste management facilities. Non-hazardous construction materials that cannot be reused or recycled would be disposed of at county landfills. Hazardous waste and electronic waste would not be placed in a landfill but would be transported to a hazardous waste handling facility (e.g., electronic-waste recycling). All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste.

During construction, herbicides may be applied to control weed growth. If needed, herbicides to control the spread of invasive weeds following construction disturbance would likely be part of an integrated pest management strategy. Weed management also would be performed in accordance with an approved Weed Management Plan. Use of herbicides would occur in accordance with all recommended application procedures as identified on product labels. If herbicides or pesticides are required to be used on BLM land, BLM-approved herbicides would be used to control weed populations. The process for treatments would be characterized in a Pesticide Use Proposal that would be approved by the BLM. Although the Project would not contain a residential or commercial component that would potentially directly expose people to herbicides, workers or people at nearby residences or businesses could be exposed to adverse effects due to herbicide use. Use of any herbicides for weed control would follow all local, state, and federal guidelines, and on BLM-administered land would follow the BLM-approved Weed Management Plan and Pesticide Use Proposal. Therefore, the application of herbicides during construction would not have an adverse effect on workers or the public and would result in a less-than-significant impact.

The Project site is within the historic World War II DTC/C AMA training camp/maneuver area where military exercises with tanks and troops were conducted, including practice artillery fire, weapons training, and land mine placement and removal. During construction, maintenance, and closure and decommissioning activities associated with the proposed Project, ground disturbance could unearth unexploded World War II-era munitions (UXO and MEC), including conventional and unconventional land mines, personnel mines, shells, mortars, and bullets, the detonation of which would pose a safety risk to the workers. For example, surface and shallow sub-surface UXO could be disturbed by vehicles, walkers, and excavation using shovels or similar hand tools, and deeper sub-surface UXO could be disturbed by the earth movement and excavation processes required for development of the Project. Implementation of Mitigation

Measure HAZ-1 (UXO Identification, Training and Reporting Plan) would formalize UXO training, investigation, removal, and disposal to ensure that potential UXO impacts would be less than significant.

Decommissioning impacts are anticipated to be similar to those occurring during construction as described above. The actual impacts would depend on the proposed decommissioning action and final use of the site.

**LESS THAN SIGNIFICANT, OPERATIONS AND MAINTENANCE.** During operation and maintenance of the proposed Project, small quantities of a variety of hazardous materials would be transported to the site and used and stored on site for miscellaneous, general maintenance activities. Chemicals would be stored in appropriate chemical storage facilities with secondary containment, if necessary. Hazardous materials would be transported, stored, and disposed of as required by the HMMP (IP Easley, 2023, Appendix W). Because each of the substation transformers would contain mineral oil, the substation would be designed to accommodate an accidental spill of transformer fluid by the use of containment-style mounting. Herbicides may be used for weed control. If quantities exceed regulatory thresholds, SPCC Plan and HMBP and associated emergency response plan and inventory would be prepared and implemented during operation. Preparation and compliance with the required SPCC and HMBP, if necessary, implementation of the HMMP, and compliance with applicable state and federal regulations would minimize the risk of damage or injury from use, disposal, and transport of hazardous materials ensure that impacts remain less than significant during the Project's operation and maintenance.

### Mitigation Measures for Impact HAZ-1

**MM HAZ-1 UXO Identification, Training, and Reporting Plan.** See Section 3.10.9 (Mitigation Measures) for full text.

### Significance After Mitigation

This impact would be less than significant with implementation of mitigation.

**Impact HAZ-2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

**LESS THAN SIGNIFICANT WITH MITIGATION, CONSTRUCTION AND DECOMMISSIONING.** As noted above, construction of the Project would involve the use of small amounts of hazardous materials, such as fuels and greases to fuel and service construction equipment, and small amounts of chemicals needed during construction. Improper handling and storage of these hazardous materials could result in the accidental release if not managed appropriately. The small quantities of chemicals to be stored at the Project during construction would be stored in their appropriate containers in enclosed and secured locations.

The HMMP includes and requires spill prevention and response training, and procedures to follow in the event of a spill (IP Easley, 2023, Appendix W). During construction, spill kits and materials that can be readily deployed would be stored at staging areas and mobile spill kits would be available for use in any fueling operations. Each construction crew would have sufficient supplies of absorbent and barrier materials on hand to allow the rapid containment and recovery of any spills. The construction contractor would immediately notify the Project operator, and the Project operator's Construction Supervisor and environmental monitor of any spills and/or clean-ups, regardless of the size of the spill. Small spills or leaks (less than 5 gallons) would be dealt with within 24 hours of the incident and would be documented in the spill report form. If a spill on BLM-administered land is between 5 and 50 gallons, the BLM contact would be given a courtesy call within a few hours of the incident. If the spill is larger than 50 gallons, the appropriate authorities/agencies would be notified. Should a major spill occur on BLM land, the Field

Office would be notified within 24 hours. All incidents on BLM-administered land would be properly recorded and addressed in accordance with BLM requirements. The Project operator would determine environmental reporting requirements and would notify appropriate environmental agencies.

A Stormwater Pollution Prevention Plan (SWPPP) or SWPPP equivalent document would be prepared by a qualified engineer or erosion control specialist and would be implemented before and during construction. The SWPPP would be designed to reduce potential impacts related to erosion and surface water quality during construction activities and throughout the life of the Project. It would include Project information and best management practices (BMP). The BMPs would include storm water runoff quality control measures, concrete waste management, storm water detention, watering for dust control, and construction of perimeter silt fences, as needed.

The Project would implement the SWPPP (or SWPPP equivalent document) and the HMMP, and would comply with all applicable local, state and federal regulations to reduce the potential that spills or leaks of hazardous materials would occur. In addition, if quantities exceed regulatory thresholds, the Project would develop a SPCC Rule and a HMBP which would include additional hazardous material requirements. Implementation of these plans and compliance with local, state, and federal regulations regarding hazardous materials use, storage, and disposal reduces potential adverse effects from spills or leaks to a less-than-significant level.

As noted above in Section 3.10.1.2, Valley Fever (*Coccidioidomycosis*) is considered endemic in California and *Coccidioides* fungus are present in the arid desert regions of California, including Riverside County. Riverside County has increasing numbers of cases and in 2021 reported ~~471~~ a high for the last decade of 455 cases for and incidence rate of ~~19.2~~ 18.7 per 100,000 population, which ~~is approaching~~ approached the criteria of 20 incidences per 100,000 required to be determined endemic. There is a potential that construction activities such as grading, excavation, and construction vehicle traffic, could loosen and stir up soil containing *Coccidioides* fungus spores, exposing workers and the public to contracting Valley Fever. Construction activities for the Project would be subject to stringent dust control requirements (including SCAQMD Rules 402 and 403). Implementation of Mitigation Measures AQ-1 (Fugitive Dust Control Plan) and HAZ-2, (Worker Environmental Awareness Program) would reduce the potential for workers and the public to contract Valley Fever due to exposure to substantial concentrations of dust which may contain *Coccidioides* fungus spores to a less-than-significant level.

**LESS THAN SIGNIFICANT WITH MITIGATION, OPERATIONS AND MAINTENANCE.** If regulatory thresholds are exceeded for storage of hazardous materials during Project operation, a SPCC would be prepared and implemented, as required by the SPCC Rule. BMPs would be employed in the use and storage of all hazardous materials within the Project, including the use of containment systems in appropriate locations. Appropriately sized and supplied spill containment kits would be maintained on-site in the O&M area, and the Project's employees would be trained on spill prevention, response, and containment procedures. The chemical storage area would not be located immediately adjacent to any drainage. The Project HMMP requires spill prevention and response training for employees handling hazardous material, best management practices for handling and transporting liquids, requires spill clean-up equipment on site, and monitoring and inspecting of vehicles for leaks. In addition, if an HMBP is required, an associated emergency response plan and inventory would be prepared and implemented. Therefore, there would be a less-than-significant impact due to the use, storage, and disposal of the small amounts of hazardous materials anticipated to be used during Project operation. The likelihood to overheat or ignite is increased if the batteries are poorly packaged, damaged, or exposed to a fire or a heat source.

The Project would include operation of up to 650 MW BESS that would consist of batteries housed in storage containers. Potential hazards related to the BESS could include fire, gaseous build up, explosion, and hazardous materials. Lithium metal batteries contain potentially toxic metals, such as copper and nickel, and organic chemicals, like toxic and flammable electrolytes. Once ignited, the resulting fires can

be especially difficult to extinguish as temperatures can rapidly increase to up to 500 degrees Celsius (932 degrees Fahrenheit) as a result of interactions between a battery's cathodes and anodes, and water is an ineffective extinguisher. The likelihood to overheat or ignite is increased if the batteries are poorly packaged, damaged, or exposed to a fire or a heat source (79 Fed. Reg. 46011, 46032, Aug. 6, 2014).

As noted previously, the BESS would be designed, packaged, constructed, and operated in accordance with applicable industry best practices and regulatory requirements, including, but not limited to, National Fire Protection Association 855 (Standard for the Installation of Stationary Energy Storage Systems) and Section 1206 of the California Fire Code and if applicable, certified to UL 9540. The configuration of the safety system would be determined based on site-specific environmental factors and associated fire response strategy and would contain a safety system that would be triggered automatically when the system senses abnormal conditions and/or imminent fire danger. A fire safety system would be provided within each on-site battery enclosure. Components of the system could include a fire panel, aspirating hazard detection system, smoke/heat detector, strobes/sirens, and suppression tanks. If applicable, the BESS would be tested to UL 9540A, which would confirm that the system would self-extinguish without active fire-fighting measures. Additionally, Mitigation Measure FIRE-1 (Fire Safety) would require components specific to fire response and safety at the BESS be included in the proposed Fire Management and Prevention Plan for the Project. Implementation and compliance with these design and safety regulations and MM FIRE-1 would reduce the impact to a less-than-significant level.

### Mitigation Measures for Impact HAZ-2

**MM AQ-1 Fugitive Dust Control Plan.** See full text in Section 3.4, Air Quality.

**MM FIRE-1 Fire Safety.** See full text in Section 3.19, Wildfire.

**MM HAZ-2 Worker Environmental Awareness Program.** See full text in Section 3.10.9 (Mitigation Measures).

### Significance After Mitigation

This impact would be less than significant with implementation of mitigation.

**Impact HAZ -3. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.**

**LESS THAN SIGNIFICANT WITH MITIGATION, CONSTRUCTION AND DECOMMISSIONING.** As noted above, the Project site is located within the WWII DTC/C AMA where maneuvers included weapons training, firing exercises, and laying out and removing landmine fields. Therefore, there is a potential to encounter UXO, MEC, or MD during construction activities. Implementation of proposed Mitigation Measure HAZ-1 (UXO Identification, Training, and Reporting Plan) would require UXO training, investigation, removal, and disposal to ensure that potential UXO impacts would be less than significant.

Phase and Phase II ESAs conducted for the private parcels of the proposed Project identified several potential contamination sources on Project private parcels and included preliminary soil testing for petroleum hydrocarbons (TPHs), pesticides (OCPs), VOC, and metals.

No known hazardous material or environmentally contaminated sites have been identified at the Project site according to EnviroStor and GeoTracker, as of February 2023. However, there is current and historical agricultural use on properties immediately adjacent to the Project site. Pesticides used at these adjacent sites may have spread to the nearby Project areas due to improper application, overspray, or by surface runoff. Although limited testing of the private agricultural parcels did not reveal any pesticide (OCP)

contamination (Stantec, 2024), residual pesticide-contaminated soil may be encountered during Project ground-disturbing activities for solar components and associated facilities near current and former agricultural areas. Additionally, petroleum hydrocarbon contaminated soil may be encountered near current and former fuel ASTs. Implementation of mitigation measures HAZ-2 (Worker Environmental Awareness Program) and HAZ-3 (Soil Management Plan) would ensure that workers and the public are not adversely affected by pesticide or petroleum hydrocarbon contaminated soil.

**NO IMPACT, OPERATIONS AND MAINTENANCE.** Operation and maintenance activities would not involve significant ground disturbance or excavation activities and would therefore have no potential to encounter UXO, MEC, or MD nor pesticide contaminated soils.

### Mitigation Measures for Impact HAZ-3

**MM HAZ-1**      **UXO Identification, Training, and Reporting Plan.** See full text in Section 3.10.9 (Mitigation Measures).

**MM HAZ-2**      **Worker Environmental Awareness Program.** See full text in Section 3.10.9 (Mitigation Measures).

**MM HAZ-3**      **Soil Management Plan. Significance After Mitigation.** See full text in Section 3.10.9 (Mitigation Measures).

### Significance After Mitigation

This impact would be less than significant with implementation of proposed mitigation measures.

**Impact HAZ-4. Result in a safety hazard or excessive noise for people residing or working in the Project area for a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.**

**LESS THAN SIGNIFICANT.** The proposed Project is located within 2 miles of the Desert Center Airport. The Desert Center Airport was purchased by the Chuckwalla Valley Raceway and is no longer included in the Riverside County Circulation Element. The Project site is not located within the Airport Influence Area Boundary nor any of the airport Compatibility Zones; however, it is located just outside of these areas (RCALUC, 2004). For uses in Compatibility Zone E, Riverside County Airport Land Use Commission review is required for objects greater than 100 feet tall. Because the Desert Center Airport is no longer part of the General Plan and the Project is not within the 2004 RCALUC influence areas, this review is not required.

Additionally, the only components of the solar facility that would be potentially over 100 feet tall are the gen-tie line structures, which would be on average 120 feet tall, with a maximum height of 199 feet. The gen-tie line structures would be approximately 2 to 2.5 miles south and southwest of the single east-west trending runway. The closest Project element would be approximately 1 mile northwest from the runway. Impacts to the airport due to the Project structures would be less than significant. However, low level military training flight paths are located crossing and in the vicinity of the Project and the gen-tie line structures could potentially represent an aviation hazard to low level training flights. Depending on the outcome of the BLM-DoD consultation, infrared obstruction lighting may be installed on structures over 180 feet high that are located in areas where the new structures would be taller than existing nearby structures. Compliance with BLM-DoD required lighting would reduce potential impacts to low level training flights to less than significant.

The PV solar panels for the proposed Project would not create significant adverse impacts from reflection and glare (see Section 3.2, Aesthetics). The Project would result in less-than-significant impacts associated



with reflection and glare impacts to the Desert Center Airport and on low level military training flights. See Section 3.2, Aesthetics, for more information on glare.

The proposed Project would not include residential or commercial uses that would be affected by operations at the Desert Center Airport on those occasions when it is in use. Project workers working in the project area would not be exposed to excessive noise from the airport, as the Project site is not located within the airport's noise contours. Further, the Project is not considered a sensitive use and would not introduce new residences on the project site which could experience excessive noise from the airport. Overall, any impacts to the safety for people residing or working in the Project area impacts would be less than significant.

#### **Mitigation Measures for Impact HAZ-4**

No mitigation would be required.

#### **Significance After Mitigation**

This impact would be less than significant.

#### **Impact HAZ-5. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

**LESS THAN SIGNIFICANT, CONSTRUCTION AND DECOMMISSIONING.** The proposed site is in a remote area with generally few rural residences; however, approximately 80 residences (primarily mobile homes) are located in Lake Tamarisk Desert Resort located just south of the Project site boundary. Access to the solar facility site would be provided from Rice Road/State Route 177 through up to five primary and three secondary driveway entrances via locked gates. None of these driveway entrances are near LTDR or on its access road and, therefore, construction traffic should not physically interfere with emergency access to LTDR. BLM open routes and agricultural roads would also be improved. Flagging operations at site access points may be implemented during construction if/when traffic control needs are indicated through either monitoring traffic operations during construction or determined to be required during construction stage planning. Construction of the solar facility is not expected to require any temporary lane closures that could restrict the movements of emergency vehicles or impair an emergency evacuation. The site would have controlled access points for ingress and egress into the solar facility. These access points would allow for emergency vehicle access into and through the site. Thus, construction of the proposed Project would result in less-than-significant impacts related to implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan.

**LESS THAN SIGNIFICANT, OPERATIONS AND MAINTENANCE.** Operations and maintenance of the Project would generate very few vehicle trips with only 2 onsite staff and 8 remote Project operators. Once constructed, maintenance activities would occur as needed at the solar facilities but are not expected to require any temporary travel lane closures that could restrict emergency vehicle movements. The proposed gen-tie line would be located within the Oberon Energy Renewable Project and would not introduce a new obstruction that would adversely affect emergency access or evacuation efforts. See Section 3.17, Transportation, for detailed discussions regarding access in and around the area. Thus, operation of the proposed Project would result in less-than-significant impacts related to implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan.

#### **Mitigation Measures for Impact HAZ-5**

No mitigation would be required.

### Significance After Mitigation

This impact would be less than significant.

**Impact HAZ-6. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.**

**LESS THAN SIGNIFICANT WITH MITIGATION, CONSTRUCTION AND DECOMMISSIONING.** During construction and decommissioning, fires could be caused by a variety of factors, including vehicle exhaust, sparks associated with grading activities, welding activities, parking on dry vegetation, and the overall temporary increase in human activity. The Project site consists of undeveloped open space, with minimal native or ruderal vegetation with a few rural residences, a mobile home community (LTDR), agricultural, and commercial properties located adjacent to and near the Project. Pursuant to the Code of Federal Regulations, Title 29, Part 1926.24 (29 Code of Federal Regulations [CFR] 1926.24), the Project operator would be responsible for the development and maintenance of an effective fire protection and prevention program through all phases of construction, repair, alteration, or demolition work for the solar facility, BESS, Project substation, gen-tie line, and associated components. The Project Fire Management and Prevention Plan (FMPP) includes procedures for minimizing potential ignition, work restrictions on high fire hazard days, requirements for spark arrestors, prohibition of smoking near vegetated areas or near combustible materials, and requirements for firefighting equipment suitable for extinguishing small fires (IP Easley, 2023, Appendix V). The FMPP for the Project would be implemented during construction to ensure that hazards related to exposing people to wildland fires would be less than significant.

Implementation of Mitigation Measure FIRE-1 (Fire Safety) which provides additional required procedures and information to be included in the FMPP, and of a WEAP, as required under Mitigation Measure HAZ-2, would further reduce wildfire risks. Accordingly, the proposed Project is not expected to expose people or structures, directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires during Project construction. Therefore, impacts would be less than significant with mitigation. See Section 3.18, Wildfire, for detailed discussions regarding wildfires and wildland fires in the Project area.

**LESS THAN SIGNIFICANT WITH MITIGATION, OPERATIONS AND MAINTENANCE.** As discussed in Section 3.19, Wildfire, the Project is located within both LRA and FRA areas of moderate fire severity. The Project site is not located within a high/very high fire hazard area, as determined by CAL FIRE. The solar facility would be designed and constructed to industry safety design standards (i.e., Institute of Electrical and Electronic Engineers, National Electric Code) and Riverside County Building and Safety Department requirements to reduce the risk of electrical fires at the site. Solar arrays are fire-resistant, as they are constructed largely out of steel, glass, aluminum, or components housed within steel enclosures. Wires would be buried at a minimum of 18 inches below grade, minimizing the potential for faulty wiring to ignite a fire. All electric inverters and the transformer would be constructed on concrete foundation structures or steel skids and tested prior to use to ensure safe operations and avoid fire risks. In the event of a higher-than-normal temperatures (from events that could start a fire or during a fire events) units could be remotely shut down or generation curtailed remotely until corrective actions (i.e., inspections and repairs) are taken. In a wildfire situation, the panels would be rotated and stowed in a panel-up position. Fire safety and suppression measures, such as smoke detectors and extinguishers, would be installed and available at the O&M facility. Implementation of Mitigation Measure FIRE-1 (Fire Safety) which provides additional required procedures and information to be included in the FMPP, in addition to compliance with applicable regulations, would reduce wildfire risks to less-than-significant levels.

Thermal runaway or other system failures could lead to fire or explosion of the BESS. In order to minimize hazards related to fire and explosion, the BESS would be designed and constructed per all applicable design, safety, and fires standards for the installation of energy storage systems, including, but not limited

to, National Fire Protection Association 855 (Standard for the Installation of Stationary Energy Storage Systems) and Section 1207 of the 2022 California Fire Code. These standards would require installation of fire suppression systems, thermal management, ventilation, and exhaust and deflagration venting systems in the BESS. A fire safety system would be provided within each on-site battery enclosure. Additionally, MM FIRE-1 would require components specific to fire response and safety at the BESS be included in the proposed Fire Management and Prevention Plan for the Project.

### **Mitigation Measures for Impact HAZ-6**

**MM FIRE-1 Fire Safety.** See full text in Section 3.19, Wildfire.

#### **Significance After Mitigation**

This impact would be less than significant with mitigation.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

### **3.10.6. Cumulative Impacts**

#### **Geographic Scope**

The geographic scope considered for cumulative impacts from health, safety, and hazardous materials/fire and fuels management is the area extending one mile from the boundary of the Project. One mile is the American Society of Testing and Materials (ASTM) standard search distance for hazardous materials. Tables 3.1-1 and 3.1-2 list existing and reasonably foreseeable projects in the region. The West-wide Section 368 Energy Corridors; SCE Red Bluff Substation; Devers–Palo Verde 1 Transmission Line; Palen Solar Project; Athos Renewable Energy Project; Oberon Renewable Energy Project; Sapphire Solar Project (proposed); and Arica and Victory Pass Solar Projects would all be within one mile of the boundary of the Project site and could therefore combine with the proposed Project and result in a cumulatively considerable impact to hazards and hazardous materials.

#### **Cumulative Impact Analysis**

The cumulative effect of transport, use, and disposal of hazardous materials during construction would be limited to the areas where concurrent construction is occurring or where concurrent roads are being used for construction traffic. Operation and maintenance of the proposed Project, including the proposed substations, shared switchyard, and O&M buildings, would involve periodic and routine transport, use, and disposal of minor amounts of hazardous materials, primarily petroleum products (fuels and lubricating oils) and motor vehicle fuel. The implementation of Mitigation Measure HAZ-2 (Worker Environmental Awareness Program) and agency regulations that address the handling of hazardous materials would ensure that the Project would not create a significant hazard to the public or the environment related to the handling or accidental release of hazardous materials. Past, present, and reasonably foreseeable future projects are also subject to existing agency regulations that address the handling and accidental release of hazardous materials, and all of the solar projects would have their own WEAPs for construction and operations. Therefore, existing regulations would ensure that the combined effects related to hazards and hazardous materials from the cumulative projects within the geographic scope of analysis would not be cumulatively significant, and that the proposed Project would not make a cumulatively considerable contribution to these effects.

Construction of the Project could encounter previously documented and undocumented hazardous materials sites within the area. Since the proposed site is located within an area with a history of WWII military use, there is a potential for UXO, MEC, and MD. The Project would be required to implement an

UXO Identification, Training, and Reporting Plan (MM HAZ-1) which addresses the identification and treatment of UXO and munitions debris, a WEAP (MM HAZ-2) which addresses hazardous materials handling and disposal training and information, and a SMP (MM HAZ-3) to address potential pesticide contaminated soil. All the cumulative projects would also be located on former military land with a history of UXO and munitions debris, so may have a similar potential for encountering UXO and munitions debris, and would also likely require an UXO Identification, Training and Reporting Plan and a WEAP and/or similar measures to minimize impacts to minimize impacts on and off the site. Because of the history of UXO in this area, the projects collectively could help reduce the overall impacts due to UXO hazards once they are operational and have potentially cleared areas of UXO hazards. Under cumulative conditions Cumulative impacts would be less than significant, and implementation of the Project would not make a cumulatively considerable contribution to public health and safety hazards.

Construction of the Project could result in mobilization of *Coccidioides* fungus spores in airborne dust. If inhaled, this could expose workers and the public to contracting Valley Fever. Implementation of stringent dust control regulations, Mitigation Measures HAZ-2 (Worker Environmental Awareness Program) and AQ-1 (Fugitive Dust Control Plan) minimizes the risk of workers or the public contracting Valley Fever. Past, present, and reasonably foreseeable future projects are also subject to existing agency regulations that address fugitive dust and would likely have similar mitigation to prepare a fugitive dust control plan. Therefore, existing regulations and mitigation would ensure that cumulative impacts are less than significant and the proposed Project would not make a considerably contribution to the potential for contracting Valley Fever.

The Easley Renewable Energy Project and other cumulative solar projects would all involve the storage, use, disposal, and transportation of hazardous materials to varying degrees during construction and operation. Impacts from these activities would not result in significant cumulative impacts, nor would the project result in a considerable contribution to cumulative impact because the storage, use, disposal, and transportation of hazardous materials are extensively regulated by various federal, state, and local laws, regulations, and policies. ~~It is foreseeable that~~ The Project and other cumulative projects would implement and comply with these existing hazardous materials laws, regulations, and policies.

Construction and operation of the Project could introduce a risk of wildland fire through accidental ignition of the sparse native vegetation during construction or operation activities, including equipment or BESS malfunction-related fires. The proposed Project would be required to comply with applicable federal, state, and Riverside County requirements relating to fire safety and fire hazards, the FMPP, and Mitigation Measures FIRE-1, minimizing the risk of wildland fire occurring. In addition, projects in the cumulative scenario would similarly be required to comply with fire safety and fire hazard guidelines and policies. Therefore, cumulative impacts would be less than significant, and the Project would not make a cumulatively considerable contribution to potential wildland fire impacts. In addition, the proposed Project would not make a considerable contribution to impact related to impairment of the implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan because no aspect of the Project would interfere with emergency response (e.g., construction is not expected to require any temporary lane closures that could restrict the movements of emergency vehicles).

#### **Mitigation Measures for Cumulative Impacts**

**MM AQ-1**      **Fugitive Dust Control Plan.** See full text in Section 3.4, Air Quality.

**MM FIRE-1**    **Fire Safety.** See full text in Section 3.19, Wildfire.

**MM HAZ-1**    **UXO Identification, Training, and Reporting Plan.** See full text in Section 3.10.9 (Mitigation Measures).

**MM HAZ-2 Worker Environmental Awareness Program.** See full text in Section 3.10.9 (Mitigation Measures).

**MM HAZ-3 Soil Management Plan.** See full text in Section 3.10.9 (Mitigation Measures).

### Significance After Mitigation

The Project's incremental contribution to hazard and hazardous materials impacts would not be cumulatively considerable.

### 3.10.7. Mitigation Measures

**MM AQ-1 Fugitive Dust Control Plan.** See full text in Section 3.4, Air Quality.

**MM FIRE-1 Fire Safety.** See full text in Section 3.19, Wildfire.

**MM HAZ-1 UXO Identification, Training, and Reporting Plan.** Where ground disturbance work is involved, contractor(s) shall be OSHA HAZWOPER-trained in accordance with standard 29CFR1910.120 and hold a current certification. The Applicant shall prepare a UXO Identification, Training, and Reporting Plan to properly train all site workers in the recognition, avoidance and reporting of military waste debris and ordnance. The Applicant shall submit the plan to the County and BLM for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:

- A description of the training program outline and materials, and the qualifications of the trainers; and
- Identification of available trained experts that will respond to notification of discovery of any ordnance (unexploded or not); and
- Work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near surface or buried ordnance in all proposed land disturbance areas.

**MM HAZ-2 Worker Environmental Awareness Program.** The WEAP prepared for the Project shall include a personal protective equipment (PPE) program, an Emergency Action Plan (EAP), and an Injury and Illness Prevention Program (IIPP) to address health and safety issues associated with normal and unusual (emergency) conditions. It will be reviewed and approved by the County and BLM prior to construction. Construction-related safety programs and procedures shall include a respiratory protection program, among other things. Construction Plan documents shall relate at least to the following:

- Environmental health and safety training (including, but not limited, to training on the hazards of Valley Fever, including the symptoms, proper work procedures, how to use PPE, and informing supervisor of suspected symptoms of work-related Valley Fever)
- Site security measures
- Site first aid training
- Site fire protection and extinguisher maintenance, guidance, and documentation
- Furnishing and servicing of sanitary facilities records
- Trash collection and disposal
- Disposal of hazardous materials and waste guidance in accordance with local, state, and federal regulations

**MM HAZ-3** **Soil Management Plan.** Prior to issuance of demolition or grading permits, the Applicant shall prepare a Soil Management Plan (SMP) to guide activities during construction that will disturb potentially pesticide or petroleum hydrocarbon contaminated soils to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The SMP shall be submitted to the County and BLM for approval prior to Project construction. The purpose of the SMP is to establish appropriate management practices for handling impacted soil or other materials that may be encountered during construction activities.

The SMP shall be implemented during Project construction and shall include, but shall not be limited to, the following components:

- Description of soil testing, which shall include (but not be limited to) the collection of shallow soil samples and analyses for pesticides to verify presence or absence of unknown pesticide soil contamination and the collection of soil samples at locations at and near onsite current and former fuel ASTs for analyses for petroleum hydrocarbons. This soil profiling shall be performed prior to initiation of Project construction.
- Protocols for sampling of in-place soil to facilitate the profiling of the soil for appropriate off-site disposal or reuse, and for construction worker safety, dust mitigation during demolition and construction and potential exposure of contaminated soil to future users of the site prior to Project construction.
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered prior to or during Project construction.
- Sampling and laboratory analyses of any excess soil requiring disposal at an appropriate off-site waste disposal facility.
- Procedures and protocols for the safe storage, stockpiling, and disposal of any contaminated soils.

If contaminants are identified at concentrations exceeding applicable screening levels, the Applicant shall submit the SMP sampling results to the County DEH and BLM and obtain oversight from the appropriate regulatory agencies. Copies of the approved SMP shall be kept at the Project site.

Any contaminated soils identified by testing conducted in compliance with the SMP and found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. Contaminated soil excavated from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

## 3.11. Hydrology and Water Quality

This section presents the existing local and regional water resources baseline for the Easley Renewable Energy Project (Project), the regulatory framework for water resources, and an assessment of the effects of the Project on groundwater and surface water sources. The Project area relevant to the analyses of water resources is the underlying Chuckwalla Valley Groundwater Basin (CVGB) and adjacent groundwater basins for groundwater resources and the Chuckwalla Valley Drainage Basin for surface water resources. The Easley Solar Project Hydrology Study by Westwood Professional Services (Westwood, 2023) is used as a primary source the surface water information in this section.

### 3.11.1. Environmental Setting

This section refers to certain laws and regulations that apply to water resources in this area. These laws and regulations are described in more detail in Section 3.11.2.

#### 3.11.1.1. Surface Water

##### Drainage Characteristics

The Project site is in the Chuckwalla Valley of Riverside County near the community of Desert Center, California. Although in the Mojave Desert Geomorphic Province, the Project lies within the Sonoran Desert ecoregion consisting of isolated mountain ranges separated by expanses of desert plains. The site is within an interior enclosed drainage system, meaning there is no outlet to the ocean. Drainage is to shallow lake beds which, being dry most of the time, are known as dry lakes or playas. Figure 3.11-1 (Project Topography) shows the topography of the Project site.

The Project lies on wide, flat alluvial fans emanating from the Chuckwalla Mountains to the south and from the Eagle Mountains to the east. Alluvial flows from these two mountain ranges form a series of numerous shallow, inter-braided, small washes which enter along the western boundary of the Project and traverse the Project from southwest to northeast. The Big Wash originates in the Eagle Mountains and crosses along the north side of the Project to join with the Pinto Wash, originating from the Eagle Mountains and from the area north of the Eagle Mountains. The Pinto Wash passes northwest to southeast adjacent to the north and east side of the Project site. All these washes are similar in character (numerous shallow inter-braided washes flowing over a wide area).

The elevation of the Project site ranges from about 550 feet above mean sea level (amsl) on the northeastern boundary of the site to 740 feet amsl at the southwestern edge. The surrounding mountains rise to over 3,000 feet amsl. The Project's site is relatively flat to gently sloping to the northeast.

##### Climate and Precipitation

The Chuckwalla Valley is characterized by high aridity, low precipitation, hot summers, and cool winters. Average maximum temperature at the nearby Eagle Mountain Climate Station is 104.9 degrees Fahrenheit (°F) in July. Average minimum temperature is 46.2°F in December (WRCC, 2023). Average annual precipitation is approximately 3.67 inches at Eagle Mountain Climate Station and 3.39 inches at the Blythe Climate Station (NOAA, n.d.[a]; NOAA, n.d.[b]; WRCC, 2023). Most rainfall occurs during the winter months, or in association with summer tropical storms which tend to be of shorter duration and higher intensity than winter storms. Eastern Riverside County is currently (February 2023) classified by the U.S. Drought Monitor as being in a moderate drought (U.S. Drought Monitor, 2023). Due to the aridity of the region, natural surface water within the Project area is ephemeral. Natural drainage courses (the washes described above) remain dry most of the time, carrying flows only after rainfalls sufficient to produce runoff.

## Flooding

At the location of the Project, the ephemeral desert watercourses exhibit characteristics of alluvial fans. Water from mountain canyons and drainages discharges onto the alluvial desert floor and spreads into a series of relatively unconsolidated channels and sheet flow which can inundate wide areas. Flood depths are generally (though not always) shallow resulting from the inability of the small, braided drainage channels to contain large flows. Flow patterns, as exhibited by visible watercourses, can shift over time, even within the duration of a single flood, as existing channels fill in and new channels are made.

The Federal Emergency Management Agency (FEMA) has not prepared flood insurance rate maps for the Project site; however, nearly all the site is within California Department of Water Resources (CDWR) Flood Awareness zones (Westwood, 2023) as shown in Figure 3.11-2 (DWR Flood Zones). These zones are approximate, for general information only, and are not intended as regulatory floodplains.

Westwood Professional Services (Westwood, 2023) has prepared a flood analysis appropriate for unconsolidated alluvial fan flooding on the Project site. Because of the complex and distributary nature of the flow path upstream and throughout the Project site, the Westwood study analyzed major sources of flooding in the area on a fixed-boundary terrain using a two-dimensional model grid with 50-foot cells. This study showed that much of the Project site would be subject to 100-year flooding as follows:

- Flood depth < 0.5 feet = 64.9% of the Project site.
- Flood depth 0.5 feet to 1 foot = 31.9% of the Project site.
- Flood depth 1.01 feet to 1.5 feet = 2.5% of the Project site.
- Flood depth 1.51 feet to 2 feet = 0.3% of the Project site.
- Flood depth 2.01 feet to 2.5 feet = 0.1% of the Project site.
- Flood depth 2.51 to 6+ feet <= 0.3% of the Project site.

Based on the above flood depths, and the nature of the alluvial terrain as already described, it is concluded that nearly every portion of the Project site could be subject to flooding, but most flood depths would be shallow (less than one foot). Figure 3.11-3 shows areas expected to be subject to flooding of more than one foot, which amount to roughly 3.2 percent of the site.

Flow velocities over most of the site range from 1 to 1.5 feet per second for the 100-year flood, with a few areas as much as 3 to 4 feet per second. Expected scour is mostly 1 to 1.5 feet. Highest velocities and scour would be associated with the deepest depths roughly shown in Figure 3.11-3.

The 100-year flood, used as a regulatory flood by FEMA and Riverside County, has a one percent chance of occurring in any year. Although the probability of occurrence remains the same (1 percent) for any given year, on average, a flood of this magnitude can be expected to occur once every 100 years. The flood limits shown in Figure 3.11-3 and described above are not regulatory floodplains. The purpose of the figure is to show the most-likely areas of worst-case 100-year flooding under current (year 2023) conditions. Because the flood model used a 50-foot grid, and because natural flow channels can shift through avulsion (the rapid abandonment of and the formation of new channels), there is a potential for the flood pattern shown in Figure 3.11-3 to change at some point in the future. Most flood depths over the Project site are likely to remain less than 1 foot as indicated in the Westwood study.

## Water Quality

Historical beneficial uses of water within the Colorado River Basin Region have been determined by the Colorado River Basin Regional Water Quality Control Board (RWQCB) and are largely associated with irrigated agriculture and mining. Industrial use of water has become increasingly important in the Region, particularly in the agricultural areas (RWQCB, 2019). The RWQCB Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) (RWQCB, 2019) lists specific beneficial uses for surface waters



and groundwater. The surface waters on the Project site would be classified in the Basin Plan as washes (ephemeral streams) which have the following beneficial uses: Groundwater Recharge (GWR), Non-Contact Water Recreation (REC II), Warm Freshwater Habitat (WARM) (to be established on a case-by-case basis), and Wildlife Habitat (WILD). Beneficial uses of the groundwater in the CVGB are Municipal and Domestic Supply (MUN), Industrial Service Supply (IND), and Agriculture Supply (AGR).

None of the waters in or near the proposed Project are currently listed as impaired on the Clean Water Act (CWA) Section 303(d) list of impaired waters (SWRCB, 2020).

### **Jurisdictional Waters**

Jurisdictional waters were delineated for the Project site in the Jurisdictional Waters Report by Ironwood Consulting (Ironwood, 2023; see EIR Appendix F). Potential areas of jurisdiction include waters of the U.S., administered by the U.S. Army Corps of Engineers (USACE) under the CWA, waters of the State, administered by the RWQCB, and waters subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW).

The Ironwood report concluded that there were 398.38 acres of unvegetated ephemeral wash and 0.6177 acres of anthropogenic wetlands which are unlikely to be jurisdictional under the Clean Water Act. There are 742.38 acres of dry desert wash woodland and 0.4495 acres of non-native riparian vegetation which are not jurisdictional under the Clean Water act. All these resources are either subject to or likely subject to RWQCB jurisdiction. All are subject to CDFW jurisdiction, necessitating approval of a Streambed Alteration Agreement.

Springs and seeps in the area include Corn Springs, Box Spring, Crystal Spring, Old Woman Spring, Cove Spring, Mitchell Caverns Spring, Bonanza Spring, Agua Caliente Spring, Kleinfelter Spring, Von Trigger Spring, Malpais Spring, and Sunflower Spring (RWQCB, 2021). All these springs are in the surrounding mountains, and none are located such that they could serve as water supply for or be affected by the Project.

#### **3.11.1.2. Groundwater**

The information presented below for groundwater resources and the CVGB is primarily from the Project's Water Supply Assessment (WSA), which is included as EIR Appendix G (GSI, 2024). References used are cited in the WSA (EIR Appendix G).

#### **Groundwater Overview**

The Project is located within the California Department of Water Resources (DWR) Bulletin 118 CVGB (Basin No: 7-5), which is in eastern Riverside County and encompasses an area of approximately 940 square miles (DWR, 2004) (see GSI, 2024, Figure 3 in Appendix G). Groundwater has been identified as the primary source of water in the CVGB. DWR has categorized the CVGB as a very low-priority basin under the Sustainable Groundwater Management Act (SGMA) (DWR, 2020a).

The CVGB is located within the Southern Mojave Watershed (Hydrologic Unit Code 8-18100100). The Chuckwalla Valley watershed, a subunit of the South Mojave Watershed, contributes to the CVGB via percolation of precipitation. Percolation of precipitation occurs within the Chuckwalla Valley watershed via runoff from the surrounding mountains and from precipitation to the Chuckwalla Valley floor (DWR, 2004; CEC, 2010).

There are no perennial streams in Chuckwalla Valley. Drainage in the CVGB is to the Palen and Ford Dry Lakes located in topographic low points (DWR, 2004). All surface water in the western portion of the CVGB, which includes the Project area, flows to Palen Dry Lake, located approximately 10 miles east of

the community of Desert Center and roughly 7 miles east of the Project area. Surface water in the eastern portion of the Chuckwalla Valley flows to Ford Dry Lake, located approximately 10 miles southeast of the Palen Dry Lake (RWQCB, 2021). Documented springs and seeps in the area are in the surrounding mountains, and none are located such that they could serve as a water supply for the Project (Aspen, 2021).

The CVGB underlies the Palen and Chuckwalla Valleys. The CVGB is bounded by the consolidated rocks of the Chuckwalla, Little Chuckwalla, and Mule Mountains on the south; the Eagle Mountains on the west; and the Mule and McCoy Mountains on the east. Rocks of the Coxcomb, Granite, Palen, and Little Maria Mountains bound the valley on the north (DWR, 2004).

Water-bearing units of the CVGB include Pliocene to Quaternary age continental deposits divided into Quaternary alluvium, the Pinto Formation, and the Bouse Formation (DWR, 2004). Bedrock is as deep as 5,000 feet below ground surface in the eastern portion of the CVGB. Wells in the vicinity of the Project extend to depths of approximately 550 to 875 feet below ground surface, with water levels approximately 100 to 150 feet below ground surface (RWQCB, 2021; Shen et al., 2017).

The CVGB is located within the jurisdiction of the Colorado River Basin RWQCB and is subject to management direction of the Water Quality Control Plan for the Colorado River Basin (Region 7) (RWQCB, 2019). The CVGB is bordered by the Pinto Valley, Cadiz Valley, Rice Valley, and Ward Valley Groundwater Basins on the north; the Palo Verde Mesa Groundwater Basin on the east; the Arroyo Seco Valley and Chocolate Valley Groundwater Basins on the south; and the Orocopia Valley Groundwater Basin on the west.

The CVGB is an unadjudicated groundwater basin. Owners of property overlying the CVGB have the right to pump groundwater from the CVGB for reasonable and beneficial use, provided that the water rights are neither severed nor reserved. Groundwater production in the CVGB is not managed by a specific entity and a groundwater sustainability plan has not been prepared ~~and~~ is not required, per SGMA, to be submitted to DWR based on its basin prioritization (very low priority) (DWR, 2020a). An Urban Water Management Plan and an Integrated Regional Water Management Plan have not been developed for the area.

## **Groundwater Trends**

The following sections summarize available groundwater level and groundwater quality data for the CVGB.

### ***Groundwater Levels***

Depths to groundwater are as deep as about 400 feet below ground surface in many parts of the CVGB (RWQCB, 2019). Based on groundwater contour data from 1961, 1979, and 1992 groundwater in the CVGB moves from the north and west toward the gap between the Mule and McCoy Mountains at the southeastern end of the Chuckwalla Valley (AECOM, 2010a; DWR, 2004). Available data indicate groundwater levels were stable as of 1963 and that a total groundwater extraction of 9,100 AFY was obtained in 1966 and 9,023 AF in 2019 (DWR, 2004; DWR 2020a).

The direction of groundwater movement is not expected to have changed since 1992, but there have been changes in groundwater levels, especially localized around areas of increased extraction. For example, data from wells within the Desert Center area show a period of water level decline from the mid-1980s through the early 1990s during periods of expanded agricultural operations. During the mid-1980s, combined pumping exceeded 21,000 AFY, which is well above historical water usage for the Desert Center area of the CVGB (AECOM, 2011; GEI, 2010).

The National Park Service has noted that groundwater levels throughout the CVGB appear to have been trending downward for several decades (BLM, 2012). Most wells in the CVGB have not been used for

collecting monitoring data such as groundwater level trends since the 1980s. However, groundwater data collected from several wells for the past 25 years indicate that groundwater level trends have remained largely stable in the eastern CVGB, and that groundwater levels have risen gradually back towards pre-agricultural pumping groundwater levels in the western CVGB (where the Project is located), while dropping steadily in the central CVGB (Aspen, 2021). In 2012, the U.S. Geological Survey (USGS) installed monitoring wells in the eastern CVGB. Available water level data from these wells indicate generally rising groundwater levels over the period of data collection (USGS, 2023).

~~In general, available~~ historical groundwater level data show ~~relatively~~ generally stable groundwater levels in the CVGB, interrupted in the Desert Center area in the past mainly by relatively intensive agricultural pumping. ~~Available~~ historical groundwater level data from the Desert Center area indicate rising, or recovering, groundwater levels following the cessation of most agricultural usage since the 1980s (AECOM, 2010a).

### **Groundwater Quality**

The Project is located in the jurisdiction of the Colorado River Basin RWQCB. The Water Quality Control Plan developed by the RWQCB establishes water quality objectives, including narrative and numerical standards, to protect the beneficial uses of surface and ground waters in the region. The Water Quality Control Plan describes implementation plans and other control measures designed to ensure compliance with Statewide plans and policies and documents comprehensive water quality planning.

Beneficial uses of waters, designated by the RWQCB, are of two types: consumptive and non-consumptive. Consumptive uses are those normally associated with people's activities, primarily municipal, industrial, and irrigation uses that consume water and cause corresponding reduction and/or depletion of water supply. Non-consumptive uses include swimming, boating, waterskiing, fishing, hydropower generation, and other uses that do not significantly deplete water supplies. Historical beneficial uses of water within the Colorado River Basin Region have largely been associated with irrigated agriculture and mining. Industrial use of water has become increasingly important in the Region, particularly in the agricultural areas (RWQCB, 2019). The RWQCB Water Quality Control Plan for the Colorado River Basin Region (RWQCB, 2019) lists specific beneficial uses for groundwater. Beneficial uses of the groundwater in the CVGB are Municipal and Domestic Supply (MUN), Industrial Service Supply (IND), and Agriculture Supply (AGR).

Total dissolved solids (TDS) concentrations across the CVGB range from 274 milligrams per liter (mg/L) to 12,300 mg/L. The lowest TDS concentrations are in the western portion of the CVGB, where TDS concentrations range from 275 to 730 mg/L (DWR, 2004). In the northwest portions of the CVGB, arsenic concentrations have ranged from 9 micrograms per liter (ug/L) to 25 ug/L (GEI, 2010). Water quality in the CVGB has concentrations of sulfate, chloride, fluoride, and TDS that are higher than recommended levels for drinking water use. Likewise, elevated concentrations of boron, TDS, and percent sodium impair groundwater for irrigation use. In general, groundwater in the CVGB is sodium chloride to sodium sulfate-chloride in character (DWR, 2004).

Recent available water quality data near the proposed Project is limited to four wells, with nitrate being the only constituent analyzed in three of the four wells. Reported nitrate concentrations in all four wells were below the federal and California Maximum Contaminant Level of 10 mg/L (nitrate measured as nitrogen).

## Groundwater Storage Capacity

Total groundwater storage capacity of the CVGB is estimated to be from 9,100,000 AF to 15,000,000 AF (DWR, 2004). A project-specific 2013 analysis estimated the storage capacity of the CVGB to be about 10,000,000 AF (SWRCB, 2013).

## Groundwater Recharge

Recharge to the CVGB occurs from subsurface inflow from other groundwater basins, infiltration of precipitation, irrigation return flow, and wastewater return flow. Leakage from the Colorado River Aqueduct has also been identified as a possible source of inflow.

### *Subsurface Inflow and Mountain Front Recharge*

Groundwater in the CVGB generally flows west to east. Subsurface inflow originates from the Pinto Valley and Orocopia Valley Groundwater Basins, which are west of the CVGB (DWR, 2004; BLM, 2011). The amount of inflow from the Pinto Valley and Orocopia Valley Groundwater Basins is highly-uncertain, and there have been a wide-range of estimates from different publications ranging from a low of 372 AFY to a high of 6,575 AFY (Aspen, 2021; Fang et al., 2021).

Two groundwater budgets were developed for the Project WSA (GSI, 2024). The first (Table 3.11-1) is a best estimate using data that have been widely reported and used in previous WSA-studies (see Section 3.11.1.2 and GSI, 2024, Sections 5.7 and 5.8). The second water budget analysis (Table 3.11-2) uses lower input estimates (see Section 3.11.1.2 and GSI, 2024, Sections 5.7 and 5.8). The first, or “normal conditions” groundwater budget developed for the Project WSA uses 877 AFY as established in Fang et al. (2021) as the upper bound as of the amount of natural groundwater recharge from subsurface inflow from the Pinto Valley Groundwater Basin. This was the upper range of the groundwater inflow estimates from the Pinto Valley Groundwater Basin. Groundwater budgets in WSAs for nearby projects in the recent past have used 3,500 AFY (RWQCB, 2021), which is approximately in the middle of the range of estimates. The second, or “reduced recharge”, groundwater budget uses 372 AFY as the amount of natural groundwater recharge from subsurface inflow, which was developed by Fang et al. (2021) as the lower bound. These mountain front recharge volumes represent the upper and lower bounds in Fang et al. (2021). Notably, the upper bound of subsurface inflow used in the WSA (877 AFY) represents a conservative assumption, as groundwater budgets in WSAs for nearby projects in the recent past have used 3,500 AFY (Aspen, 2021), which is approximately in the middle of the range of estimates.

Mountain front recharge is recorded as lateral subsurface flow that passes from thin mountain soil to the aquifer at the mountain foot (Fang et al., 2021). The Project WSA (GSI, 2024) groundwater budget uses 210 AFY for mountain front recharge. The analysis also applies ~~the~~ 107 AFY for the reduced groundwater recharge scenario. These mountain front recharge volumes represent the upper and lower bounds in Fang et al. (2021).

### *Infiltration of Precipitation*

Groundwater recharge to the CVGB by precipitation is difficult to assess due to lack of data quality and the aridity of the region. The CVGB receives a total precipitation of approximately 205,376 (Fang et al., 2021) to 258,000 AFY (CEC, 2010). Recharge from precipitation has been estimated by previous CVGB studies as a percentage of total precipitation. The California Energy Commission (CEC) recommended using 8,588 AFY (about 3.3 percent of total precipitation) for a conservative groundwater budget analysis (CEC, 2010). These results are supported by the findings of a study included in a USGS report on groundwater recharge in the arid and semiarid southwestern U.S. (USGS, 2007) which identified a range of approximately 3 to 7 percent of total precipitation for the Mojave Desert, depending on the amount of precipitation received. Fang et al. (2021) (using the CVGB precipitation estimate of 205,376 AFY) estimates

a range of approximately 3.4 percent to 5.6 percent of precipitation that falls within the Chuckwalla Valley watershed contributes to groundwater; resulting in a groundwater recharge from precipitation range of approximately 6,983 AFY to 11,501 AFY.

The groundwater budget developed for the Project WSA (GSI, 2024) uses 8,846 AFY of groundwater recharge from precipitation. The recharge from precipitation estimate is approximately 4.3 percent of the Fang et al. (2021) estimated annual CVGB watershed precipitation. Because of the uncertainties of water budget components included in the Fang et al. (2021) water balance (see GSI, 2024, Section 5.7.1), the 5.6 percent recharge from precipitation from Fang et al. (2021) could not be used in conjunction with all of the inflow water budget components included the Project WSA.<sup>24</sup> The resulting groundwater inflow estimate would have exceeded the upper bounds of the total recharge estimated by Fang et al. (2021).

For the reduced groundwater recharge scenario, 4,997 AFY of recharge from precipitation is used for the groundwater budget, representing approximately 2.4 percent of average annual precipitation (Fang et al., 2021). Similarly, because of the uncertainties of water budget components included in the Fang et al. (2021) water balance (see GSI, 2024, Section 5.7.1), the 3.4 percent recharge from precipitation from Fang et al. (2021) could not be used in conjunction with all of the inflow water budget components included the Project WSA. The resulting groundwater inflow estimate would have exceeded the lower bounds of the Fang et al. (2021) total recharge estimate.

### ***Irrigation and Wastewater Return Flow***

Irrigation water applied to crops within the CVGB has the potential to infiltrate to groundwater depending on the amount and method of irrigation, soil, crop type, and climate. The CEC estimated irrigation return recharge as 10 percent of total irrigation volume as determined by a 2009 study (WorleyParsons, 2009), and determined that 800 AFY would reach the CVGB (CEC, 2010).<sup>25</sup>

Wastewater return flow within the CVGB originates from the Chuckwalla State Prison, the Ironwood State Prison, and the Lake Tamarisk development near Desert Center (CEC, 2010; WorleyParsons, 2009). The prisons use an unlined pond to dispose of treated wastewater, and it is estimated that 795 AFY infiltrates to the CVGB (WorleyParsons, 2009). Another 36 AFY is estimated to originate from Lake Tamarisk, for a total of 831 AFY (WorleyParsons, 2009).

### ***Colorado River Aqueduct***

Leakage from the Colorado River Aqueduct, which runs across the western edge of the CVGB, has not been documented, but was hypothesized by the Argonne National Laboratory (Argonne) in a 2013 study of the Riverside East Solar Energy Zone (Argonne, 2013). Argonne estimated a 2,000 AFY contribution to the CVGB from the aqueduct based on measured leakage rates from the Central Arizona Project in Arizona (Argonne, 2013). This recharge component is not well documented and, if it does occur, the use of it would require a corresponding entitlement; therefore, it is not used in the Project WSA.

### **Groundwater Demand/Outflow**

Groundwater outflow from the CVGB occurs as subsurface flow, groundwater pumping, and evapotranspiration. The three outflow components are summarized below.

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<sup>24</sup> There are uncertainties associated with the Fang et al. (2021) groundwater budget recharge components because they were categorized (or grouped) differently than those described in the Project's WSA and limited explanation was provided by the Fang et al. (2021) for each group of recharge components. -The percent recharge from precipitation in the Project WSA was reduced to ensure the total annual groundwater recharge was consistent with Fang et al. (2021).

<sup>25</sup> Groundwater extraction for agricultural irrigation was estimated at 6,628 AF in 2019 (DWR, 2020a). Therefore, the 6,400 AFY estimated by WorleyParsons (2009) and used in the Project WSA for agricultural irrigation return flow is acceptable, although slightly underestimated according to the CEC.

### ***Subsurface Outflow***

Subsurface outflow from the CVGB is to the Palo Verde Mesa Groundwater Basin and has been estimated as ranging from 400 to 1,162 AFY (CEC, 2010). The Argonne 2013 study of the CVGB assumed zero subsurface outflow; however, justification was not well documented. Using gravity data, Wilson and Owens-Joyce (1994) found that the area through which discharge is suspected to occur is significantly more limited than previously thought due to the presence of a buried bedrock ridge. Given that this discovery was made after the 1,162 AFY estimate was reported (which was in 1990), the lower estimate of 400 AFY outflow was adopted for the Project WSA. Subsurface outflow calculations from the CVGB to the Palo Verde Mesa Groundwater Basin have included 0 AFY (Argonne, 2013), 400 AFY (Metzger et al., 1973), 870 AFY (Woodward Clyde, 1986), and 1,162 AFY (Engineering Science, 1990). The Metzger et al. (1973) calculation was based on a cross sectional profile of the boundary between the two basins derived using geophysical methods and regional data regarding groundwater gradients and hydraulic conductivity. Woodward Clyde (1986) revised this estimate based on the same cross-sectional area and hydraulic gradient but with an updated hydraulic conductivity derived from a pumping test conducted at the Chuckwalla State Prison. Engineering Science (1990) updated this estimate to 1,162 AFY using updated gradient information that considered the results of monitoring and return flow from prison effluent disposal. Wilson and Owens-Joyce (1994), using existing gravity data from the USGS, identified a bedrock ridge underlying the CVGB fill east of the cross-section produced by Metzger et al. (1973), indicating the area through which discharge occurs is more limited than assumed in previous studies (CEC, 2010; Genesis Solar and WorleyParsons, 2010). Therefore, the Woodward Clyde (1986) and Engineering Science (1990) estimates are likely too high.

The Metzger et al. (1973) calculation of 400 AFY was adopted for the Project WSA. The Metzger et al. (1973) estimate was derived using a repeatable scientific method and was used in GEI (2009). Additionally, due to the limited magnitude of the range of values, the selected value is inconsequential to results of the cumulative impact scenario (see Section 7 of WSA).

### ***Groundwater Extraction***

Current and historical groundwater extraction in the CVGB includes agricultural water use, pumping for Chuckwalla and Ironwood State Prisons, pumping for the Lake Tamarisk development and golf course, domestic pumping, and a minor amount of pumping by Southern California Gas Company (CEC, 2010). Using data from 2005 to 2010, DWR (2015) estimated the total amount of pumping at 5,000 AFY for the entire CVGB. Argonne (2013), using DWR data, estimated 5,100 AFY. Other recent studies have calculated higher estimates. Specifically, the Palen Solar Project Environmental Impact Study and CEC staff assessment for the Palen Solar Project, both used 10,361 AFY (BLM, 2011; CEC, 2010). AECOM, in a WSA for the Palen Solar Power Project (AECOM, 2010a), estimated 5,745 AFY to 7,415 AFY, with no source/technical citation identified. DWR (2020a) estimated 9,023 AF total annual groundwater use in the CVGB in 2019. For the purposes of this analysis, the ~~most recent~~ estimate of 10,361 AFY is used as an reasonable upper estimate of total extraction, as was used by the BLM (2011) and the CEC (2015).

Since the reporting of the studies related to the Palen Solar Project, an additional approximately 340 AFY of groundwater extraction occurs within the CVGB for qualifying projects located within the Development Focus Area (RWQCB, 2021).<sup>26</sup> Therefore, the total baseline groundwater extraction amount determined for purposes of the Project WSA is 10,700 AFY. Annualized total pumping used in Fang et al. (2021) was 8,101 AF.

<sup>26</sup> Qualifying completed projects (i.e., operational groundwater uses only) contributing to the baseline groundwater extraction include Genesis Solar Electric Plant (218 AFY), Desert Sunlight Solar Farm (0.3 AFY),- Desert Harvest Solar Project (40 AFY), Athos Renewable Energy Project (40 AFY), and Palen Solar Project (41 AFY) (RWQCB, 2021).

### **Evapotranspiration**

The groundwater table at the Palen Dry Lake was identified at a depth of 8 feet below the ground surface (WorleyParsons, 2009). This suggests that groundwater could be close enough to rise through capillary action and be lost through evaporation (CEC, 2010).

The CEC (2015) estimated groundwater discharge rates from Palen Dry Lake using measured evaporation rates at Franklin Lake Playa in Death Valley, adjusted for differences in the characteristics of the two dry lakes, as a reference. The result was 0.0583 feet of evapotranspiration per month, for 3 months of the year. Over the 2,000-acre area considered susceptible to groundwater evapotranspiration, this amounts to 350 AFY (CEC, 2010).

### **Baseline Groundwater Budget**

The baseline groundwater budget is the groundwater budget for the CVGB in the absence of the Project and all other known cumulative projects not already in place. For the purposes of this analysis, agricultural uses and existing cumulative projects are considered as part of the baseline budget. There are no manufacturing water uses in the area.

#### **Normal (Average) Year**

Table 3.11-1 provides a baseline groundwater budget during normal climatic conditions for the CVGB based on the adopted information presented in Section 3.11.1.2 and the Project WSA (GSI, 2024). The baseline basin yield for the CVGB is estimated at 100 AFY (budget balance from Table 3.11-1).<sup>27</sup> This budget would be for a normal (average) year, in terms of precipitation and water use. Assuming a 100 AFY average year yield, the CVGB would have a surplus of approximately 5,200 AF at the end of the 52-year period, ~~meaning groundwater levels and groundwater in storage in the CVGB would gradually recover from deficit that may have been created during past periods of increased agricultural pumping.~~<sup>28</sup> Groundwater levels and groundwater in storage in the CVGB would be expected to gradually increase over the 52-year period.

Although Table 3.11-1 is described as a baseline groundwater budget during normal climatic conditions, it is also considered the more accurate estimate and is relied upon here for purposes of the impacts discussed below. As described in Section 5.7 and 5.8 of the Project WSA (GSI, 2024), the adopted groundwater budget components are considered conservative. The adopted groundwater recharge components are generally in the lower range of published volumes and the groundwater outflow components are generally on the higher range of published volumes. Because of the aridity, sparse population, and limited development of the CVGB (when compared to the size of the CVGB), the groundwater budget is driven by precipitation related groundwater recharge and groundwater extraction from pumping. Total annual groundwater inflow for the CVGB is consistent with volumes calculated by Fang et al, (2021). Total annual groundwater pumping used in the Project WSA however is approximately 1,340 AF greater than the annual groundwater pumping estimated by DWR (2020a) in 2019. If the DWR (2020a) annual groundwater pumping estimate was adopted for this WSA, the average annual yield for the CVGB would be approximately 1,500 AF and the CVGB would have a surplus of approximately 78,000 AF at the end of the 52-year

<sup>27</sup> Basin Yield is the volume of pumping that can be extracted from the basin on a long-term basis without creating a chronic and continued lowering of groundwater levels and the associated reduction in the volume of groundwater in storage. Basin yield is not a fixed constant value but a dynamic value that fluctuates over time as the balance of the groundwater inputs and outputs change. Basin yield is not the same as sustainable yield. Sustainable yield is defined in SGMA as “the maximum quantity of water, calculated over a period representative of long-term conditions in the basin and including any temporary surplus that can be withdrawn annually from a groundwater supply without causing an undesirable result” (California Water Code 10721).

<sup>28</sup> The 52-year period is equivalent to the Project’s approximate 2-year construction period, assumed 48-year operational period, and estimated 2-year decommissioning period.

period. This 76,500 AF discrepancy demonstrates the weighted significance of the water budget assumptions (even without consideration of cumulative project pumping) and should be considered when reviewing the various projected groundwater budgets presented herein. For comparison, an additional “Budget Balance” row that incorporates the DWR (2020a) estimated groundwater pumping is included in the projected groundwater budgets presented herein.

**Table 3.11-1. Estimated Normal Baseline Groundwater Budget for Chuckwalla Valley Groundwater Basin**

Budget Components	Acre-Feet per Year
<b>Inflow</b>	
Recharge from Precipitation <sup>1</sup>	8,846
Underflow from Pinto Valley and Orocopia Valley Groundwater Basins <sup>2</sup>	877
Mountain Front Recharge <sup>3</sup>	210
Irrigation Return Flow <sup>4</sup>	800
Wastewater Return Flow <sup>5</sup>	831
Total Inflow <sup>9</sup>	11,600
<b>Outflow</b>	
Groundwater Extraction <sup>5</sup>	-10,700
Underflow to Palo Verde Mesa Groundwater Basin <sup>7</sup>	-400
Evapotranspiration at Palen Dry Lake <sup>8</sup>	-350
Total Outflow <sup>9</sup>	-11,500
<b>Budget Balance (Inflow – Outflow)<sup>9</sup></b>	100
<b>Budget Balance (Inflow – Outflow)</b>	
<b>Using the DWR (2020a) Groundwater Extraction<sup>9</sup></b>	<b>1,500</b>

**Notes**

<sup>1</sup> Fang et al., 2021

<sup>2</sup> Fang et al., 2021

<sup>3</sup> Fang et al., 2021

<sup>4</sup> CEC, 2010

<sup>5</sup> WorleyParsons, 2009

<sup>6</sup> Based on RWQCB, 2021, plus extractions of existing cumulative projects.

<sup>7</sup> CEC, 2010

<sup>8</sup> CEC, 2010

<sup>9</sup> Due to rounding, the total does not correspond to the exact sum of all figures shown.

**Dry Year Reduced Recharge Assumptions**

Because of the uncertainties involved and to provide a range of values, two groundwater budgets were developed for the Project WSA. The first (Table 3.11-1) is presented above, a best estimate using data from recently developed numerical groundwater models for the CVGB and data used in previous WSA studies (see Section 3.11.1.2 and Project WSA Section 5.7 and 5.8). The second water budget analysis (Table 3.11-2) which uses lower input estimates (Table 3.11-2) (see Section 3.11.1.2 and GSI, 2024, Sections 5.7 and 5.8). Specifically, the second budget uses a recharge from precipitation estimate of 4,997 AFY, and an underflow from the Pinto Valley Groundwater Basin of 372 AFY. All other inflow/outflow estimates are the same for both budgets. The two groundwater budgets together provide insight into a range of potential outcomes related to groundwater use in the CVGB.

Using the lower estimates of precipitation and underflow recharge, the baseline budget indicates the CVGB to be in deficit, with a loss of approximately 4,400 AFY, resulting in a cumulative deficit of approximately 228,800 AFY over the 52-year period. Groundwater levels would be expected to lower and the



volume of groundwater in storage would decrease. Incorporating the DWR (2020a) annual groundwater pumping estimate into the CVGB groundwater budget, the baseline reduced inflow groundwater budget for the CVGB indicates a reduced annual deficit of approximately 3,000 AF and a total deficit of approximately 156,000 AF at the end of the 52-year period.

As noted above, the baseline groundwater budget presented in Table 3.11-1 is considered the more accurate estimate and includes a conservatively high annual groundwater pumping estimate (see GSI, 2024 Sections 5.7, 5.8, and 6). The CVGB reduced recharge groundwater budget indicates an annual deficit, however reported groundwater levels in the CVGB have been generally stable and, in some areas, indicate an increasing trend which can result from a decreased groundwater pumping and (on average) an annual basin groundwater surplus. Additionally, the reduced recharge groundwater budget is inconsistent with previous studies, including USGS (2007), CEC (2010), and Fang et al. (2021). As discussed in the WSA, USGS (2007) and CEC (2010) calculated a range of precipitation-related groundwater recharge in the arid and semiarid southwestern United States and the CVGB, respectively, and Fang et al. (2021) is the most up-to-date groundwater model for the CVGB and has been used or suggested by other agencies (including BLM) and experts for modeling the CVGB.

**Table 3.11-2. Estimated Normal Baseline Groundwater Budget for the Chuckwalla Valley Groundwater Basin Using Reduced Estimates of Precipitation and Subsurface Inflow**

<b>Budget Components</b>	<b>Acre-Feet per Year</b>
<b>Inflow</b>	
Recharge from Precipitation <sup>1</sup>	4,997
Underflow from Pinto Valley and Orocopia Valley Groundwater Basins <sup>2</sup>	372
Mountain Front Recharge <sup>3</sup>	107
Irrigation Return Flow <sup>4</sup>	800
Wastewater Return Flow <sup>5</sup>	831
<b>Total Inflow<sup>9</sup></b>	<b>7,100</b>
<b>Outflow</b>	
Groundwater Extraction <sup>6</sup>	-10,700
Underflow to Palo Verde Mesa Groundwater Basin <sup>7</sup>	-400
Evapotranspiration at Palen Dry Lake <sup>8</sup>	-350
<b>Total Outflow<sup>9</sup></b>	<b>-11,500</b>
<b>Budget Balance (Inflow – Outflow)<sup>9</sup></b>	<b>-4,400</b>
<b>Budget Balance (Inflow – Outflow) Using the DWR (2020a) Groundwater Extraction<sup>9</sup></b>	<b>-3,000</b>

**Notes**

<sup>1</sup> Fang et al., 2021

<sup>2</sup> Fang et al., 2021

<sup>3</sup> Fang et al., 2021

<sup>4</sup> CEC, 2010

<sup>5</sup> WorleyParsons, 2009

<sup>6</sup> Based on RWQCB, 2021, plus extractions of existing cumulative projects.

<sup>7</sup> CEC, 2010

<sup>8</sup> CEC, 2010

<sup>9</sup> Due to rounding, the total does not correspond to the exact sum of all figures shown.

### 3.11.2. Regulatory Framework

#### 3.11.2.1. Federal Laws, Regulations, and Policies

**Clean Water Act (CWA) (33 USC § 1251 et seq.).** Formerly the Federal Water Pollution Control Act of 1972, the CWA was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA authorizes the USEPA to implement federal water pollution control programs such as setting water quality standards for contaminants in surface water, establishing wastewater and effluent discharge limits for various industry categories, and imposing requirements for controlling point and nonpoint source pollution. At the federal level, the CWA is administered by the U.S. Environmental Protection Agency (USEPA) and USACE. However, the CWA gives states the primary responsibility for protecting and restoring surface water quality. At the state and regional levels, the Act is administered and enforced by the State Water Resources Control Board (SWRCB) and the nine RWQCBs. The Project site is located within the Colorado River Basin Region, over which area the Colorado River Basin RWQCB has primary responsibility for the protection of water quality.

Section 303 of the federal CWA (as well as the Porter-Cologne Water Quality Control Act, discussed further below) requires that states adopt water quality standards. Water quality standards consist of designated beneficial uses, numeric and narrative water quality criteria (also referred to as “water quality objectives” under state law) that protect beneficial uses, as well as the state and federal antidegradation policies. Each RWQCB has a Water Quality Control Plan (Basin Plan) that designates beneficial uses, establishes water quality objectives to protect the beneficial uses, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan.

The RWQCB sets water quality objectives to ensure the protection of beneficial uses and the prevention of nuisance, although it is understood that water quality can be changed to some degree without unreasonably affecting beneficial uses (RWQCB, 2019). Current objectives for surface water in the area include those for aesthetic qualities, tainting substances, toxicity, temperature, pH, dissolved oxygen, suspended and settleable solids, dissolved solids, bacteria, biostimulatory substances, sediment, turbidity, radioactivity, chemical constituents, and pesticide wastes. Groundwater objectives include those for taste and odors, bacteriological quality, chemical and physical quality, brines, and radioactivity. The RWQCB has objectives for groundwater overdraft for several specific groundwater basins, but the CVGB is not listed among these (RWQCB, 2019).

Section 402 of the CWA provides that the discharge of pollutants to Waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits contain industry-specific, technology-based limits and may include additional water quality-based limits, and pollutant-monitoring requirements. An NPDES permit may include discharge limits based on federal or state water quality criteria or standards. Amendments to the CWA added a framework for regulating municipal and industrial stormwater discharges, as well as stormwater discharges from construction sites. In California, the SWRCB and the nine RWQCBs have been delegated permitting authority for discharges regulated by NPDES permits.

The RWQCB administers the NPDES stormwater permitting program. Construction activities disturbing one acre or more of land are subject to the permitting requirements of the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit, Order 2009 0009 DWQ as amended by Orders 2010 0014 DWQ and 2012 0006 DWQ), as described further below. Additionally, the NPDES General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit, Order 2014 0057 DWQ as amended in 2015 and 2018) regulates discharges of stormwater associated with certain industrial activities, excluding construction activities.

Section 404 of the CWA authorizes the USACE to regulate the discharge of dredged or fill material to the waters of the U.S. and adjacent wetlands. Filling of waters of the U.S. must be avoided where possible and minimized and mitigated where avoidance is not possible. Permits are issued by the USACE.

Section 401 of the CWA requires that any applicant for a federal license or permit to conduct an activity that may result in a discharge into waters of the U.S. obtain a certification from the State in which the discharge originates that the discharge will comply with the applicable provisions of CWA Sections 301, 302, 303, 306, and 307. This certification ensures that the proposed activity complies with state water quality standards.

~~Because~~ If the USACE ~~has determined~~ determines that waters on the Project site are not jurisdictional Waters of the United States under the CWA, no NPDES permits under Section 402 or 404 are required, nor is a water quality certification under Section 401. Water quality impacts from the Project will be addressed under state law through Waste Discharge Requirements.

**National Flood Insurance Act/Flood Disaster Protection Act.** The National Flood Insurance Act of 1968 made flood insurance available for the first time. The Flood Disaster Protection Act of 1973 made the purchase of flood insurance mandatory for the protection of property located in Special Flood Hazard Areas. These laws led to mapping of regulatory floodplains and to local management of floodplain areas according to federal guidelines which include prohibiting or restricting development in flood hazard zones.

**Colorado River Accounting Surface.** Based on the Colorado River Compact of 1922, and the 1928 apportionment of lower Colorado River water by the U.S. Congress, groundwater in the river aquifer beneath the floodplain is considered Colorado River water, and water pumped from wells on the floodplain is presumed to be river water and is accounted for as Colorado River water (USGS, 2009). The accounting-surface method was developed in the 1990s by the U.S. Geological Survey, in cooperation with the U.S. Bureau of Reclamation, to identify wells outside the floodplain of the lower Colorado River that yield water that will be replaced by water from the river. This method was needed to identify which wells require an entitlement for diversion of water from the Colorado River and need to be included in accounting for consumptive use of Colorado River water as outlined in the Consolidated Decree of the United States Supreme Court in *Arizona v. California*. The method is based on the concept of a river aquifer and an accounting surface within the river aquifer. Wells within the CVGB that draw water from below the accounting surface require an entitlement for the use of that water (USGS, 2009). Within the Project area, the accounting surface is at elevation 238 to 240 feet (USGS, 2009). Extractions of water below that elevation are prohibited without an entitlement. Entitlements to extract and use the groundwater below the accounting surface are granted by the U.S. Bureau of Reclamation (USBR) through its designated representative in California, the Colorado River Board of California. Entities in California are using California's full apportionment of Colorado River water, meaning that all water is already contracted, and no new water entitlements are available in California.

### 3.11.2.2. State Laws, Regulations, and Policies

#### California Streambed Alteration Agreement

Sections 1600–1616 of the California Fish and Game Code require that any entity that proposes an activity that will substantially divert or obstruct the natural flow of any river, stream, or lake, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit material into any river, stream, or lake, must notify the CDFW. If CDFW determines the proposed alteration will impact a jurisdictional river, stream or lake, a Lake or Streambed Alteration Agreement (LSAA) will be prepared. The LSAA applies to any stream, including ephemeral streams and desert washes.

## California Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act, Water Code § 13000 et seq.) establishes the SWRCB and each RWQCB as the principal state agencies with primary responsibility to coordinate and control water quality in California, in accordance with Section 303 of the CWA. The SWRCB establishes statewide policy for water quality control and provides oversight of the RWQCBs' operations. The RWQCBs have jurisdiction over specific geographic areas that are defined by watersheds. In addition to other regulatory responsibilities, the RWQCBs have the authority to conduct, order, and oversee investigation and cleanup where discharges or threatened discharges of waste to waters of the State could cause pollution or nuisance, including impacts to public health and the environment. Waters of the State is defined by the Porter-Cologne Water Quality Control Act as "any surface water or groundwater, including saline waters, within the boundaries of the State."

Actions that involve or are expected to involve discharge of waste to waters of the State (other than into a community sewer system) may be subject to Water Discharge Requirements (WDRs) under the Porter-Cologne Act. The Act requires anyone proposing to discharge waste that could affect the quality of the waters of the State to submit an application to the appropriate RWQCB. The RWQCB staff will review the application and determine whether to propose adoption of WDRs to regulate the discharge, prohibit the discharge, or waive the WDRs. The Porter-Cologne Act also provides a variety of civil and criminal enforcement tools.

State Wetland Procedures. WDRs under the Porter-Cologne Act are issued for discharges of dredged or fill material to waters of the State that are outside federal jurisdiction and not regulated under CWA Section 401. On April 2, 2019, the SWRCB adopted the State Wetland Definition and Procedures for the Discharge of Dredged or Fill Material to Waters of the State (Procedures), which became effective May 28, 2020, and were revised April 6, 2021. Applicants proposing to discharge dredged or fill material are required to comply with the Procedures and obtain WDRs from the appropriate RWQCB unless an exclusion applies, or the discharge qualifies for coverage under a separate order.

The Procedures provide that unavoidable temporary and permanent adverse impacts to waters of the State authorized by WDRs should be offset through compensatory mitigation. Compensatory mitigation means the re-establishment, establishment (creation), rehabilitation, enhancement, and in some circumstances, preservation, of aquatic resources. The permitting authority must determine the compensatory mitigation to be required in the WDRs, based on what would be environmentally preferable.

## SWRCB Construction General Permit

The Construction General Permit, issued pursuant to the federal CWA, regulates stormwater runoff from construction sites of one acre or more in size. The permit is a statewide, general order issued by the SWRCB and implemented and enforced by the RWQCBs. For all new qualifying projects, applicants must electronically file permit registration documents using the Stormwater Multiple Application and Report Tracking System (SMARTS) and must include a Notice of Intent (NOI), risk assessment, site map, and Storm Water Pollution Prevention Plan (SWPPP) to be covered by the Construction General Permit prior to beginning construction. The risk assessment and SWPPP must be prepared by a State-qualified SWPPP Developer.

The Construction General Permit requires the preparation and implementation of a SWPPP, which must be prepared before construction begins. At a minimum, a SWPPP includes the following:

- A description of construction materials, practices, and equipment storage;
- A list of pollutants likely to contact stormwater and site-specific erosion and sedimentation control practices;
- A list of provisions to eliminate or reduce discharge of materials to stormwater;

- Best Management Practices (BMPs) for fuel and equipment storage;
- Non-stormwater management measures such as installing specific discharge controls during activities such as paving operations and vehicle and equipment washing and fueling; and
- A commitment that equipment, materials, and workers will be available for rapid response to spills and/or emergencies. All corrective maintenance or BMPs will be performed as soon as possible, depending upon worker safety.

The SWPPP provides specific construction related BMPs to prevent soil erosion and loss of topsoil. BMPs implemented at a typical construction site could include but would not be limited to physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. Post-construction requirements require that construction sites match pre-Project hydrology to ensure that the physical and biological integrity of aquatic ecosystems are sustained in their existing condition.

The Construction General Permit prohibits the discharge of pollutants other than stormwater and authorized non-stormwater discharges and prohibits all discharges which contain a hazardous substance in excess of reportable quantities established in 40 CFR §§ 117.3 and 302.4 (pursuant to CWA Section 311). In addition, the Construction General Permit incorporates discharge prohibitions contained in water quality control plans. Discharges to Areas of Special Biological Significance are prohibited unless covered by an exception that the SWRCB has approved. Authorized non-stormwater discharges must be infeasible to eliminate; comply with BMPs as described in the SWPPP; filtered or treated using appropriate technology; meet the established numeric action levels for pH and turbidity; and not cause or contribute to a violation of water quality standards. Discharges to stormwater that cause or threaten to cause pollution, contamination, or nuisance are prohibited. Pollutant controls must utilize best available technology economically achievable (BAT) for toxic pollutants and non-conventional pollutants and best conventional pollutant control technology (BCT) for conventional pollutants.

The CWA provides definitions for the types of controls that can be used to satisfy BAT and BCT requirements. Specific BAT and BCT pollution controls and BMPs may include runoff control, soil stabilization, sediment control, proper stream crossing techniques, waste management, spill prevention and control, and a wide variety of other measures depending on the site and situation.

If a project does not qualify for a notice of non-applicability (NONA), then the Applicant would seek coverage under a Construction General Permit and submit a Notice of Intent and application package.

### **SWRCB Industrial General Permit**

The Industrial General Permit regulates discharges of stormwater to surface waters associated with certain broad categories of industrial activities. The Industrial General Permit requires the implementation of management measures that will achieve the performance standard of BAT for toxic pollutants and non-conventional pollutants and BCT for conventional pollutants. The Industrial General Permit also requires the development of a SWPPP and a monitoring plan. Through the SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce stormwater pollution are described. The monitoring plan requires sampling of stormwater discharges during the wet season and visual inspections during the dry season.

BMPs may include, but not be limited to, spill and overflow protection, stormwater control, covering of fueling areas, proper clean-up methods, spill prevention, preventative maintenance on equipment, inspections, and training. Specific BMPs vary by situation and site.

## SWRCB Policies

**The State Antidegradation Policy (Resolution No. 68 16).** Discharges of waste to high quality waters must comply with SWRCB Resolution No. 68 16, Statement of Policy with Respect to Maintaining High Quality of Waters in California, which generally requires that high quality waters be protected. Any change in water quality from the discharge of waste must be consistent with maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses, and not result in water quality less than that described in SWRCB or RWQCB policies. Any activity which discharges waste to existing high-quality waters must meet waste discharge requirements and implement the best practicable treatment or control of the discharge necessary to assure that: (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained (RWQCB, 2019).

The State Antidegradation Policy also incorporates the federal antidegradation policy which requires the maintenance and protection of existing uses and water quality conditions necessary to support such uses. In addition, the federal antidegradation policy maintains and protects water quality in outstanding national resource waters.

**Sources of Drinking Water Policy (Resolution No. 8863).** This policy designates all groundwater and surface waters of the States as potential sources of drinking water, worthy of protection for current or future beneficial uses, except where: (a) the total dissolved solids are greater than 3,000 milligrams per liter, (b) the well yield is less than 200 gallons per day (gpd) from a single well, (c) the water is a geothermal resource, or in a water conveyance facility, or (d) the water cannot reasonably be treated for domestic use using either best management practices or best economically achievable treatment practices (RWQCB, 2019).

## Water Rights

California water law is embodied in the California Water Code and the Water Commission Act of 1914. There are two basic kinds of rights to surface water: riparian and appropriative. As the Project does not propose the use of surface waters, these rights are not relevant to the Project. Percolating groundwater, under which category the CVGB falls, has no SWRCB permit requirement, and supports two kinds of rights: (a) overlying rights, a correlative right of equal priority shared by all who own overlying property and use groundwater on the overlying property; and (b) groundwater appropriative rights for use of the overlying property or on overlying property for which the water rights have been severed. The right to use groundwater on property that is not as an overlying right is junior to all overlying rights but has priority among other appropriators on a first in time use basis. Overlying users cannot take unlimited quantities of water without regard to the needs of other users.

The California Water Code allows any local public agency that provides water service whose service area includes a groundwater basin or portion thereof that is not subject to groundwater management pursuant to a judgment or other order, to adopt and implement a groundwater management plan (California Water Code §§ 10750 et seq.) Groundwater Management Plans often require reports of pumping and some restrictions on usage. The California Legislature has found that by reason of light rainfall, concentrated population, the conversion of land from agricultural to urban uses and heavy dependence on groundwater, the counties of Riverside, Ventura, San Bernardino, and Los Angeles have certain reporting requirements for groundwater pumping. Any person or entity that pumps in excess of 25 acre-feet (AF) of water in any one year must file a "Notice of Extraction and Diversion of Water" with the SWRCB. (California Water Code §§ 4999 et seq.)

The Project is located on land that overlies the CVGB, for which a method was developed by the USGS, in cooperation with the USBR, to identify groundwater wells outside the floodplain of the lower Colorado

River that yield water that will be replaced by water from the river. The specific method to determine whether wells draw water from the Colorado River (referred to as the accounting surface) has not been promulgated by the USBR. ~~However, wells placed into the groundwater beneath and within the Project's vicinity that extract groundwater may, depending on whether the groundwater surface is above or below the accounting surface, be considered as drawing water from the Colorado River and require an entitlement to extract groundwater.~~

### **California Senate Bill (SB) 610**

SB 610, passed in 2002, amended the California Water Code to require detailed analysis of water supply availability for certain types of development projects, and to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires detailed information regarding water availability to be provided to city and county decisionmakers prior to approval of specified large development projects. SB 610 requires that a project be supported by a Water Supply Assessment if the project is subject to the California Environmental Quality Act, and ~~would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project. According to SB 610 Guidelines, one dwelling unit typically consumes 0.3 to 0.5 acre-feet per year (AFY), which would amount to 150 to 250 AFY for 500 units~~ meets any of the criteria in Water Code section 10912 and 14 Cal Code Regs section 15155(a)(1).

#### **3.11.2.3. Local Laws, Regulations, and Policies**

##### **Riverside County Ordinance No. 682 (As Amended Through 682.4)**

This ordinance regulates the construction, reconstruction, abandonment, and destruction of wells and incorporates by reference Ordinance No. 725 (Penalties for Violations of Riverside County Ordinances). The purpose of this ordinance is to provide minimum standards for construction, reconstruction, abandonment, and destruction of all wells to: (a) protect underground water resources; and (b) provide safe water to persons within Riverside County. The provisions of this ordinance within its jurisdiction are enforced by the Riverside County Department of Environmental Health.

##### **Ordinance No. 650 (As Amended Through 650.6)**

Ordinance 650 regulates the discharge of sewage in the unincorporated areas of the County of Riverside and incorporating by reference the Riverside County Local Agency Management Program (LAMP) for Onsite Wastewater Treatment Systems. This ordinance protects water quality and public health by establishing regulations for the installation, replacement, and performance of Onsite Wastewater Treatment Systems. This ordinance provides minimum standards for construction, operation, and abandonment of Onsite Wastewater Treatment Systems (OWTSs). An OWTS is any individual on-site wastewater treatment, pretreatment and dispersal system including, but not limited to, a conventional or alternative OWTS having a subsurface discharge. The LAMP presents County of Riverside OWTS policy, regulations, and standards.

The development and operation of the proposed Project would be done in compliance with County ordinances regulating wells and sewage discharges and protecting water resources.

#### **3.11.3. Methodology for Analysis**

The impact analysis analyzes potential direct, indirect, and cumulative impacts of the proposed Project on water resources, including the Project's potential to adversely affect groundwater supplies, alter geomorphic features/processes, modify drainage and flooding conditions, induce erosion and sedimentation, and

degrade water quality. The analysis also considers the potential for incremental impacts of the Project to combine with impacts of other projects and activities to adversely affect water resources. Mitigation measures to avoid or reduce potential impacts are identified, and the potential for residual impacts is evaluated.

#### 3.11.4. CEQA Significance Criteria

The criteria used to determine the significance of potential hydrology and water quality impacts are based on Appendix G of the State CEQA Guidelines. The Project would result in a significant impact under CEQA related to hydrology and water quality if the Project would:

- *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (See Impact HWQ-1).*
- *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (See Impact HWQ-2).*
- *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
  - *result in substantial erosion or siltation on- or off-site (See Impact HWQ-3A);*
  - *substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite (See Impact HWQ-3B);*
  - *create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (See Impact HWQ-3C);*  
*or*
  - *impede or redirect flood flows (Impact HWQ-3D).*
- *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (See Impact HWQ-1).*

The County of Riverside's Environmental Assessment Form includes additional significance criteria, which were also used in the analysis. The additional criteria indicate that a project could have potentially significant impacts if it would:

- *Cause changes in absorption rates or the rate and amount of surface runoff (See Impact HWQ-3);*
- *Cause changes in the amount of surface water in any water body (See Impact HWQ-3 and HWQ-3);*
- *Substantially degrade water quality (See Impact HWQ-1); or*
- *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (See Impact HWQ-4).*

The following CEQA significance criteria from Appendix G were not included in the analysis:

- *In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?*

There is no body of water in the area that could produce a tsunami or seiche. There is therefore no impact related to seiche or tsunami.

The following CEQA significance criterion from the County's Environmental Assessment Form were not included in the analysis:

- *Include new or retrofitted Storm Water Treatment Control BMPs (e.g., water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (i.e., increased vectors and/or odors).*



No new or retrofitted Storm Water Treatment Control BMPs are included in the proposed Project. Therefore, this criterion is not applicable to the Project.

### 3.11.5. Applicable Best Management Practices

A Stormwater Pollution Prevention Plan (SWPPP) or SWPPP-equivalent document would be prepared by a qualified engineer or erosion control specialist, and once approved by the State Water Resources Control Board and a BLM hydrologist, would be implemented before and during construction. The SWPPP would reduce potential impacts related to erosion and surface water quality during construction activities and throughout the life of the solar and storage facility. It would include Project information and best management practices (BMPs). The BMPs would include stormwater runoff quality control measures, management for concrete waste, stormwater detention, watering for dust control, and construction of perimeter silt fences, as needed.

### 3.11.6. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to hydrology and water quality. Regarding surface water, concerns were raised about the potential for floods due to the modification of washes and removal of vegetation, creating impacts to stormwater runoff. The public also expressed concerns that flash floods could cause undetermined changes in erosion patterns.

Issues related to water resources, hydrology, and water quality raised during scoping include the quantity of water needed for the Project and the source of the groundwater. Comments included specific questions regarding groundwater availability and water quality in the CVGB, such as groundwater pumping, pollution, and the effect on regional aquifers and existing community and domestic water supply infrastructure and project maintenance operations (e.g., weed abatement) impacting groundwater quality. Commenters also recommend that BLM require all applicable Conservation and Management Actions (CMAs) from the Desert Renewable Energy Conservation Plan (DRECP) to prevent groundwater overdraft.

Commenters recommended that the impacts of changing precipitation patterns due to climate change should be analyzed, and this should be considered regarding groundwater availability and when developing a stormwater plan. The placement of panels within and adjacent to washes should be analyzed and designed to minimize impacts. Multiple commenters suggested that there would be impacts to jurisdictional Waters of the U.S. and Waters of the State of California, and surface hydrology on the site. The California Department of Fish and Wildlife (CDFW) recommended micro-siting the Project to avoid and protect ephemeral drainages or desert washes and dry wash woodlands. The U.S. EPA recommends a revised site plan to avoid critical habitat, as prescribed by CMAs.

These concerns are addressed in the analysis below. Note that the purpose of the Water Supply Assessment (EIR Appendix G) according to the DRECP LUPA is to determine whether over-use or over-draft conditions exist within the project basin(s), and whether the project creates or exacerbates these conditions. Compliance with DRECP CMAs will be determined by BLM during the NEPA process and is outside of the scope of CEQA. In accordance with SB 610, the Water Supply Assessment also addresses whether available water supplies will meet the Project's water demands in addition to existing and planned future uses.

#### ***Groundwater Budget with the Project in Place***

In June 2023, BLM issued a Proposed Rule to amend its existing ROW regulations, issued under authority of the Federal Land Policy and Management Act (FLPMA), and is considering issuing Right-of-Way (ROW) grants for durations of up to 50 years (BLM, 2023). To prepare for potential issuance of a 50-year ROW grant by the BLM and to determine whether there are sufficient supplies to sustain the Project, the Easley

WSA (EIR Appendix G) conservatively extends the total projected period of the Project to 52-years. For the purpose of the CVGB water budget (see GSI, 2024 Section 6) and predictive Project water demand impacts analysis (see GSI, 2024 Sections 5.4 and 7) presented herein, 52 years is equivalent to the projected total duration of the Project, including construction (20 months), operations (48 years), and decommissioning (20 months).<sup>29</sup>

The CVGB is assumed to be the water source for all groundwater demand (i.e., groundwater would not be imported from outside of the CVGB). Total water use by the Project would be up to 1,000 AF during the planned 20-month construction period<sup>30</sup> and up to 50 AFY during the Project's operational and decommissioning periods.<sup>31</sup> Based upon these quantities of water demand, a total of approximately 3,500 AF of water would be used by the Project over the Project's construction, operational, and decommissioning periods (52 years [i.e., 2-year construction period, 48-year operational period, and 2-year decommissioning period]).

Based on the groundwater budget balance given presented in Table 3.11-1, the CVGB under average-year conditions would have a cumulative surplus of 5,200 AF at the end of during the 52-year period. The net CVGB surplus with the Project in place would therefore be 1,700 AF, or 33 percent of the surplus that would exist without the Project. Using the DWR (2020a) estimated annual groundwater pumping, the net CVGB surplus with the Project in place would be 74,500 AF, or 96 percent of the surplus that would exist without the Project. By contrast, using the reduced recharge rates for precipitation and underflow (Table 3.11-2), the 52-year deficit without the Project would be 228,800 AF, increased to 232,300 AF by the Project. The Project would contribute about 2 percent to this cumulative deficit.

According to SB 610 guidelines, a dry year can be considered a year with a precipitation amount that is at 10 percent probability of occurrence. A critical dry year would be a year with 3 percent probability. The historical precipitation data at Blythe, California, approximately 35 miles east of the Project and at a similar elevation with similar climate, was used as a reference. Historical precipitation data for Blythe, dating from 1893 to 2014, was obtained from the U.S. Historical Climatology Network (NOAA, n.d.[b]). A nearby station at the Blythe Airport (NOAA, n.d.[a]) was used to supplement additional data for up to the year 2021.

The baseline groundwater budgets for a dry year and critical dry year are expected to have a deficit of approximately 5,900 AF for a dry year, increasing to 7,100 AF for a critical dry year. Using the reduced estimates of precipitation and underflow recharge, each scenario, dry year and critical dry year, would have annual groundwater deficits, amounting to 8,000 AFY and 8,700 AFY, respectively.

For a single dry year and single critical dry year with the Project in place, the worst-case scenario is for one of those year types, dry or critical dry, to occur during the construction period of the Project (assumed to be 2024 to 2025) in which up to 1,000 AF of water would be used. If a dry year or critical dry year occurs during this period, the CVGB annual deficit would be approximately 6,400 AF and 7,600 AF, respectively. The Project would increase the dry year and critical dry year deficit by 8 and 7 percent, respectively, if one of those year types were to occur during the construction period of the Project. Assuming normal preci-

<sup>29</sup> Although the estimated Project construction period and decommissioning period described in the EIR Chapter 2 (Project Description) is 20 months, the water budgets (see GSI, 2024 Section 6) and Cone of Depression and Cumulative Drawdown Analysis (see GSI, 2024 Section 7), were developed in 1-year time steps, and therefore, assume the same overall water usage but over Project construction and decommissioning periods of 2 years.

<sup>30</sup> As described in EIR Section 2.3.11, the Applicant has updated its construction water requirements in the Partially Recirculated Draft EIR based on water usage data obtained following construction of other projects in the area, such as the Oberon Renewable Energy Project. The analysis in EIR Section 3.11 (Hydrology and Water Quality) and EIR Appendix G (Water Supply Assessment) conservatively still assumes use of 1,000 AF during construction.

<sup>31</sup> It is assumed that Project decommissioning would take approximately 20 months, similar to the construction duration, and have the same water use as Project operations (approximately 50 acre-feet per year). Project decommissioning would occur in accordance with an agency-approved Closure and Decommissioning Plan. The Project Closure and Decommissioning Plan will include an evaluation of alternate water sources and impacts, if any, in accordance with the DRECP LUPA.

precipitation returns, this total deficit (dry year plus Project use) would not be recovered during the 52-year period, with or without the Project, under baseline groundwater budget assumptions.

If a dry year or critical dry year occurs during the Project construction period, using the DWR (2020a) estimated annual groundwater pumping, the CVGB annual deficit would be approximately 5,000 AF and 6,200 AF, respectively (Budget Balance Using DWR [2020a] rows in Tables 6 and 7 minus 500 AFY [1,000 AF / 2 years]). The Project would increase the dry year and critical dry year deficit by 11 and 9 percent, respectively. Assuming normal precipitation returns (see Table 4), this total deficit (dry year plus Project use and critical day year plus Project use) would be recovered in less than 4 years and 5 years, respectively, with the Project in place.

The longest consecutive series of years with below average precipitation on record at Blythe was 12 years, from 1893 to 1904. During this period, the average annual precipitation was 1.42 inches, or about 42 percent of the overall average. This period was considered to be representative of a series of multiple dry years for the Project WSA. Development of a 12-year groundwater budget, assuming a repeat of the 1893 to 1904 drought at Blythe, without Project conditions, indicates the ~~cumulative~~ groundwater deficit would be approximately 60,950 AF at the end of the 12-year period. ~~Using the reduced estimates of precipitation and subsurface recharge, at the end of the 12 year period the cumulative groundwater deficit would be approximately 87,570 AF.~~ Using the DWR (2020a) estimated annual pumping, the 12-year CVGB groundwater deficit would be approximately 44,150 AF.

The precipitation record indicates that a series of dry years has typically been followed by a series of years with above-average precipitation. To assess the probable effect of this over the 52-year life of the Project, a 52-year running average analysis was made ~~of using~~ the 129-year precipitation period of record. The driest 52-year period was the period beginning in 1893 and ending in 1944. Average annual precipitation during this period was 3.44 inches, or about 1 percent greater than normal. If a repeat of this 52-year period occurs under current (no qualifying projects not already in place) conditions, at the end of the 52-year period the CVGB would have a ~~deficit surplus~~ of approximately 21,060 AF assuming ~~adopted precipitation normal and infiltration and underflow~~ conditions (see Tables 3.11-1 and 3.11-2). The greatest groundwater deficit during the repeated ~~drought~~ historical period would occur during 2039, in which the total deficit would be approximately 64,170 AF. ~~Using reduced recharge data, the same analysis results in a groundwater deficit totaling approximately 214,020 AF after 52 years.~~

Using the DWR (2020a) estimated annual pumping, at the end of the 52-year period the CVGB would have a surplus of approximately 93,860 AF assuming normal infiltration and underflow conditions (see Table 4). The greatest groundwater deficit during the repeated historical period would occur during 2039, in which the total deficit would be approximately 412,7760 AF.

The same analysis with the Project in place gives similar results as the one without Project conditions, with a total groundwater surplus of approximately 17,530 AF at the end of 52 years. ~~Using reduced recharge data, the same analysis, with the Project in place, results in a groundwater deficit totaling approximately 217,520 AF after 52 years.~~ Using the DWR (2020a) estimated annual pumping, at the end of the 52-year period the total groundwater surplus would be approximately 90,330 AF.

**Impact HWQ-1. Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

## Surface Water

**LESS THAN SIGNIFICANT WITH MITIGATION.** Construction of the Project would require ground-disturbing activities (excavation, grading, and compaction) of a minority of the ground surface (about 2.7 percent) of the Project site for access roads, buildings, substation, and other features. In addition, approximately 534 percent of the Project site would be levelled and smoothed for the solar facility. These ground-disturbing activities, described in more detail in Tables 2-2 and 2-3 of Section 2, could result in soil erosion and lowered water quality through increased turbidity and sediment deposition into local ephemeral streams. Downstream beneficial uses could be adversely affected through violation of RWQCB water quality standards and objectives for suspended solids, total dissolved solids, sediment, and turbidity.

Accidental spills or disposal of harmful materials used during construction of the Project could wash into and pollute surface waters. Materials that could contaminate the construction area or spill or leak include diesel fuel, gasoline, lubrication oil, cement slurry, hydraulic fluid, anti-freeze, transmission fluid, lubricating grease, and other fluids. Downstream beneficial uses could be adversely affected through violation of RWQCB water quality objectives for toxicity and chemical constituents. Likely downstream beneficial uses in the Project area include GWR and WILD.

The dry nature of most of the surface streams is such that should harmful material spills occur during construction, these could easily be cleaned up prior to surface water being contaminated. Storage procedures for hazardous materials during construction would be dictated by the Hazardous Materials Plan (HMP) that would be prepared prior to construction. Trucks and construction vehicles would be serviced from off-site facilities. The use, storage, transport, and disposal of hazardous materials used in construction of the facility would be carried out in accordance with federal, state, and county regulations. Other construction wastes would be collected and recycled or disposed of in municipal county landfills.

The Applicant has committed to development and adherence to an SWPPP or SWPPP-equivalent document, which will require BMPs to prevent and control erosion and siltation during construction; prevent, contain, and mitigate accidental spills during construction; and prevent violation of water quality objectives or damaging beneficial uses identified in the water quality control plan.

Potential threats to surface water quality during operation and maintenance activities include potential increases in erosion and associated sediment loads to adjacent or downstream washes, and accidental spills of hydrocarbon fuels, greases, and other materials associated with operation of equipment on site. The Project would include electrical transformers, modifications to an existing electrical substation, an operations and maintenance building, and battery storage systems (BESS). There would be regulated hazardous materials on site. These materials are not intended to be released to the environment, but if spilled or otherwise accidentally released they could have the potential to contaminate surface. The HMP would be prepared to provide protocols for containment and clean-up of spills.

Alterations to site topography due to the site preparation would affect both RWQCB and CDFW jurisdictional waters of the State that traverse the Project site. Surface flow patterns would be affected by alteration to jurisdictional waters of the State (unvegetated ephemeral washes and desert wash woodland) on the site which could result in increased siltation or downstream erosion. Drainage controls, including berms and potentially channels, would be required in some areas to capture and direct stormwater flow around Project facilities such as the BESS.

Construction of the Project would avoid most desert dry wash woodland in accordance with BLM's CMA LUPA-BIO-RIPWET 1. Changes to streambeds classified as RWQCB and CDFW jurisdictional waters of the State would require the Applicant to obtain a LSAA from the CDFW and a waste discharge (WDR) permit from the Colorado River Basin RWQCB. The LSAA and WDR will require the Project to avoid and minimize impacts to surface waters (through conditions of approval and BMPs) and may require compensatory mitigation for impacts to waters of the State. Impacts related to surface water degradation due to alterations to waters of the State would be minimized or prevented through compliance with CDFW and RWQCB regulations and permits and implementation of Mitigation Measures (MM) BIO-3 (Minimization of Vegetation and Habitat Impacts), MM BIO-5 (Vegetation Resources Management Plan), MM BIO-13 (Streambed and Watershed Protection), MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan (DESCP)), and MM HWQ-5 (Project Drainage Plan).

Existing State and federal water quality regulations, including the proposed SWPPP, are intended to ensure that water quality standards and waste discharge standards are not violated during construction or operations. However, portions of the site would be subject to flooding. Although mass grading is not proposed, some ground disturbance is expected, and some of the solar panels and other proposed structures would be placed in areas that are subject to flooding, creating a potential for erosion and sedimentation leading to potential water quality impacts during operations. Mitigation Measure HWQ-1 requires the development of a Drainage Erosion and Sedimentation Plan that would address and mitigate erosion impacts during construction and operations.

Decommissioning of the Project is expected to result in adverse impacts related to water resources similar to construction impacts. Work could result in potential increases in sediment loads to adjacent streams and washes and/or accidental spills of hydrocarbon fuels and greases and other materials associated with motorized equipment and construction work. However, decommissioning activities would be subject to the same state and federal water quality regulations discussed above, as well as the mitigation measures applicable during construction of the Project, which would minimize potential water quality impacts. Accordingly, impacts related to surface water quality would be less than significant with mitigation.

## Groundwater

**LESS THAN SIGNIFICANT WITH MITIGATION.** Groundwater quality impacts could occur during construction if contaminated or hazardous materials used during construction were to be released and allowed to migrate to the groundwater table. Given adherence to the Project Hazardous Materials Business Plan and the NPDES General Permit for Construction Activities, the potential for such impacts to groundwater quality are low.

The Project would produce sanitary wastewater from the O&M building, which would be treated and disposed of at the Project using a septic disposal system. The federal (EPA), state (RWQCB) and local (Riverside County Department of Environmental Health) governments have requirements for septic system design, including requirements for percolation, vertical distance from the groundwater table, and setback from the nearest groundwater well. The use and application of septic fields is an established practice as a method of wastewater treatment. The use of a septic system within the designed system capacity is not anticipated to cause groundwater quality degradation.<sup>32</sup>

DWR has categorized the CVGB as a very low-priority basin under the SGMA (DWR, 2020a). Per SGMA, due to the CVGB classification as a very low-priority basin, a Groundwater Sustainability Plan (GSP) is not required to be developed for the CVGB. As of this writing, no GSP has been developed for the CVGB.

The Project is located in the jurisdiction of the Colorado River Basin RWQCB. The Water Quality Control Plan developed by the RWQCB establishes water quality objectives, including narrative and numerical

<sup>32</sup> Use of a septic system is subject to regulatory approval and issuance of an applicable permit.

standards, to protect the beneficial uses of surface water and groundwater in the region. The Water Quality Control Plan describes implementation plans and other control measures designed to ensure compliance with statewide plans and policies and documents comprehensive water quality planning. The Water Quality Control Plan for the Colorado River Basin Region (RWQCB, 2019) lists specific beneficial uses for groundwater. Beneficial uses of the groundwater in the CVGB are Municipal and Domestic Supply (MUN), Industrial Service Supply (IND), and Agriculture Supply (AGR).

Total dissolved solids (TDS) concentrations across the CVGB range from 274 milligrams per liter (mg/L) to 12,300 mg/L. The lowest TDS concentrations are in the western portion of the CVGB, where TDS concentrations range from 275 to 730 mg/L (DWR, 2004). In the northwest portions of the CVGB, arsenic concentrations have ranged from 9 micrograms per liter ( $\mu\text{g/L}$ ) to 25  $\mu\text{g/L}$  (GEI, 2010). Water quality in the CVGB has concentrations of sulfate, chloride, fluoride, and TDS that are higher than recommended levels for drinking water use. Likewise, elevated concentrations of boron, TDS, and percent sodium impair groundwater for irrigation use. In general, groundwater in the CVGB is sodium chloride to sodium sulfate-chloride in character (DWR, 2004).

Recent available water quality data near the proposed Project is limited to four wells, with nitrate being the only constituent analyzed in three of the four wells. Reported nitrate concentrations in all four wells were below the federal and California Maximum Contaminant Level of 10 mg/L (nitrate measured as nitrogen).

Pursuant to BLM (2016a and 2016b) requirements, a WSA must include an analysis of “estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the basin, including the project, for the life of the project through the decommissioning phase.” To evaluate the potential cone of depression induced by proposed Project groundwater pumping and cumulative drawdown from all cumulative projects (see GSI, 2024 Table 12), a predictive MODFLOW groundwater model (Model) was developed and projected for the 52-year duration of the Project. The Model incorporated estimated inflow and outflow terms consistent with the Project water budget presented in Section 6 of ~~GSI the WSA~~ (2024) as well as hydrogeological properties used in the Fang et al. (2021) numerical groundwater model.

The Project impacts are discussed in terms of the zones of influence of the total cone of depression considering ~~cumulative~~ drawdown as a result of the Project, cumulative projects, and the CVGB projected agricultural, municipal, and domestic pumping. The zone of influence after 2 years of Project construction pumping (500 AFY) is an approximately 4.5-mile radius cone of depression out to 0.5 feet of drawdown. Project operational and decommissioning pumping (50 AFY) for 50 years has a cumulative drawdown with an approximately 15-mile radius out to 0.5 feet of drawdown. This zone of influence also includes pumping from cumulative projects.

The modeling results indicate that impacts to groundwater levels as a result of Project and cumulative project pumping are confined to the ~~northwestern~~ part of the CVGB. Although most of the non-cumulative project pumping (see GSI, 2024 Section 5.8.2) in the CVGB occurs in the ~~northwestern~~ part of the CVGB, ~~total agricultural, municipal, and domestic pumping is limited and the magnitude of the simulated drawdown is not anticipated to adversely affect existing water users and water rights claimants in the CVGB~~ CVGB (the total agricultural, municipal, and domestic pumping is limited to approximately 7,900 AFY [CEC, 2010]), cumulative project pumping is not anticipated to adversely affect existing water users and water rights claimants in the CVGB due to the limited magnitude of the simulated drawdown (see the previous paragraph).

~~Based on the simulated drawdown due to Project and cumulative project pumping, and the size and storage capacity of the CVGB, the Project is not anticipated to result in changes in water quality that affect other beneficial uses~~ Based on the limited magnitude of the simulated drawdown due to Project pumping,

groundwater levels would not be lowered to a level that would cause a degradation of groundwater quality that affects other beneficial uses. Additionally, groundwater levels would not be lowered to a level that causes pumping wells near the Project to begin to capture deeper/older groundwater within the CVGB. Deeper/older groundwater typically contains increased salts and nutrients as a result of prolonged exposure to the aquifer material (leaching of minerals from the host rock into groundwater) (USGS, 2019). In addition, there are no known point source plumes near the Project. Therefore, there are no known contaminant plumes Project pumping could potentially mobilize.

Although there is no sustainable groundwater management plan for the CVGB with which the Project could conflict, the Project would not adversely impact the sustainable management of the CVGB, as discussed further below in Impact HWQ-2.

~~Mitigation Measures (MMs) to reduce Impact HWQ-1 include MM HWQ-1 (Drainage Erosion and Sedimentation Plan) and MM HWQ-2 (Septic System Review and Permitting) which would enable the Riverside County Department of Environmental Health to ensure that the Project is compliant with Riverside County, RWQCB, and EPA regulations and protective of water quality. Mitigation Measure HWQ-3 (Palo Verde Mesa Groundwater Basin Protection) would implement~~ includes the development of a Colorado River Water Supply Plan (CRWSP) to monitor groundwater extractions from the Applicant owned and/or operated on-or off-site well(s) to ensure that groundwater extractions do not go below the Colorado River Accounting Surface. HWQ-4 (Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP)) would be implemented for the Project in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels and degradation of groundwater quality) by Project activities.<sup>33</sup> Thus, impacts would be less than significant.

### **Mitigation Measures for Impact HWQ-1**

- MM BIO-3**      **Minimization of Vegetation and Habitat Impacts.** See full text in Section 3.5 (Biological Resources).
- MM BIO-5**      **Vegetation Resources Management Plan.** See full text in Section 3.5 (Biological Resources).
- MM BIO-13**     **Streambed and Watershed Protection.** See full text in Section 3.5 (Biological Resources).
- MM HWQ-1**     **Drainage Erosion and Sedimentation Control Plan (DESCP).** See full text in Section 3.11.9 (Mitigation Measures).
- MM HWQ-2**     **Septic System Review and Permitting.** See full text in Section 3.11.9 (Mitigation Measures).
- MM HWQ-3**     **Palo Verde Mesa Groundwater Basin (PVMGB) Protection.** See full text in Section 3.11.9 (Mitigation Measures).
- MM HWQ-4**     **Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP).** See full text in Section 3.11.9 (Mitigation Measures).
- MM HWQ-5**     **Project Drainage Plan.** See full text in Section 3.11.9 (Mitigation Measures).

<sup>33</sup> Groundwater quality thresholds are pursuant to federal and state regulations, including the Water Quality Control Plan for the Colorado River Basin Region (RWQCB, 2019).

## Significance After Mitigation

This impact would be less than significant with the implementation of recommended mitigation measures.

**Impact HWQ-2. Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?**

**LESS THAN SIGNIFICANT WITH MITIGATION.** In June 2023, BLM issued a Proposed Rule to amend its existing ROW regulations, issued under authority of the Federal Land Policy and Management Act (FLPMA), and is considering issuing ROW grants for durations of up to 50 years (BLM, 2023). To determine whether there are sufficient supplies to sustain the Project, the Easley WSA (EIR Appendix G) extends the total projected period of the Project to 52-years. For the purpose of the CVGB water budget (see GSI, 2024 Section 6) and predictive Project water demand impacts analysis (see Sections GSI, 2024 5.4 and 7), 52 years is equivalent to the projected total duration of the Project, including construction (20 months), operations (48 years), and decommissioning (20 months).<sup>34</sup> Based upon these quantities of water demand, a total of approximately 3,500 AF of water will be used by the Project over the Project's construction, operational, and decommissioning periods (52 years [i.e., 2-year construction period, 48-year operational period, and 2-year decommissioning period]).

Water for construction, operation, and decommissioning would be obtained from several potential sources, including an on-site groundwater well, an off-site groundwater well, and trucked from an off-site water purveyor. However, it is assumed all Project water needs would be sourced from the CVGB. Groundwater has been identified as the primary source of water in the CVGB. DWR has categorized the CVGB as a very low-priority basin under SGMA (DWR, 2020a) and based on the adopted water budget components (primarily based on Fang et al. [2021]) in the Project WSA (GSI, 2024), the CVGB is not in a state of overdraft.

In accordance with SB 610 and the DRECP Land Use Plan Amendment (LUPA), and to determine whether there are sufficient supplies to sustain the Project, a 52-year water budget was developed for the Project. The water budget uses information summarized in Section 3.11 to provide a baseline normal-year groundwater budget for the CVGB. The water budget also includes a normal-year groundwater budget assuming the Project is in place. ~~A second groundwater budget was developed for the Project WSA using lower input estimates (see Section 3.11.1.2 and GSI, 2024, Sections 5.7 and 5.8).~~ The same approach was repeated for ~~both water budgets for single and multiple dry-year scenarios.~~ Details and the results of the analysis are summarized in Section 3.11.1.2 and presented in the Project WSA (GSI, 2024).

The CVGB under average-year conditions would have a ~~cumulative~~ surplus of 5,200 AF at the end of the 52-year period. The net CVGB surplus with the Project in place would therefore be 1,700 AF, or 33 percent of the surplus that would exist without the Project. Using the DWR (2020a) estimated annual groundwater pumping, the net CVGB surplus with the Project in place would be 74,500 AF, or 96 percent of the surplus that would exist without the Project. Thus, with the Project in place, groundwater in storage and groundwater levels in the CVGB would be expected to increase over the life of the Project. By contrast, using the reduced recharge rates for precipitation and underflow (see Table 5), the 52-year deficit without the Project would be 228,800 AF, increased to 232,300 AF by the Project. The Project would contribute about 2 percent to this cumulative deficit.

<sup>34</sup> Although the estimated Project construction period and decommissioning period described in the EIR Chapter 2 (Project Description) is 20 months, the water budgets (see GSI, 2024 Section 6) and Cone of Depression and Cumulative Drawdown Analysis (see GSI, 2024 Section 7), were developed in 1-year time steps, and therefore, assume the same overall water usage but over Project construction and decommissioning periods of 2 years.



Using the reduced estimates of precipitation and underflow recharge, for a single dry year and single critical dry year with the Project in place, the worst-case scenario is for one of those year types, dry or critical dry, to occur during the construction period of the Project (assumed to be 2024 to 2025) in which the Project would increase the dry year and critical dry year deficit by 8 and 7 percent, respectively. Assuming normal precipitation returns, this total deficit (dry year, or critical dry year, plus Project use) would not be recovered during the 52-year period (with or without the Project). Using reduced inflow data, these deficits would increase by 6 percent. The likelihood that a dry or critical dry year would occur during Project construction is 10 percent and 3 percent, respectively. If a dry year or critical dry year were to occur during Project construction, it would not result in groundwater overdraft of the CVGB, which is defined as the condition of a groundwater basin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of many years during which water supply conditions approximate average conditions. The deficit associated with a dry or critical dry year during construction does not approximate average conditions and, further, would be limited to those years, after which average conditions (resulting in an annual groundwater surplus, as discussed above) would be expected to return.

If a dry year or critical dry year occurs during the Project construction period, using the DWR (2020a) estimated annual groundwater pumping, the CVGB annual deficit would be approximately 5,000 AF and 6,200 AF, respectively (Budget Balance Using DWR [2020a] rows in GSI, 2024 Tables 6 and 7 minus 500 AFY [1,000 AF / 2 years]). The Project would increase the dry year and critical dry year deficit by 11 and 9 percent, respectively. Assuming normal precipitation returns (see 3.11-1), this total deficit (dry year plus Project use and critical day year plus Project use) would be recovered in less than 4 years and 5 years, respectively, with the Project in place. The Project also would implement various construction techniques designed to reduce overall water use during construction, including using “overland travel,” designating primary travel routes, limiting grading, using approved soil binders in lieu of water, utilizing small rubber-wheel vehicles, and phasing construction, as described in Chapter 2.

Historically, dry and critical dry years do not occur over multiple consecutive years. Rather, the precipitation record indicates that a series of dry years has typically been followed by a series of years with above-average precipitation. To assess the probable effect of this over the 52-year life of the Project, the WSA analyzed a 52-year running average using the 129-year precipitation period of record. Using the driest 52-year period recorded at the Blythe Airport meteorological station, the WSA indicates there would be a 21,060 AF surplus in the CVGB if there were a repeat of this 52-year period under current conditions. With the Project in place, there would be a total groundwater surplus of approximately 17,530 AF at the end of 52 years. Using reduced recharge data, the same analysis, with the Project in place, results in a groundwater deficit totaling approximately 217,520 AF after 52 years. Using the DWR (2020a) estimated annual pumping, at the end of the 52-year period the total groundwater surplus would be approximately 90,330 AF with the Project in place.

Thus, using the normal (average) conditions groundwater budget presented in Table 3.11-1, the available water supplies during normal, single dry, and multiple dry water years from the CVGB would meet the projected water demands of the Project, in addition to existing uses and planned future uses (see GSI, 2024 Table 15 for the 52-year projection).

The Project has a limited overall water demand and, further, would require very little water each year for operation; however, the WSA considered the potential for the Project to result in localized impacts to existing wells. Groundwater use during the Project’s construction, operation, and decommissioning would cause drawdown in the immediate vicinity of the well(s) used to produce groundwater for the Project. Pursuant to BLM (2016a and 2016b) requirements, a WSA must include an analysis of “estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the basin, including the project, for the life of the project through the decommissioning phase.” To evaluate the

potential cone of depression induced by proposed Project groundwater pumping and cumulative draw-down from all cumulative projects (see GSI, 2024 Table 12), a predictive MODFLOW groundwater model (Model) was developed and projected for the 52-year duration of the Project. The Model incorporated estimated inflow and outflow terms consistent with the Project water budget presented in Section 6 of GSI the WSA (GSI, 2024) as well as hydrogeological properties used in the Fang et al. (2021) numerical groundwater model.

The Project Impacts are discussed in terms of the zones of influence of the total cone of depression considering cumulative drawdown as a result of the Project, cumulative projects, and the CVGB projected agricultural, municipal, and domestic pumping. The zone of influence after 2 years of Project construction pumping (500 AFY) is an approximately 4.5-mile radius cone of depression out to 0.5 feet of drawdown. Project operational and decommissioning pumping (50 AFY) for 50 years has a cumulative drawdown with an approximately 15-mile radius out to 0.5 feet of drawdown. This zone of influence also includes pumping from cumulative projects.

The modeling results indicate that impacts to groundwater levels as a result of Project and cumulative project pumping are confined to the western part of the CVGB. Although most of the non-cumulative project pumping (see GSI, 2024 Section 5.8.2) in the CVGB occurs in the western part of the CVGB (the total agricultural, municipal, and domestic pumping is limited to approximately 7,900 AFY [CEC, 2010]), cumulative project pumping is not anticipated to adversely affect existing water users and water rights claimants in the CVGB due to the limited magnitude of the simulated drawdown (see the previous paragraph).

Additionally, the Project is not anticipated to cause lowering of groundwater to levels greater than the recorded historical lows and there is no reported evidence of subsidence in the CVGB as a result of either historical or present pumping (GEI, 2010a). Based on available data from CGPS stations located in the CVGB, Orocochia Valley Groundwater Basin, and Palo Verde Mesa (POR from 1996 through present) Groundwater Basin, no significant land subsidence has been recorded. Therefore, the Project is not anticipated to cause subsidence, increase the rate of subsidence, or cause loss of aquifer storage capacity in the CVGB. The Project also would develop a GMRMP in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels) by Project activities (MM HWQ-4).

Finally, due to the CVGB's location adjacent to the Palo Verde Mesa Groundwater Basin (PVMGB), CVGB recharge as a result of leakage from the Colorado River Aqueduct was considered in the Project WSA. Direct or indirect use of Colorado River water requires documented entitlement. Therefore, Project-related groundwater use inducing flow of Colorado River water (groundwater within an area referred to as the "accounting surface") from the adjacent Palo Verde Mesa Groundwater Basin (PVMGB) into that CVGB was considered. The Colorado River Accounting Surface is at an elevation between approximately 238 and 240 feet above mean sea level (amsl) in the Chuckwalla Valley (Argonne, 2013). Groundwater elevation in the Project area is approximately 489 feet amsl as of the first quarter of 2024, approximately 249 to 251 above the Accounting Surface. The numerical groundwater model developed for the Project WSA (GSI, 2024) included estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the CVGB, including the Project, for the life of the Project through the decommissioning phase. The estimated drawdown at the Project well after the planned 2-year construction period was less than 2 feet, approximately 247 to 249 feet above the Accounting Surface. The temporary drawdown at the well during pumping, however, would be greater.

Assuming a conservatively large temporary drawdown of 100 feet at the Project well (up to 80 feet of temporary drawdown has been recorded from a well used for construction of a nearby solar project) during peak water demand during Project construction, the water levels in the Project well would be at least 150 feet above the Accounting Surface. Further, the water levels within the Project well would be

monitored as part of the GMRMP (MM HWQ-4) per the DRECP LUPA Conservation and Management Action (CMA) Soil and Water (SW) 24. Pumping from the Project well would be decreased or stopped well before water levels reached the Accounting Surface, pursuant to MM HWQ-3 (PVMGB Protection). Thus, the Project will not extract water from below the Accounting Surface.

For the reasons described above, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the CVGB. Groundwater use during the Project's construction, operation, and decommissioning would cause drawdown in the immediate vicinity of the well(s) used to produce groundwater for the Project. Pursuant to BLM (2016a and 2016b) requirements, a WSA must include an analysis of "estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the basin, including the project, for the life of the project through the decommissioning phase." To evaluate the potential cone of depression induced by proposed Project groundwater pumping and cumulative drawdown from all cumulative projects (see GSI, 2024 Table 12), a predictive MODFLOW groundwater model (Model) was developed and projected for the 52-year duration of the Project. The Model incorporated estimated inflow and outflow terms consistent with the Project water budget presented in Section 6 of GSI (2024) as well as hydrogeological properties used in the Fang et al. (2021) numerical groundwater model.

The Project impacts are discussed in terms of the zones of influence of the total cone of depression considering cumulative drawdown as a result of the Project, cumulative projects, and the CVGB projected agricultural, municipal, and domestic pumping. The zone of influence after 2 years of Project construction pumping (500 AFY) is an approximately 4.5-mile radius cone of depression out to 0.5 feet of drawdown. Project operational and decommissioning pumping (50 AFY) for 50 years has a cumulative drawdown with an approximately 15-mile radius out to 0.5 feet of drawdown. This zone of influence also includes pumping from cumulative projects.

The modeling results indicate that impacts to groundwater levels as a result of Project and cumulative project pumping are confined to the northwestern part of the CVGB. Although most of the non-cumulative project pumping (see GSI, 2024 Section 5.8.2) in the CVGB occurs in the northwestern part of the CVGB, total agricultural, municipal, and domestic pumping is limited and the magnitude of the simulated drawdown is not anticipated to adversely affect existing water users and water rights claimants in the CVGB.

Based on the adopted water budget components (primarily based on Fang et al. [2021]) in the Project WSA (GSI, 2024), under normal conditions (see Table 3-11.1) the CVGB is not in overdraft. The CVGB is a very low priority basin and DWR (2004) estimated the total groundwater storage capacity of the CVGB is 9,100,000 to 15,000,000 AF. The Project's water use of 3,500 AF over the 52-year life of the Project represents approximately 0.0004 percent of the assumed 10,000,000 AF of groundwater storage capacity in the CVGB. Under conservative recharge and pumping assumptions, there would be an annual and net surplus of groundwater in the CVGB over the Project's 52-year life with Project groundwater pumping in place. Only during the unlikely event -that a dry or critical dry year overlaps with Project construction (10 percent and 3 percent chance of occurring, respectively) would there be an annual groundwater deficit. However, Project groundwater use would not result in long term deficits or overdraft of the CVGB. Indeed, if the driest 52-year period recorded for the CVGB were to repeat during the Project's operational life, the WSA indicates there would be between a 17,530 AF and 90,330 AF surplus in the CVGB with the Project in place. Overall Project pumping would be limited by both MM HWQ-3 and HWQ-4, which would minimize potential pumping impacts to nearby wells and the larger CVGB. Thus, with mitigation, impacts would be less than significant.

Impact HWQ-2 would be reduced through the development of a Colorado River Water Supply Plan (CRWSP) to monitor groundwater extractions from the Project operated on or off site well(s) and

~~prevent, replace, or mitigate Project impacts that deplete the PVMGB groundwater budget to prevent impacts (MM HWQ-3, Palo Verde Mesa Groundwater Basin Protection). The CRWSP would be submitted to the U.S. Bureau of Reclamation and BLM prior to commencement of any Project construction activities. The CRWSP would be based on the results of the Project GMRMP. The GMRMP for the Project would be developed in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels) by Project activities.~~

### Mitigation Measures for Impact HWQ-2

**MM HWQ-3 Palo Verde Mesa Groundwater Basin (PVMGB) Protection.** See full text in Section 3.11.9 (Mitigation Measures).

**MM HWQ-4 Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP).** See full text in Section 3.11.9 (Mitigation Measures).

### Significance After Mitigation

This impact would be less than significant with the implementation of the recommended mitigation measure.

**Impact HWQ-3A. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?**

**LESS THAN SIGNIFICANT WITH MITIGATION.** Earthwork for Project construction would require the use of heavy machinery for vegetation grubbing, grading, and installation of roads, solar fields, transmission facilities, the O&M building, the BESS, the energy storage systems, and other facilities. Construction of these facilities would involve the use of tractors, bulldozers, graders, trucks, and various other types of heavy equipment, and would involve minor changes to on-site topography. These activities would loosen existing surface soils and sediments, increasing the potential for erosion during storm events, along with associated effects such as increased downstream sediment yields from on-site disturbed areas. Increased impervious areas could also lead to erosion by increasing the rate and frequency of runoff.

Grading effects that could lead to soil disturbance would be reduced by the proposed grading design that includes mowing and rolling of vegetation over large areas (as opposed to major grading), which would minimize the required volume of earth movement. It is therefore anticipated that existing drainage patterns would not be substantially altered.

Although significant grading or ground-disturbing activities would not occur, parts of the solar facility including roads, laydown areas and structures would cause some form of ground disturbance from grading, compaction, or excavation.

Because of the proposed plan for minimal grading, alteration of the existing drainage pattern and any associated erosion or siltation, should be minimal. The Applicant's proposed layout of solar panels and other facilities (~~pending final design~~) would largely maintain major existing hydrologic patterns with respect to runoff, avoiding washes, stream beds, and stream banks, where feasible. This includes mostly avoiding the largest desert washes that cross the site from the southwest to northeast. However, the site plans are not yet final, and there remains a potential for ~~minor~~ alteration of drainage patterns and the potential for erosion. Drainage alterations could occur through diversions by the proposed security fences, placement of structures in drainage areas, or grading to control high flow concentrations.

As noted above and in Impact HWQ-1, alternation to drainages/streambeds mapped as unvegetated ephemeral dry washes and desert dry wash woodland and classified as RWQCB and CDFW jurisdictional waters of the State may occur. Changes and alterations to these washes could change the flow patterns across the site and result in increased flow velocities, increased erosion, and increased downstream siltation. Alterations to the RWQCB and CDFW jurisdictional waters would require the Applicant to obtain a LSAA from the CDFW and a WDR permit from the Colorado River Basin RWQCB. The LSAA and WDR would require avoidance and minimization measure to limit impacts to these areas and also may require compensatory mitigation for impacts to waters of the State. Impacts related to surface water degradation due to alterations to waters of the State would be minimized or prevented through compliance with CDFW and RWQCB regulations and permits, MM BIO-3 (Minimization of Vegetation and Habitat Impacts), MM BIO-5 (Vegetation Resources Management Plan), MM BIO-13 (Streambed and Watershed Protection), MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan (DESCP)), and MM HWQ-5 (Project Drainage Plan). Implementation of these measures would ensure that impact HWQ-3A would be less than significant.

Erosion protection management would be required by adherence to a SWPPP that is required and the Applicant has committed to preparing. Compliance with these measures is generally sufficient to would substantially reduce erosion impacts to a minimum. A DESC is proposed in MM HWQ-1 to further address potential Project-related water erosion impacts. This plan would include applicable measures, such as BMPs, to reduce erosion and siltation impacts. With ~~MM HWQ-1 in place~~ implementation of the above MMs, Impact HWQ-3a would be less than significant.

**Impact HWQ-3B. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

**LESS THAN SIGNIFICANT WITH MITIGATION.** There is a minor potential for the Project to increase the magnitude and frequency of runoff rates through the construction of impervious areas and by altering the ground surface characteristics through grading and removal of vegetation. Impervious areas would be minimal and limited to the foundations for the proposed solar panels, foundations for the transmission structures, the proposed buildings, BESS, substation equipment and switchyard. The proposed parking area and roadways would be compacted, which would increase the runoff potential. Together, these features are anticipated to be only a small portion (about 3 percent) of the 3,735-acre solar and BESS facility site. Additionally, drainage patterns would remain relatively intact. Therefore, the increase in overall site runoff is expected to be minimal (approximately 3 percent), though a local impact potential remains, especially in the vicinity of new impervious areas. Depending on final engineering analysis of postconstruction hydrology, retention basins may be necessary to reduce increased discharges created by the Project.

Alteration of the existing drainage pattern should be minimal because of the minimal grading proposed. Some alterations could occur through diversions by the proposed security fences, which could become barriers to flow by the accumulation of debris, in which case ~~substantial~~ diversions of off-site sheet flow could occur. Security fencing with desert tortoise fencing along the bottom would enclose the developed portions of the facility site, including ~~the~~ across the desert washes. Portions of the security fence may leave a 6- to 8-inch gap between the lower fence margin (rail or mesh) and the ground to allow for passage of desert tortoise and other animals. Structures placed in drainage areas, or grading to control high flow concentrations, could also lead to flow diversions which could adversely affect the flood potential within or outside the property.

Although minimal alteration of drainage patterns is expected, there remains a potential for the Project to cause flooding either of adjacent property or within the site itself. Mitigation Measure HWQ-1 requires the development of a DESCPC which would address erosion-related impacts. The Westwood study (2023) presents a preliminary assessment of the flood potential in the Project area. As the site designs are completed, additional drainage information would be required to ensure that the designs address drainage and flooding conditions on the Project site. Mitigation Measure HWQ-5 (Project Drainage Plan) requires a Project drainage report and plan to address on-site flooding and the potential for the Project to induce flooding on adjacent property. With MMs HWQ-1 and MM HWQ-5 in place, Impact HWQ-3b would be less than significant.

**Impact HWQ-3C. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

*LESS THAN SIGNIFICANT WITH MITIGATION.* There are no existing or planned stormwater drainage systems at or downstream of the Project site. Drainage in the area and downstream of the Project consists of natural desert with natural watercourses. Some increase in runoff potential is possible due to increased impervious area and compacted roadway surfaces, but a large increase is not anticipated due to the small amount of new impervious area and compacted roadways. Any increase in runoff would be addressed in the DESCPC (MM HWQ-1) and detention regulations. With MMs HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCPC]) and MM HWQ-5 (Project Drainage Plan) in place, this potential impact from runoff would be less than significant.

**Impact HWQ-3D. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?**

*LESS THAN SIGNIFICANT WITH MITIGATION.* The Project would include perimeter security fencing which, if clogged with debris normally carried by natural flood flows in the desert, could divert flood flows and substantially increase the flood potential on other property. Fence-induced diversions along drainage entry points could cause flooding of adjacent properties. Fencing is not proposed across existing drainages and fencing would be a long linear element unlikely to become completely blocked by debris accumulations along the entire length of the fence.

The exact nature of fence-induced diversions is not determined at this time, though a qualitative assessment of their likely impact can be made. The flood depths described in the Westwood study (Westwood, 2023) are mostly minor for the Project, with depth estimated at up to 0.5 to 1 foot in most areas of the site. Since most major washes would be avoided, fencing at property entry points would be limited. Further, a 6-to-8-inch gap may be left at the bottom of the fence to allow tortoises to pass underneath. Fence-related flow diversion is therefore likely to be minimal. Mitigation Measure HWQ-5 (Project Drainage Plan) is proposed to ensure that fence-related diversions of flow would be less than significant by creating fence openings sufficient to allow pass through flow in places where there are no demonstrable existing flood diversions.

Most of the Project site would be subject to flooding at varying depths mostly less than one foot. Any structures placed in those areas would have the potential to redirect flood flows. The solar panels would be installed on posts/piles and at least 4 feet above the ground and would offer minimal obstruction to flows. The substation, BESS and O&M building are in an area that would be subject to flooding of

approximately 1 foot. These would be protected by berms or other drainage features which could redirect flood flows locally. The access roads, being at-grade, would offer minimal obstruction. The internal power lines would be protected from flooding by burying or being installed on poles, but if on poles would offer minimal obstruction to flow. The gen-tie line would have similar potential. Mitigation Measures HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]) and MM HWQ-5 (Project Drainage Plan) would ensure that the site design include consideration of flood flows and diversions. With these mitigation measures in place, this potential impact from runoff would be less than significant.

Potential impact of impervious areas is addressed in Impact HWQ-3B.

### Mitigation Measures for Impact HWQ-3

- MM BIO-3**      **Minimization of Vegetation and Habitat Impacts.** See full text in Section 3.5 (Biological Resources).
- MM BIO-5**      **Vegetation Resources Management Plan.** See full text in Section 3.5 (Biological Resources).
- MM BIO-13**     **Streambed and Watershed Protection.** See full text in Section 3.5 (Biological Resources).
- MM HWQ-1**     **Drainage Erosion and Sedimentation Control Plan (DESCP).** See full text in Section 3.11.9 (Mitigation Measures).
- MM HWQ-5**     **Project Drainage Plan.** See full text in Section 3.11.9 (Mitigation Measures).

### Significance After Mitigation

These impacts would be less than significant with the implementation of recommended mitigation measures.

**Impact HWQ-4. Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

*LESS THAN SIGNIFICANT WITH MITIGATION.* Most of the Project would be subject to flooding at varying depths mostly less than one foot. Any structures placed in those areas would have the potential to be flooded. The solar panels would be installed on posts/piles and at least 4 feet above the ground and would be above the anticipated flood depth but would be subject to scour as the flood flows pass the support posts. The substation, BESS and O&M building are in an area that would be subject to flooding of up to 1 foot. These would be protected by berms or other drainage features. The access roads, being at-grade, would require maintenance after a flood event. The internal power lines would be protected from flooding by burying or being installed on poles, but if on poles could be subject to flood-related scour. The gen-tie line would have similar potential for flood-related scour.

As there would be few people on the site at most times, flow depths shallow, and the building structures and other Project features would be protected from flooding or not easily susceptible to flood damage, there would be little chance of flood-related injury or death, or substantial damage to structures. Mitigation Measures HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]) and MM HWQ-5 (Project Drainage Plan) would ensure that the site design include consideration of flood flows. Mitigation Measure HWQ-6 (Flood Protection) is proposed to ensure that all structures are protected from flooding and flood-related scour.

### Mitigation Measures for Impact HWQ-4

- MM HWQ-1**     **Drainage Erosion and Sedimentation Control Plan (DESCP).** See full text in Section 3.11.9 (Mitigation Measures).

**MM HWQ-5 Project Drainage Plan.** See full text in Section 3.11.9 (Mitigation Measures).

**MM HWQ-6 Flood Protection.** See full text in Section 3.11.9 (Mitigation Measures).

### Significance After Mitigation

This impact would be less than significant with the implementation of recommended mitigation measures. ~~Mitigation Measures for Impact HWQ-5~~

~~**MM BIO-3 Minimization of Vegetation and Habitat Impacts.** See full text in Section 3.5 (Biological Resources).~~

~~**MM BIO-5 Vegetation Resources Management Plan.** See full text in Section 3.5 (Biological Resources).~~

~~**MM BIO-13 Streambed and Watershed Protection.** See full text in Section 3.5 (Biological Resources).~~

~~**MM HWQ-1 Drainage Erosion and Sedimentation Control Plan (DESCP).** See full text in Section 3.11.9 (Mitigation Measures).~~

~~**MM HWQ-2 Septic System Review and Permitting.** See full text in Section 3.11.9 (Mitigation Measures).~~

~~**MM HWQ-3 Palo Verde Mesa Groundwater Basin (PVMGB) Protection.** See full text in Section 3.11.9 (Mitigation Measures).~~

~~**MM HWQ-5 Project Drainage Plan.** See full text in Section 3.11.9 (Mitigation Measures).~~

### Significance After Mitigation

This impact would be less than significant with the implementation of recommended mitigation measures.

\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\*

## 3.11.7. Cumulative Impacts

### 3.11.7.1. Geographic Scope

**Surface Water.** The Project is in the Chuckwalla Hydrologic Unit which drains entirely to the Palen and Ford Dry Lakes. There is no natural outlet for this flow to other hydrologic units. Therefore, the area for cumulative hydrology and water quality analysis is confined to this hydrologic unit. Existing, proposed, and reasonably foreseeable projects from Tables 3.1-2 and located within this same hydrologic unit consist of eight solar energy projects (Desert Sunlight, Desert Harvest, Palen, Athos, Oberon, Victory Pass, Redonda and Arica), five power transmission projects (Red Bluff Substation, Devers-Palo Verde Transmission Line, Devers-Colorado River Transmission Line, Blythe Energy Project Transmission Line, and Desert Southwest Transmission Line), and two other projects (Eagle Mountain Pumped Storage Project and Skybridge-Eagle Mountain Hydrogen Project).

**Groundwater.** A cumulative impact scenario on groundwater was completed in the Project WSA. ~~This~~ cumulative impact scenario uses the CVGB baseline groundwater budget presented in the Project WSA using normal ~~and reduced recharge~~ assumptions (see Tables 3.11-1 ~~and 3.11-2~~). The cumulative impact scenario accounts for all existing water and estimated water use from known qualifying projects ~~and foreseeable cumulative projects~~. Pursuant to SB 610, the Project WSA is only required to consider existing water use and estimated water use from known qualifying projects within the CVGB. Qualifying projects included in the Project WSA cumulative impact scenario are displayed on Figure 3.1-1 and Project WSA Figure 3 in EIR Appendix G.



### 3.11.7.2. Cumulative Impact Analysis

#### Surface Water

Cumulative impacts to hydrology and water quality include the impacts of the Easley Project together with those listed above, most of which are similar solar power projects. These cumulative projects have the potential to contribute to cumulative hydrologic and water quality impacts in the Chuckwalla Valley Hydrologic Unit. These cumulative projects have the potential to introduce new or exacerbate existing pollutant generation associated with construction and operation. These projects could contribute to increased runoff due to increases in impervious surfaces. All cumulative projects are crossed by water-courses that could generate flooding, with similar flooding impacts as described for the proposed Project.

All foreseeable future projects in the Chuckwalla Valley Hydrologic Unit would be subject to similar measures as the proposed Project when obtaining the required permits ~~that implement compliance and complying~~ with state and federal clean water regulations and Riverside County floodplain development regulations. As ~~all these~~ projects would go through an environmental review process, they would be subject to similar mitigation measures as those proposed to address potential water quality impacts for the proposed Project. Many of the projects (Arica, Victory Pass, Palen, and Desert Harvest) do or would likely avoid major drainages that cross their sites. Because the Project is in a similar hydrologic setting and most of the cumulative projects are similar projects, individual project impacts are expected to be reduced to less than significant through compliance with regulations and mitigation. Therefore, the combined effects to water quality from the cumulative projects within the geographic scope would not be considered cumulatively significant and the proposed Project would not have a considerable contribution to the cumulative impact.

#### Groundwater

In June 2023, BLM issued a Proposed Rule to amend its existing ROW regulations, issued under authority of the Federal Land Policy and Management Act (FLPMA), and is considering issuing Right-of-Way (ROW) grants for durations of up to 50 years (BLM, 2023). To prepare for potential issuance of 50-year ROW Grant by the BLM and to determine whether there are sufficient supplies to sustain the Project, the Easley WSA conservatively extends the total projected period of the Project to 52-years. For the purpose of the CVGB water budget (see GSI, 2024 Section 6) and predictive Project water demand impacts analysis (see GSI, 2024 Sections 5.4 and 7) presented herein, 52 years is equivalent to the projected total duration of the Project, including construction (20 months), operations (48 years), and decommissioning (20 months).<sup>35</sup> The Project would use up to 1,000 AF during the planned 20-month construction period and up to 50 AFY during the Project's operational and decommissioning periods<sup>36</sup>. As described above, the Project would result in less than significant impacts to groundwater supplies with implementation of mitigation.

A cumulative impact scenario on groundwater was completed in the Project WSA. As with the Project-level analysis, normal (average) conditions are considered the more accurate estimate; the annual groundwater deficit resulting from the use of the reduced recharge rates is inconsistent with reported groundwater levels in the CVGB, which indicate that the groundwater levels are generally stable, or in some areas in the CVGB, indicate an increasing trend, which would not occur if there were an ongoing

<sup>35</sup> Although the estimated Project construction period and decommissioning period described in the EIR Chapter 2 (Project Description) is 20 months, the water budgets (see GSI, 2024 Section 6) and Cone of Depression and Cumulative Drawdown Analysis (see GSI, 2024 Section 7), were developed in 1-year time steps, and therefore, assume the same overall water usage but over shorter Project construction and decommissioning periods of 2 years.

<sup>36</sup> As described in EIR Section 2.3.11, the Applicant has updated its construction water requirements in the Partially Recirculated Draft EIR based on water usage data obtained following construction of other projects in the area, such as the Oberon Renewable Energy Project. The analysis in EIR Section 3.11 (Hydrology and Water Quality) and EIR Appendix G (Water Supply Assessment) conservatively still assumes use of 1,000 AF during construction.

annual groundwater deficit. Additionally, the reduced recharge groundwater budget is inconsistent with previous studies, including USGS (2007), CEC (2010), and Fang et al. (2021).

The results indicate the Project contributes approximately 2 percent of the total cumulative operational extractions for all qualifying projects not already in place (cumulative projects; see GSI, 2024, Table 12). Development of a 52-year (equivalent to the total Project duration) groundwater budget projection, assuming average precipitation and the Project and all cumulative projects in place, indicates there would be an initial groundwater deficit of 6,960 AF in the year 2024 (first year of Project construction for all cumulative projects not already under construction or operational). The cumulative groundwater deficit would increase to approximately 118,420 AF by the end of the 52-year period. Without the Project and all other cumulative projects in place, there would be a surplus of 5,200 AF at the end of the 52-year period. The same analysis using the DWR (2020a) estimated annual groundwater pumping, assuming average precipitation, indicates the initial groundwater deficit would be 5,560 AF in 2024, increasing to a deficit of 45,620 by the end of the 52-year period.

The same analysis using reduced infiltration and underflow estimates results in a total cumulative project deficit of about 352,760 AF, to which the Project would contribute about 1 percent, or 3,500 AF. Using these inflow estimates, the CVGB would not recover the groundwater deficit with or without the Project.

Using the driest 52-year period recorded at the Blythe Airport meteorological station, with the Project and all cumulative projects in place, the CVGB total groundwater deficit at the end of the 52-year period would be approximately 112,560 AF. Using reduced recharge data, the 52-year deficit would total approximately 347,640 AF. Using the DWR (2020a) estimated annual pumping, at the end of the 52-year period the total groundwater deficit would be approximately 39,760 AF.

Notably, the estimated water demand of the Eagle Mountain Pump Storage (EMPS) Project is 4,460 AFY during the projected 4-year construction period and 2,050 AFY during the operational phase of the project. Comparatively, one year of construction water demand for the EMPS Project is more than the 52-year water demand for the Project. Further, during its operational phase, the EMPS Project is projected to use more than six times the groundwater of all other cumulative projects located in the CVGB. The inclusion of the EMPS Project drastically affects the cumulative project projected groundwater budgets. Without the EMPS Project, the cumulative groundwater deficit would be 2,180 AF at the end of the 52-year period under normal conditions. Under normal conditions using DWR (2020a) estimated annual pumping, there would be a cumulative groundwater surplus of 70,620 AF without the EMPS Project. Similarly, if the EMPS Project groundwater use was not included in the driest 52-year period cumulative project scenario, the cumulative groundwater surplus would be 3,680 AF at the end of the 52-year period. Using the DWR (2020a) estimated annual pumping, the cumulative groundwater surplus would be 76,480 AF at the end of the 52-year period.

Although the cumulative scenarios presented in the Project WSA (GSI, 2024) indicate a deficit over the 52-year period in some circumstances, the available water supplies during normal, single dry, and multiple dry water years from the CVGB, would meet the projected water demands of the cumulative project uses, in addition to existing uses and planned future uses. This is a result of the storage capacity and hydrogeologic properties of the CVGB, and the relatively low water demand of the cumulative projects. Further, the WSA also calculated the groundwater drawdown caused by groundwater use by the cumulative projects. Pursuant to BLM (BLM, 2016a and 2016b) requirements, a WSA must include an analysis of “estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the basin, including the project, for the life of the project through the decommissioning phase.” To evaluate the potential cone of depression induced by proposed Project groundwater pumping and cumulative drawdown from all cumulative projects (see GSI, 2024 Table 12), a predictive MODFLOW groundwater model (Model) was developed and projected for the 52-year duration of the Project. The Model incorporated estimated inflow and outflow terms consistent with the Project water budget presented in

Section 6 of GSI (2024) as well as hydrogeological properties used in the Fang et al. (2021) numerical groundwater model.

The Project impacts are discussed in terms of the zones of influence of the total cone of depression considering cumulative drawdown as a result of the Project, cumulative projects, and the CVGB projected agricultural, municipal, and domestic pumping. The zone of influence after 2 years of Project construction pumping (500 AFY) is an approximately 4.5-mile radius cone of depression out to 0.5 feet of drawdown. Project operational and decommissioning pumping (50 AFY) for 50 years has a cumulative drawdown with an approximately 15-mile radius out to 0.5 feet of drawdown. This zone of influence also includes pumping from cumulative projects.

The modeling results indicate that impacts to groundwater levels as a result of Project and cumulative project pumping are confined to the western part of the CVGB. Although most of the non-cumulative project pumping (see GSI, 2024 Section 5.8.2) in the CVGB occurs in the western part of the CVGB (the total agricultural, municipal, and domestic pumping is limited to approximately 7,900 AFY [CEC, 2010]), cumulative project pumping is not anticipated to adversely affect existing water users and water rights claimants in the CVGB due to the limited magnitude of the simulated drawdown (see the previous paragraph).

Thus, even with a potential deficit, the overall impact would be limited to the western part of the CVGB and any such impact would not adversely affect the existing water uses in that area. Further, even the higher estimated deficit (112,560 AF) is only 1.12 percent of the total assumed 10,000,000 AF capacity of the CVGB. Year to year groundwater use by cumulative projects also would be well below historical agricultural pumping, which was approximately 21,000 AFY in 1986 (GEI, 2010a). Current agricultural groundwater use is estimated at approximately 6,628 AFY, approximately three times the amount of yearly operational groundwater use for all cumulative projects (DWR, 2020a). Even with agricultural pumping, as well as municipal and domestic uses, groundwater levels in the CVGB have been relatively stable or, in some areas of the CVGB, increasing based on reported groundwater levels. There is no reported evidence of subsidence in the CVGB as a result of historical or present pumping (GEI, 2010a) and the Project and cumulative projects are not anticipated to cause subsidence, increase the rate of subsidence, or cause loss of aquifer storage capacity in the CVGB.

Thus, the addition of the cumulative projects likely would have a limited impact on the overall groundwater supplies in the CVGB. Like the Project, cumulative projects would be required to implement groundwater monitoring plans and ensure that pumping would not adversely impact existing users. Groundwater pumping from cumulative projects also would be limited by the Accounting Surface. However, because the cumulative scenario under normal conditions indicates a potential groundwater deficit, the County conservatively concludes that cumulative impacts would be potentially significant.

Although cumulative impacts would be potentially significant, the Project's incremental contribution is not considered cumulatively considerable. As noted above, the cumulative deficit is driven by the proposed EMPS Project, which accounts for the majority of groundwater use under the cumulative scenario. One year of construction water demand for the EMPS Project is more than the 52-year water demand for the Project. Further, during its operational phase, the EMPS Project is projected to use more than six times the groundwater of all other cumulative projects located in the CVGB and more than 33 times the groundwater of the Project during the 52-year period. Without the EMPS Project, the cumulative groundwater deficit would be 2,180 at the end of the 52-year period. Under normal conditions using DWR (2020a) estimated annual pumping, there would be a cumulative groundwater surplus of 70,620 AF without the EMPS Project. Similarly, if the EMPS Project groundwater use was not included in the driest 52-year period cumulative project scenario, the cumulative groundwater surplus would be 3,680 AF at the end of the 52-year period. Using the DWR (2020a) estimated annual pumping, the cumulative groundwater surplus would be 76,480 AF at the end of the 52-year period. The Project's contribution to cumulative project

pumping during the 52-year period is minor, accounting for 3 percent of the total cumulative demand. The Project also would implement various construction techniques designed to reduce overall water use during construction, including using “overland travel,” designating primary travel routes, limiting grading, utilizing small rubber-wheel vehicles, and phasing construction, as described in Chapter 2. Project-level impacts are less than significant, and the Project would comply with various mitigation measures that would minimize potential pumping impacts to nearby wells and the larger CVGB. Accordingly, the Project’s incremental contribution to cumulative impacts is not cumulatively considerable.

Further, based on the limited magnitude of the simulated drawdown due to Project and cumulative project pumping, groundwater levels would not be lowered to a level that would cause a degradation of groundwater quality that affect other beneficial uses. Additionally, groundwater levels would not be lowered to a level that causes pumping wells near the Project to begin to capture deeper/older groundwater within the CVGB. Deeper/older groundwater typically contains increased salts and nutrients as a result of prolonged exposure to the aquifer material (leaching of minerals from the host rock into groundwater) (USGS, 2019). In addition, there are no known point source plumes near the Project. Therefore, there are no known contaminant plumes Project pumping or cumulative pumping could potentially mobilize.

~~The Project’s contribution to cumulative impacts on groundwater would be actively monitored through the development and implementation of a GMRMP for the Project in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels and/or degradation of groundwater quality) by Project activities (MM HWQ-4). The Project’s contribution to cumulative impacts would also be monitored through the development of a Colorado River Water Supply Plan (CRWSP) to monitor groundwater extractions from the Project operated on- or off-site well(s) and prevent, replace, or mitigate Project impacts that deplete the PVMGB groundwater budget to prevent impacts (MM HWQ-3). The CRWSP would be submitted to the U.S. Bureau of Reclamation and BLM prior to commencement of any Project construction activities. The CRWSP would be based on the results of the Project GMRMP. The GMRMP for the Project would be developed in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels) by Project activities. With the implementation of these mitigation measures, the Project would not make a considerable contribution to potential cumulative reductions in groundwater supplies.~~

The proposed expansion of Joshua Tree National Park and creation of Chuckwalla National Monument, if adopted, would re-designate existing federal lands in the Project vicinity but would not create physical changes in the environment that would contribute to cumulative impacts. By excluding development within these areas, the potential need for a water supply for such development would be avoided.

### **Mitigation Measures for Cumulative Impacts**

Mitigation Measures MM BIO-3, MM BIO-5, MM BIO-13, and MMs HWQ-1 through MM HWQ-6 would be implemented ~~to address potential hydrology and water quality impacts for the proposed Project. No additional mitigation is required.~~

### **Significance After Mitigation**

The Project’s incremental contribution to hydrology and water quality impacts would not be cumulatively considerable and is therefore considered less than significant with mitigation.

### 3.11.8. Mitigation Measures

- MM BIO-3**     **Minimization of Vegetation and Habitat Impacts.** See full text in Section 3.5 (Biological Resources).
- MM BIO-5**     **Vegetation Resources Management Plan.** See full text in Section 3.5 (Biological Resources).
- MM BIO-12**    **Streambed and Watershed Protection.** See full text in Section 3.5 (Biological Resources).
- MM HWQ-1**    **Drainage Erosion and Sedimentation Control Plan (DESCP).** At least 60 days prior to site mobilization, the Applicant shall submit to the Regional Water Quality Control Board, the BLM, and Riverside County for review and approval a DESCPC for managing stormwater during Project construction and operations and to prevent sediment or any other pollutants from moving offsite and into receiving waters. The DESCPC can be included in the Stormwater Pollution Prevention Plan (SWPPP) and must ensure proper protection of water quality and soil resources, address disturbed soil stabilization treatments in the Project area for both road and non-road surfaces, and identify all methods used for temporary and final stabilization of inactive areas. The plan must also cover all linear Project features such as the proposed gen-tie line and any other Project component subject to disturbance. The DESCPC shall contain, at a minimum, the elements presented below that outline site management activities and erosion and sediment-control Best Management Practices (BMPs) to be implemented during site mobilization, excavation, construction, and post-construction (operating) activities.
- *Vicinity Map.* A map(s), at a minimum scale 1 inch to 500 feet, shall be provided indicating the location of all Project elements with depictions of all significant geographic features including swales, storm drains, drainage concentration points and sensitive areas.
  - *Site Delineation.* All areas subject to soil disturbance (including mowing, grubbing, grading, excavation or any other soil disturbing activity) for the Project shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures and drainage facilities.
  - *Clearing and Grading Plans.* The DESCPC shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections, or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and proposed topography shall be illustrated by tying in proposed contours with existing topography.
  - *Clearing and Grading Narrative.* The DESCPC shall include a table with the estimated quantities of material excavated or filled for the site and all Project elements, whether such excavation or fill is temporary or permanent, and the amount of such material to be imported or exported. All areas subject to soil disturbance shall be included in the table.
  - *Erosion Control.* The plan shall address treatments to be used on exposed soil during construction and operation including specifically identifying all chemical-based dust palliatives, soil bonding, and weighting agents appropriate for use that would not cause adverse effects to vegetation. BMPs shall include measures designed to provide temporary stabilization of inactive disturbed areas and will be applied as soon as possible consistent with SCAQMD (Rule 403) and SWRCB Construction General Permit requirements. The timing of suppressant or binder application will occur as soon as possible

and consistent with dust and stormwater permit requirements. Any soil stabilizers proposed shall be approved for use by the Project's Restoration Specialist to ensure that the products shall not impede restoration goals.

- **Best Management Practices Plan.** The DESC shall identify on the topographic site map(s) the location of the site specific BMPs to be employed during each phase of construction (initial grading, Project element excavation and construction, and final grading/stabilization). BMPs shall include measures designed to control dust, stabilize construction access roads and entrances, and control stormwater runoff and sediment transport consistent with SCAQMD (Rule 403) and SWRCB Construction General Permit requirements.
- **Best Management Practices Narrative.** The DESC shall show the location, timing, and maintenance schedule of all erosion- and sediment-control BMPs to be used prior to initial grading, during excavations and construction, final grading/stabilization, and operation. Separate BMP implementation schedules shall be provided for each Project element for each phase of construction. The maintenance schedule shall include post-construction maintenance of structural-control BMPs, or a statement provided about when such information would be available.
- The DESC shall be prepared, stamped, and sealed by a professional engineer or Qualified SWPPP Developer. The DESC shall include copies of recommendations, conditions, and provisions from the Regional Board and/or BLM.
- The DESC may be part of the SWPPP and shall be kept onsite, kept updated, and readily available on request. The DESC and SWPPP must demonstrate compliance with other water quality permits (WDR and LSAA), which may have restrictions on types of erosion or sedimentation control materials used. SWPPP inspection reporting will be consistent with the requirements of the SWRCB Construction General Permit.

**MM HWQ-2 Septic System Review and Permitting.** Before the start of construction, the Applicant shall submit to Riverside County Department of Environmental Health an evaluation of the Project septic system to ensure that the proposed use of the system is consistent with federal, state, and local requirements for septic system design, including requirements for percolation, vertical distance from the groundwater table, and setback from the nearest groundwater well.

**MM HWQ-3 Palo Verde Mesa Groundwater Basin (PVMGB) Protection.** If water for the Project, to be obtained from on- or off-site well(s) within the Chuckwalla Valley Groundwater Basin (CVGB), is extracted from on- or off-site well(s) that is/are owned and/or operated by the Applicant, the Applicant shall develop a Colorado River Water Supply Plan (CRWSP) to monitor groundwater extractions from the Applicant owned and/or operated on- or off-site well(s) ~~and prevent, replace, or mitigate Project impacts that deplete the PVMGB groundwater budget~~ to prevent impacts to the adjacent PVMGB related to groundwater extraction below the Colorado River Accounting Surface.

The CRWSP shall be submitted to the U.S. Bureau of Reclamation and BLM for review and approval at least 60 days prior to the initiation of construction ~~and is required to be implemented at any time during the life of the Project that groundwater withdrawals reach the Accounting Surface, based on the results of the Groundwater Monitoring, Reporting, and Mitigation Plan (required under MM HWQ 4).~~ No pumping of groundwater below the accounting surface shall occur ~~without compensatory mitigation according to the~~

~~approved CRWSP. A copy of the CRWSP shall also be submitted to the Metropolitan Water District of Southern California for review and comment.~~

~~The amount of PVMGB depletion requiring mitigation shall be equal to the amount of withdrawals from below the Colorado River Accounting Surface. Toward ensuring that no allocated water from the Colorado River is consumed without entitlement to that water, the CRWSP shall identify measures that will be taken to reduce and replace water on an acre-foot by acre-foot basis should the Project consume any water from within or below the Colorado River Accounting Surface.~~

- ~~(a) The CRWSP shall describe groundwater monitoring activities and quarterly data reports to be closely reviewed for depth to groundwater information, and proximity of the depth of Project-related groundwater pumping to the Colorado River Accounting Surface. To ensure that The CRWSP shall further describe that if Project-related groundwater pumping does not draws water from below the accounting surface, the following shall occur:~~
- ~~(b) Based on groundwater monitoring data, the quantity of groundwater pumped from below the Accounting Surface shall be recorded; and~~
- ~~(c) The Applicant shall implement water conservation/offset activities, including cessation of pumping, to reduce the amount of water withdrawn from on- or off-site well(s) that is/are owned and/or operated by the Applicant. within or below the Colorado River Accounting Surface and to replace Colorado River water on an acre-foot by acre-foot basis. To effectively implement this requirement, the CRWSP shall include the following information:~~
- ~~(d) Identification of water conservation/offset activities that reduce/replace the quantity of water diverted from the Colorado River;~~
- ~~(e) Identification of any required permits or approvals and compliance of conservation/offset activities with CEQA and NEPA;~~
- ~~(f) An estimated schedule of completion for each identified activity;~~
- ~~(g) Performance measures to evaluate the amount of water reduction and replacement by each identified activity; and~~
- ~~(h) Monitoring and reporting protocol to ensure that water conservation/offset activities are effectively implemented and achieve the intended purpose of reducing and replacing Colorado River water diversions.~~
- ~~(i) The Colorado River Accounting Surface is at an elevation between approximately 238 and 240 feet above mean sea level (amsl) in the Chuckwalla Valley (Argonne, 2013). Groundwater elevation in the Project area is approximately 489 feet amsl as of the first quarter of 2024. The numerical groundwater model developed for the Project Water Supply Assessment (GSI, 2024; discussed below) included estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the CVGB, including the Project, for the life of the Project through the decommissioning phase. The estimated drawdown at the Project well after the planned 2-year construction period was less than 2 feet. The temporary drawdown at the well during pumping, however, would be greater.~~

- (ii) Assuming a conservatively-large temporary drawdown of 100 feet at the Project well (up to 80 feet of temporary drawdown has been recorded from a well-used for construction of a nearby solar project) during peak water demand during Project construction, the water levels in the Project well would be at least 150 feet above the Colorado River Accounting Surface. The water levels within the Project well would be monitored as part of the GMRMP (MM HWQ-4) per the DRECP LUPA Conservation and Management Action (CMA) Soil and Water (SW) 24. MM HWQ-3 ensures that the Project will not extract water from below the Accounting Surface, as it requires that pumping from Project wells be decreased or stopped well before water levels reached the Colorado River Accounting Surface.

**MM HWQ-4 Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP).** Before the Project uses groundwater pumped from any Applicant owned and/or operated well (on site or off site) that extracts water from the CVGB, the Applicant shall retain a BLM-approved qualified hydrogeologist to develop a GMRMP, in coordination with ~~the RWQCB~~ Riverside County and BLM, to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected by Project activities, i.e., chronic lowering of groundwater levels and degradation of groundwater quality. The Applicant shall submit the GMRMP to ~~the RWQCB~~ Riverside County and BLM for review and approval. Additionally, although no Groundwater Sustainability Agencies (GSAs) have been established for the CVGB, in the event that such agencies have been established when the GMRMP is developed, the Applicant also shall submit the GMRMP to those GSAs. The Applicant shall implement the approved GMRMP throughout any Project phase that pumps groundwater for consumptive use.

The GMRMP shall provide a detailed methodology for monitoring site groundwater levels and comparisons for levels within the CVGB including identification of the closest private wells to the Project's well(s). Groundwater level data from wells at adjacent and nearby solar facilities and other Projects on BLM-administered public lands shall be provided by the BLM for review and comparison, to the extent available to the Applicant. Monitoring shall be performed during pre-construction, construction, and operation of the Project, to establish pre-construction and Project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the Project's pumping well(s) and near potentially impacted existing wells. The GMRMP shall include a schedule for submittal of quarterly data reports by the Applicant to the GMRMP designated agencies and the GSA(s) (if established), for the duration of the construction period. These quarterly data reports shall be prepared and submitted for review and shall include water level monitoring data and effect on the nearest off-site private wells. The designated agencies shall determine whether groundwater wells surrounding the Project supply well(s) are adversely affected (i.e., chronic lowering of groundwater levels and degradation of groundwater quality) by Project activities ~~in a way that requires additional mitigation and, if so, shall determine what measures are needed. Examples of additional mitigation, if approved by the designated agencies, could include~~ and, if so, shall require one or more of the following:

- Cessation or reduction of pumping at the Project well(s) until groundwater levels return to levels that allow nearby wells to resume pre-Project pumping levels;
- Compensation for whatever additional equipment is necessary to lower nearby pumps to levels that can adequately continue pumping;



- Compensation to repair or replace wells found to be damaged or inoperable due to lowered groundwater levels; or
- Compensation for increased energy cost due to Project-related well drawdown.

After the completion of construction, the Applicant and the BLM shall jointly evaluate the effectiveness of the GMRMP and determine if monitoring and reporting frequencies or procedures should be revised or eliminated.

**MM HWQ-5 Project Drainage Plan.** The Applicant shall provide the RWQCB, Riverside County and BLM with a drainage plan for review and approval prior to construction, which includes the following information:

- Hydrologic assessment of flood discharges affecting each parcel.
- A detailed on-site hydraulic analysis utilizing FLO 2D or similar two-dimensional hydraulic model which models pre- and post-development flood conditions for the 10- and 100-year storm events. The post-development model must include all proposed Project features, contours, and drainage improvements. Graphical output must include depth and velocity mapping as well as mapping which graphically shows the changes in both parameters between the pre- and post-development conditions.
- The Drainage Plan shall show the location of all watercourses, drainage concentration points and drainage ditches as they enter, cross, and exit the site. It shall include pre-development and post-development peak flow estimates. It shall include hydraulic calculations to determine flood conditions, floodplain limits, flood depths and velocities. It shall show the relationship of drainage and flood features to the features of the Project, including buildings, fences, substations, access roads, culverts, linear features, and panel supports, demonstrating adequate design to protect from flooding, erosion and scour, and to do so without adversely affecting adjacent property, inducing erosion, or concentrating or diverting flows.
- The Plan shall show how drainage will be conveyed through the site without adversely affecting other property, either through increased flood hazard or increased potential for scour and erosion. Proposed fencing shall allow runoff to traverse the Project site unencumbered, as feasible. The Plan shall include an assessment of existing diversion berms and channels around parcel perimeters and the magnitude and frequency of flood that would be diverted by these existing features, and the probable integrity of these features to withstand flows. It shall show how those that are on the Project site will be affected by grading. It shall include an assessment of flows approaching proposed perimeter fences, whether or not adjacent to existing berms, and make design recommendations to avoid flow diversions by these fences while taking into account relevant biological mitigation measures. Design recommendations may include creating fence openings large enough to allow the passage of debris-laden flows without the potential for diversions to other property.
- The Plan shall have detailed design of flood retention features necessary to avoid any increase in downstream flood peak flow rates.
- Drainage of Project Site Narrative – The Plan shall include a narrative of the measures necessary to protect the site and Project features from flooding, erosion and sedimentation, and measures taken to prevent Project-induced erosion and flooding of adjacent property.

**MM HWQ-6 Flood Protection.** The O&M Building, BESS switchyard, and all other Project buildings shall either be situated outside of the 100-year floodplain or sufficiently protected against dislodgement by flooding where placement outside the floodplain is not practical. Flood protection shall consist of elevating the structures on fill to at least the highest anticipated adjacent flood level as measured from a horizontal stow position. Solar panels shall be situated at least one foot above the highest anticipated local flood level. All structures using posts or poles for foundations, including transmission poles or towers, shall be designed to protect against substantial scour from the 100-year flood event. The Project must comply with Riverside County Ordinance No. 458 for projects within a Special Flood Hazard Area or floodplain: electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be designed or located to prevent water from entering or accumulating within the components during flooding.

## 3.12. Land Use and Planning

This section describes existing land uses and land use plans and policies in the Project area on private and public land. Land use can be assessed by analyzing current land activities, land ownership, zoning, and consistency with existing land use plans, ordinances, regulations, and policies.

### 3.12.1. Environmental Setting

The Easley Project site is in eastern Riverside County, north of Interstate 10 (I-10) and approximately 2 miles north of the town of Desert Center, California. The site includes both private and public land under the jurisdiction of Riverside County and the BLM, respectively. Of the site's approximately 3,735 acres, approximately 2,050 acres would be developed by the solar and BESS facility, with the balance left as open space. Solar arrays would be fenced, with open areas between them. The Project site is immediately north and east of the community of Lake Tamarisk Desert Resort (LTDR) in Desert Center and is south of Joshua Tree National Park. LTDR is a 55-plus 150-space mobile home and RV resort that includes a clubhouse, nine-hole golf course, pool, and lake as well as year-round homes. RV sites are available for rent. Other development in the area consists of active and fallow agricultural fields, residences, solar developments, and electrical transmission lines. Surrounding areas also include undeveloped desert land that is largely under federal jurisdiction and administered by the BLM.

Two operating solar projects, Desert Sunlight and Desert Harvest, are north of the proposed Easley Project site and the Athos Renewable Energy Project is to the east. Nearby solar projects recently constructed or under-finishing construction include the Oberon Renewable Energy Project to the immediate south and the Arica and Victory Pass solar projects to the southeast of the Easley site. The Sapphire Solar Project, proposed by EDF Renewables, is adjacent to the northern area of the Easley Project site. Figure 2-4 (Desert Center Solar Projects & DRECP Context) shows the proposed Easley Project in relation to existing, approved, and proposed solar facilities in the region.

The Project is located within the County's Desert Center Area Plan (DCAP), a subset of the Riverside County General Plan. County land surrounding the Area Plan is designated as Open Space Rural. According to the Area Plan, much of the land west and south of Kaiser Road is designated desert tortoise reserve. The proposed Project is east of Kaiser Road, and east of the reserve. Little new development is envisioned within the Area Plan, except for infill and/or revitalization of the Eagle Mountain Townsite and contiguous expansion of the Desert Center and Lake Tamarisk communities, which are located outside of the Project site. Where the proposed Project would be located on parcels under County jurisdiction, the DCAP land use designations are primarily Open Space Rural, with some designated as Agriculture. There are 8 parcels under WA contract that are designated as Agriculture in the DCAP (see discussion in Section 3.3, Agriculture and Forestry). These parcels were used for agriculture in the 1980s; however, they have been out of agricultural use since then and are not currently used for agriculture.

Under the Riverside County Zoning Ordinance, the lands within the Project site boundary subject to County jurisdiction are shown in Figure 3.12-1 County Zoning on Project Lands. The parcels subject to County jurisdiction in the project boundary are zoned as A-1-20 (Light Agriculture [20-acre minimum]), N-A (Natural Assets) or W-2 (Controlled Development Areas). Solar power plants on lots of 10 acres or larger are allowed in these zones under a Conditional Use Permit (Riverside County, 2023).

BLM-administered land comprises much of the Project site. These parcels are part of the lands designated as under the Desert Renewable Energy Conservation Plan (DRECP) as a Development Focus Area, which are areas with substantial energy generation potential, access to existing or planned transmission, and low resource conflicts.

Outside of the Project site boundary, a 500 kV gen-tie line from the proposed Easley Project substation would traverse the adjacent Oberon Project site in a transmission corridor on BLM-administered land, terminating at the existing Oberon substation, which is under construction Switchyard.

### 3.12.2. Regulatory Framework

#### 3.12.2.1. Federal Laws, Regulations, and Policies

**Federal Land Policy and Management Act, 1976 As Amended.** The U.S. Congress passed the FLPMA in 1976. Title V, “Rights-of-Way (ROW),” of the FLPMA establishes public land policy and guidelines for administration, provides for management, protection, development, and enhancement of public lands, and provides the BLM authorization to grant ROWs. Authorization of systems for generation, transmission, and distribution of electric energy is addressed in Section 501(4) of Title v. In addition, Section 503 specifically addresses “Right of Way Corridors” and requires common ROWs “to the extent practical.” FLPMA, Title V, Section 501(a)(6) states, “[t]he Secretary, with respect to the public lands (including public lands, as defined in section 103(e) of this Act, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 USC 818)) [P.L. 102-486, 1992] and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, or other means of transportation except where such facilities are constructed and maintained in connection with commercial recreation facilities on lands in the National Forest System.” The primary directive guiding all of BLM’s decisions under FLPMA is to put public lands to their highest and best use.

The Applicant is requesting a grant of ROW approval from the BLM (Palm Springs-South Coast Field Office) for the solar and energy storage facility, gen-tie line, and associated components that are located on land under the jurisdiction of the BLM.

**California Desert Conservation Area Plan (CDCA), 1980 As Amended.** Section 601 of the FLPMA required preparation of a long-range plan for the CDCA. The CDCA Plan was adopted in 1980 to provide for the use of public lands and resources of the CDCA in a manner that enhances, wherever possible, and does not diminish, on balance, the environmental, cultural, and aesthetic values of the Desert and its productivity. The CDCA Plan is a comprehensive, long-range plan covering 25 million acres. Approximately 12 million acres (about half) of this total are public lands administered by the BLM on behalf of the CDCA.

The CDCA Plan contains goals and specific actions for the management, use, development, and protection of the resources and public lands within the CDCA, and is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality.

The Project’s gen-tie line would be partially located within BLM Designated Utility Corridor K, as identified in the CDCA Plan. The CDCA Plan designated utility Corridor K for “multi-modal use,” allowing for new electrical gen-tie towers and cables of 161 kV or above. Utility Corridor K is also designated as Section 368 Federal Energy Corridor 30-52 in the Record of Decision for the West-Wide Energy Corridor (WWEC) PEIS. Energy Corridor 30-52 is identified for “multi-modal use,” which allows for electricity transmission and distribution facilities. Section 368 corridors are identified with a numeric designation and are often overlain on locally designated corridors, as is the case with the east-west Section 368 two-mile-wide Corridor 30-52 overlying BLM Designated Utility Corridor K.

**Desert Renewable Energy and Conservation Plan Land Use Plan Amendment to the CDCA.** The Desert Renewable Energy Conservation Plan (DRECP) is a collaboration between the Bureau of Land Management, California Energy Commission, California Department of Fish and Game, and the U.S. Fish and Wildlife Service. The Record of Decision for the DRECP Land Use Plan Amendment (LUPA), Phase I of the larger collaboration, was signed in 2016 and is intended to facilitate the development of utility-scale

renewable energy and transmission projects on BLM-administered land in the Mojave and Colorado deserts in California to reach federal and state energy targets while conserving sensitive species and habitats as well as cultural, scenic, and social resources. The DRECP LUPA applies to nearly 10.8 million acres of BLM-managed federal lands in seven California counties. The portion of the Project that would be located on BLM land is designated as a Development Focus Area targeted for renewable energy development.

### 3.12.2.2. State Laws, Regulations, and Policies

There are no specific state laws, regulations, or policies that are applicable to land use and planning at the Project site. Planning is the responsibility of the agencies having jurisdiction over the land, i.e., Riverside County and the BLM, respectively.

### 3.12.2.3. Local Laws, Regulations, and Policies

**Riverside County General Plan.** The Riverside County General Plan (RCGP) was adopted on October 7, 2003. Through a series of resolutions, the Board of Supervisors adopted an update on December 8, 2015. The RCGP consists of a vision statement and the following elements: Land Use, Circulation, Multi-purpose Open Space, Safety, Noise, Housing, Air Quality, and Administration. The RCGP sets forth County land use policies and guidance for implementation. The RCGP is augmented by more detailed Area Plans covering specific selected areas within the County. Area Plans provide a clear and more focused opportunity to enhance community identity within the County and stimulate quality of life at the community level. The proposed Project is within the County's Desert Center Area Plan.

RCGP land use designation for the Project area is Open Space Rural. The Land Use Element of the RCGP states that the:

*“Open Space-Rural (OS-RUR) land use designation is applied to remote, privately owned open space areas with limited access and a lack of public services. Single-family residential uses are permitted at a density of one dwelling unit per 20 acres. The extraction of mineral resources subject to an approved surface mining permit may be permissible, provided that the proposed Project can be undertaken in a manner that is consistent with maintenance of scenic resources and views from residential neighborhoods and major roadways and that the Project does not detract from efforts to protect endangered species.”* (Riverside County, 2021a)

Policies at the General Plan and Area Plan levels implement the vision and goals of Riverside County. The County of Riverside Vision details the physical, environmental, and economic qualities that the County aspires to achieve. Using that Vision as the primary foundation, the RCGP establishes policies for development and conservation within the entire unincorporated County territory. The General Plan's policy goals that are potentially relevant to land use for the Project are provided below.

#### Land Use Element:

- **Policy LU 2.1.c.** The County shall provide a broad range of land uses, including a range of residential, commercial, business, industry, open space, recreation and public facility uses.
- **Policy LU 2.1.g.** Prevent inappropriate development in areas that are environmentally sensitive or subject to severe natural hazards.
- **Policy LU 5.1.** Ensure that development does not exceed the ability to adequately provide supporting infrastructure and services, such as libraries, recreational facilities, educational and day care centers, transportation systems, and fire/police/medical services.

- **Policy LU 7.1.** Require land uses to develop in accordance with the Riverside County General Plan (RCGP) and area plans to ensure compatibility and minimize impacts.
- **Policy LU 8.1.** The County shall accommodate the development of a balance of land uses that maintain and enhance the County's fiscal viability, economic diversity and environmental integrity (General Plan LU-26).
- **Policy LU 9.1.** Provide for permanent preservation of open space lands that contain important natural resources, cultural resources, hazards, water features, watercourses including arroyos and canyons, and scenic and recreational values.
- **Policy LU 9.2.** Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the RCGP and federal and state regulations such as CEQA, NEPA, the Clean Air Act, and the Clean Water Act.
- **Policy LU 10.1.** Require that new development contribute their fair share to fund infrastructure and public facilities such as police and fire facilities.
- **Policy LU 14.1.** The County shall preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public.
- **Policy LU 14.5.** Require new or relocated electric or communication distribution lines, which would be visible from Designated and Eligible State and County Scenic Highways, to be placed underground.
- **Policy LU 17.2** 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.
- **Policy LU 26.3** Ensure that development does not adversely impact the open space and rural character of the surrounding area. (AI 3)
- **Policy LU 26.4** Encourage parcel consolidation. (AI 29)
- **Policy LU 26.5** Provide programs and incentives that allow Open Space-Rural areas to maintain and enhance their existing and desired character. (AI 9)

### Multi-Purpose Open Space Element

- **Policy OS 11.1** Enforce the state Solar Shade Control Act, which promotes all feasible means of energy conservation and all feasible uses of alternative energy supply sources.
- **Policy OS 11.2** Support and encourage voluntary efforts to provide active and passive solar access opportunities in new developments.
- **Policy OS 11.3** Permit and encourage the use of passive solar devices and other state-of-the-art energy resources.
- **Policy OS 11.4** Encourage site-planning and building design that maximizes solar energy use/potential in future development applications.

**Desert Center Area Plan.** The Project is located within the Desert Center Area Plan (DCAP). The DCAP envisioned little new development for the planning horizon (through 2020), except for infill and/or revitalization of the Eagle Mountain Townsite and contiguous expansion of the Desert Center and Lake Tamarisk communities. The DCAP was written in 2010 before widespread development of utility-scale renewable projects and as a result is largely silent on such development.

**Riverside County Land Use Ordinance.** Ordinance No. 348.4705 amends Ordinance No. 348 to Section 17.120.010 of the ordinance authorizes solar power plants on lots 10 acres or larger, subject to a conditional use permit in particular zone classifications. Among others, these zones include Light Agriculture

(A-1), Controlled Development (W-2) and Natural Assets (N-A), which apply to County lands with the Project site.

The Development Standards of Zone N-A state that no building shall exceed 20 feet in height (Section 15.201). The Development Standards of Zones W2 and A-1 state that no structure shall exceed 105 feet in height unless a variance is approved pursuant to Section 18.27 of the Land Use Ordinance. However, under Chapter 17.208.010 of the County Code of Ordinances, a public use permit allows for facilities used for the storage or transmission of electrical energy and public utilities. As noted in the code chapter, facilities for the storage or transmission of electrical energy are not subject to the development standards of the zone classification in which they are located.

The Project would require the following discretionary actions by the County to implement the Project:

- **Conditional Use Permit (CUP 220021)** is required for the construction, operation, and decommissioning of the proposed solar facility, electrical storage equipment, and any portion of the gen-tie line within the County of Riverside’s jurisdiction.
- **Public Use Permit (PUP 230002)** is required for the portions of the 34.5 kV medium voltage collector lines and 500 kV gen-tie line that would cross roadways and be located within County jurisdiction.
- ~~**Variance (VAR 230003)** may be necessary for any structures located within a Natural Assets (N-A) zone that would be higher than 20 feet, and in a Light Agriculture (A-1) or Controlled Development Area (W-2) zones that would exceed 105 feet.~~
- **Contiguous Parcel Mergers.** The Applicant is proposing to vacate the facility’s interior roadways and merge contiguous Project parcels within the Project area into a contiguous area. Roads along the Project perimeter on the solar facility lands would remain dedicated public access.

**Board of Supervisors Policy B-29/Development Agreement.** Policy B-29 affects Land Use Element Policies LU 2.1.c, LU 5.1, LU 7.1, LU 8.1, LU 13.1, and LU 15.15. The purpose of Policy B-29 (Solar Power Plant Policy) is to ensure that the County does not disproportionately bear the burden of solar energy production and ensure the County is compensated in an amount it deems appropriate for the use of its real property. It requires a Development Agreement between the Board of Supervisors and solar power plant owners. The policy states that the solar power plant owner shall annually pay the County \$150 for each acre of land involved in the power production process, with the fee increasing 2 percent annually. It also lists requirements for solar power plant owners relating to sales and use taxes payable in connection with the construction of a solar power plant. The term of a development agreement under this policy shall be for a term coextensive with the operation of the solar power plant.

The proposed Project would be consistent with County policies, including the Desert Center Area Plan. The DCAP envisions limited development, with most of the area designated as Open Space-Rural. (173,530 acres out of 185,720 acres). However, most of the land thus designated is under the jurisdiction of the BLM and not subject to County plans and ordinances.

On lands under County jurisdiction, the Area Plan identifies a land use classification of Rural Desert – 10-acre minimum but does not assign acreage within the Plan Area to this classification. This designation allows renewable energy uses including solar, geothermal and wind energy uses, as well as associated uses required to develop and operate these renewable energy sources, and compatible resource development and governmental and utility uses.

Those areas within the proposed Project site that are under County jurisdiction are designated as Rural Residential (RR)– 5-acre minimum. Among the uses allowed in these RR areas are “compatible resource development” and “associated uses and governmental uses.”

Given the extensive existing solar development in the Project vicinity and the planned development of solar fields and associated equipment and facilities on BLM lands comprising most of the Project site, the use of the parcels under County jurisdiction for development solar facilities is considered a compatible resource development because such development would be similar in nature and intensity to the development proposed on adjoining BLM lands and already existing on nearby BLM lands.

### 3.12.3. Methodology for Analysis

Evaluation of potential land use conflicts of the proposed Project was based on a review of relevant planning documents, including, but not limited to, the RCGP, Riverside County Zoning Ordinance, the CDCA Plan, and a review of the proposed solar facility site and surrounding area. The focus of the land use analysis is on land use conflicts that would result from implementation of the Project. Land use conflicts are identified and evaluated based on existing or authorized land uses, land uses proposed as part of the Project, land use designations, and standards and policies related to land use. Land use compatibility is based on the intensity and patterns of land use to determine whether the Project would result in incompatible uses or nuisance issues. Potential land use conflicts or incompatibility (specifically during construction activities) are usually the result of other environmental effects, such as generation of noise or air quality issues resulting from grading activities. These types of conflicts are addressed in other sections of this document addressing various environmental resources. Land use conflicts that would result from the Project's construction, operation, maintenance, and decommissioning are evaluated in this section.

### 3.12.4. CEQA Significance Criteria

The criteria used to determine the significance of potential land use and planning impacts are based on Appendix G of the State CEQA Guidelines and the County of Riverside's Environmental Assessment Form.

The County of Riverside's Environmental Assessment Form includes significance criteria that are the same as CEQA Appendix G requirements.

Using these criteria, the Project would result in a significant impact to land use and planning if it would:

- *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

The following CEQA significance criterion from the County's Environmental Assessment Form was not included in the analysis:

- *Physically divide an established community.*

The criterion was not included in the analysis because no part of the Project would divide an established community. The Project would be on undeveloped parcels and, while near the community of Lake Tamarisk Desert Resort, it would not physically divide a community.

### 3.12.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to land use and planning that are outside of the scope of the CEQA analysis and have been addressed below. Concerns related to property values and a request for a solar moratorium are discussed in Section 4.5 (Other Public Concerns).

**Land Use and Planning Scoping Concern #1, ACEC Protection.** Commenters noted that the BLM's Area of Critical Environmental Concern (ACEC) west of Kaiser Road needs to remain protected.



The proposed Project is east of Kaiser Road and would not impinge on the ACEC, located on BLM-administered land to the west of the road. The ACEC is setback from the west side of Kaiser Road and will remain protected desert tortoise habitat.

**Land Use and Planning Scoping Concern #2, Future Golf Course.** It was noted that original plans for Lake Tamarisk included a second 9-hole golf course.

Regarding a second golf course, the original plans for the Lake Tamarisk community were not provided and no information has been found about a planned second golf course plan on the Lake Tamarisk Desert Resort website. Regardless, if there were such a plan, it is assumed that it would be located within the Lake Tamarisk property. There is no known reservation of land for a golf course on the lands that are within the Easley Project site.

**Land Use and Planning Scoping Concern #3, DCAP and DRECP.** One commenter cited the Desert Center Area Plan, noting that the plan focuses on preserving the unique features found in the Desert Center area. The commenter encouraged decisionmakers to move the Easley and Sapphire solar projects to the east. The commenter believes that the Project area is under Riverside County jurisdiction and the DCAP should apply, but that the DCAP is being ignored. The commenter believes that the DRECP LUPA states that project rights-of-way and permits can be denied if local planning and zoning conflicts with the proposed renewable project even if it is within a DFA.

*Desert Center Area Plan.* The DCAP includes statements about future visions for the Desert Center area. These are aspirational descriptions based on what was known and envisioned at the time the plan was prepared (see Section 3.12.2.3). The descriptive aspects of the DCAP are generalized and not tied to any specific location within the plan area. Being presented geographically on maps, the land use categories included in the plan are more specific. In turn, all non-federal properties within the plan area fall under the County zoning code, which identifies what are allowed uses of the parcels and under what conditions the uses are approved. As shown in the DCAP mapping, outside the limits of the existing communities most of the plan area is designated as “Open Space Rural” (173,530 acres of the 185,720 acres in the plan area). Although they are not distinguished in the DCAP’s land use designation map (DCAP Figure 3) most land within the DCAP is under BLM or National Park Service jurisdiction (as shown on DCAP Figure 6); these lands are not subject to local regulations and plans. In the Desert Center area, large-scale solar projects are allowed uses under both County zoning and BLM land use designations.

*Desert Renewable Energy and Conservation Plan.* Originally, the intent of the DRECP process was to include both federal and state lands in southeastern California under a single plan. However, the final DRECP LUPA and Record of Decision apply only to BLM-administered lands within the plan boundary. As required, a Governor’s Consistency Review was prepared on the LUPA that would implement the DRECP. The Governor’s Office did not identify any inconsistencies between the proposed LUPA and any state or local plans, policies, or programs. The counties continue to administer solar development processes on lands under their jurisdiction, separate from federal administration of projects on federal land.

**Land Use and Planning Scoping Concern #4, Existing Easements/ROWs.** The Metropolitan Water District (MWD) expressed concerns about the Project being adjacent to its ROW and noted that MWD must be allowed to maintain the ROW and have unobstructed access to its facilities. Permission to use MWD land is required. MWD provided a map showing ROW and the proposed Project. A major MWD ROW is located north of any areas planned for Project facilities, including solar arrays.

A main MWD drainage ROW crosses the Project site; however, all Project facilities, including solar arrays, are located south of the ROW and would not encroach on it. The Applicant is in negotiations with the MWD, as well as other existing ROW holders, to ensure that there are no conflicts with existing or proposed easements across the Easley Project site.

**Land Use and Planning Scoping Concern #5, Alternative Sites.** Several commenters suggested that solar projects planned for sites west of SR-177/Rice Road should be shifted to lands east of SR-177 and away from the Lake Tamarisk community.

BLM-administered lands included in the Easley Project site between Kaiser Road and SR-177 have been designated as DFA, suitable for solar project development. Lands under County jurisdiction that are within the Project site allow for solar development. In addition to engineering constraints, several large solar projects exist, are planned, or are under development east of SR-177, limiting the feasibility of the Easley Project to be relocated. Consideration of alternative sites farther from the community of Lake Tamarisk is discussed in Section 2.9 (Alternatives Considered and Eliminated from Further Analysis).

**Impact LU-1. The Project would cause a significant environmental impact due to a conflict with applicable land use plan, policies, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.**

**Solar and BESS Facility**

**LESS THAN SIGNIFICANT.** Construction, operations and maintenance, and decommissioning of the Project would be subject to the RCGP, Desert Center Area Plan, CDCA Plan as Amended, and County Ordinances. Table 3.12-1, Consistency with Regional and Local Land Use Plans, Policies, and Regulations, describes how the Project would be consistent with applicable local land use plans, policies, or regulations.

**Table 3.12-1. Consistency with Regional and Local Land Use Plans, Policies, and Regulations**

Policy/Regulations/ Goals	Description	Consistency Analysis
<b>Land Use Element</b>		
LU 2.1.c	Requires a broad range of land uses, including a range of residential, commercial, business, industry, open space, recreation and public facility uses.	<b>Consistent.</b> The Project would not limit the range of land uses.
LU 2.1.g	Prevent inappropriate development in areas that are environmentally sensitive or subject to severe natural hazards.	<b>Consistent.</b> Solar arrays and structures would be situated on areas of the Project site that are not environmentally sensitive. Sensitive areas would be undisturbed. The Project would comply with applicable conservation and management actions (CMAs) from the DRECP LUPA.
LU 5.1	Requires development does not exceed the ability to adequately provide supporting infrastructure and services	<b>Consistent.</b> The Project would not result in a permanent increase in population or associated infrastructure or services.
LU 7.1	Require land uses to develop in accordance with the RCGP and area plans to ensure compatibility and minimize impacts	<b>Consistent.</b> The Project would be consistent with the RCGP and Desert Center Area Plan. With a Conditional Use Permit, the Project is an allowed use under the zoning ordinance.
LU 8.1	Develop a balance of land uses that maintain and enhance the County’s fiscal viability, economic diversity and environmental integrity	<b>Consistent.</b> The Project would help maintain and enhance the County’s fiscal viability by increasing the revenue of the County with little need for services. Environmentally sensitive areas of the site would be undisturbed.
LU 9.1	Provide for permanent preservation of open space lands that contain important natural resources, cultural resources, hazards, water features, watercourses including arroyos and canyons, and scenic and recreational values.	<b>Consistent.</b> The Project is not within an area with important natural resources. Environmentally sensitive areas would not be disturbed.

Policy/Regulations/ Goals	Description	Consistency Analysis
LU 9.2	Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the RCGP and federal and state regulations such as CEQA, NEPA, the Clean Air Act, and the Clean Water Act	<b>Consistent.</b> The Project would comply with CEQA, NEPA, and other federal and local resource conservation laws and regulations.
LU 10.1	Require that new development contribute their fair share to fund infrastructure and public facilities such as police and fire facilities	<b>Consistent.</b> The Project is not anticipated to cause additional impacts to public facilities and would coordinate with the County for any additional public needs. Per acre annual fees would be paid to the County.
LU 14.1	Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public	<b>Consistent.</b> The Project would be located on lands that are near existing solar projects and existing electrical facilities. See Section 3.2, Aesthetics, of this EIR for more information.
LU 14.5	Require new or relocated electric or communication distribution lines, which would be visible from Designated and Eligible State and County Scenic Highways, to be placed underground	<b>Consistent.</b> The Project gen-tie line would be visible from County-eligible scenic highway I-10; however, the gen-tie would parallel existing electrical lines and be located in an existing utility corridor.
LU 17.2	Permit and encourage, in an environmentally and fiscally responsible manner, the development of renewable energy resources and related infrastructure, including but not limited to, solar power plants in the County of Riverside	<b>Consistent.</b> The Project is a renewable energy project and will be reviewed under CEQA to reduce significant environmental impacts.
LU 26.3	Ensure that development does not adversely impact the open space and rural character of the surrounding area.	<b>Consistent.</b> The Project is located near existing solar projects. The nature of the use is compatible with open space, and it would not impair the rural character of the surrounding area.
LU 26.4	Encourage parcel consolidation.	<b>Consistent.</b> The Project includes parcel consolidation.
LU 26.5	Provide programs and incentives that allow Open Space-Rural areas to maintain and enhance their existing and desired character	<b>Consistent.</b> The Project would be located on near existing solar projects. Some open space areas will be impacted, open space areas not occupied by Project facilities would maintain their character.
<b>Multi-Purpose Open Space Element</b>		
OS 11.1	Enforce the state Solar Shade Control Act, which promotes all feasible means of energy conservation and all feasible uses of alternative energy supply sources	<b>Consistent.</b> The Project would be a renewable energy solar project.
OS 11.2	Support and encourage voluntary efforts to provide active and passive solar access opportunities in new developments	<b>Consistent.</b> The Project would be a renewable energy solar project.
OS 11.3	Permit and encourage the use of passive solar devices and other state-of-the-art energy resources	<b>Consistent.</b> The Project would be a renewable energy solar project.
OS 11.4	Encourage site-planning and building design that maximizes solar energy use/potential in future development applications	<b>Consistent.</b> The Project would be a renewable energy solar project.

Policy/Regulations/ Goals	Description	Consistency Analysis
<b>Desert Center Area Plan</b>		
Desert Center Area Plan (DCAP) 3.1	Protect farmland and agricultural resources in Desert Center through adherence to the Agricultural Resources section of the General Plan Multipurpose Open Space Element and the Agriculture section of the General Plan Land Use Element, as well as the provisions of the agriculture land use designation	<b>Consistent.</b> While the Project would be located on some parcels that could be available for agricultural use, most of the parcels have not been actively farmed. At the conclusion of the Project, the land could be returned to agricultural use.
DCAP 4.1	When outdoor lighting is used, require the use of fixtures that would minimize effects on the nighttime sky and wildlife habitat areas, except as necessary for security reasons.	<b>Consistent.</b> Security lights around the substation, and other locations would be motion sensitive and directional. All lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties.
DCAP 5.2	Maintain Riverside County's roadway Level of Service standards as described in the Level of Service section of the General Plan Circulation Element.	<b>Consistent.</b> Increase traffic during construction can affect LOS. With implementation of mitigation in Section 3.18 (Traffic and Transportation), the Project is not anticipated to impact the County roadway level of service.
DCAP 8.1	Protect the scenic highways within the Desert Center Area Plan from change that would diminish the aesthetic value of adjacent properties through adherence to the policies found in the Scenic Corridors sections of the General Plan Land Use, Multipurpose Open Space, and Circulation Elements.	<b>Consistent.</b> An approved solar facility is under development between the Project and I-10. The Easley Project gen-tie would parallel the I-10 in an existing utility corridor with existing electrical facilities. See Section 3.2, Aesthetics, of this EIR for more information.
DCAP 9.1	Encourage clustering of development for the preservation of contiguous open space.	<b>Consistent.</b> The Project would be located near existing solar projects and several proposed or approved solar projects. Environmentally sensitive areas within the Project site would remain open.
DCAP 9.2	Work to limit off-road vehicle use within the Desert Center Area Plan.	<b>Consistent.</b> The Project would not encourage off-road vehicle use.
DCAP 9.3	Require new development to conform with Desert Tortoise Critical Habitat designation requirements.	<b>Consistent.</b> <u>The Project solar and BESS facilities would not be located in Desert Tortoise Critical Habitat. Critical habitat within the Chuckwalla Desert Tortoise CHU, which is encompassed under Tortoise Conservation Areas (TCAs), is located near the Project site across Kaiser Road to the west. The gen-tie line would cross designated desert tortoise critical habitat in the southeastern portion of the adjacent Oberon Project site. Mitigation measures provide for restoration of habitats in coordination with CDFW, USFWS, and RWQCB.</u>
<b>Riverside County Zoning Ordinance No. 348</b>		
Section 13.1.d Uses Permitted in A-1 Zone (Light Agriculture)	This zone permits a solar power plant on lots 10 acres or larger upon issuance of a CUP.	<b>Consistent.</b> With approval of the CUP <del>and a Variance</del> , the Project would be an allowable use under this zone.

<b>Policy/Regulations/ Goals</b>	<b>Description</b>	<b>Consistency Analysis</b>
Section 15.1.d. (32) Uses Permitted in W-2 Zone (Controlled Development Areas)	This zone permits a solar power plant on lots 10 acres or larger upon issuance of a CUP.	<b>Consistent.</b> With approval of the CUP and a Variance, the Project would be an allowable use under this zone.
Section 15.200 Uses Permitted in N-A Zone (Natural Assets)	This zone permits a solar power plant on lots 10 acres or larger upon issuance of a CUP.	<b>Consistent.</b> With approval of the CUP and a height Variance, the Project would be an allowable use under this zone.

**Riverside County General Plan**

The Project would be a conditionally permitted use within consistent with the land use designation Open Space Rural (OS-RUR), Agriculture (AG), and Natural Assets (N-A) with approval of a conditional use permit (CUP) and completion of an environmental review. Table 3.12-1 above describes how the Project would be consistent with the Land Use and Multi-Purpose Open Space Elements.

The Applicant is also seeking to merge contiguous Project parcels. Roads along the Project perimeter of the solar facility lands (Rice Road and Kaiser Road) would remain dedicated public access. Access on existing unimproved roads to private and public lands not included in the Project site would remain unimpeded. This merger of parcels would be consistent with LU 26.4, encourage parcel consolidation, and because the perimeter roads and unimproved access roads would remain open to the public, it would not result in a loss of access.

The existing and known planned land uses surrounding the Project are similar in nature to those identified for the Project, primarily Open Space Rural. The parcels in the vicinity of the solar facility are zoned N-A, W-2-10, A-1-20 (Light Agriculture [20-acre minimum]), C-P-S (Scenic Highway Commercial), M-H (Manufacturing Heavy), all of which allows solar power development on a lot 10 acres or larger with a CUP.

Although the Project is consistent with the surrounding zoning and land use, nearby residences expressed concerns regarding impacts to their lifestyle from noise, traffic and access, night lighting, and dust, as well the potential for a loss of property value. Noise is addressed in Section 3.13 (Noise), traffic and access are addressed in Section 3.18 (Traffic and Transportation), night lighting is addressed in Section 3.2 (Aesthetics), and dust is addressed in Section 3.4 (Air Quality). Potential effects on property value are addressed above in the introduction to Section 3.12.5. Where appropriate, these sections include mitigation to reduce the concerns expressed by the public including dust abatement, public notification, and traffic plans.

**Desert Center Area Plan and Riverside County Zoning Ordinance**

The proposed Project would be is a conditionally permitted use under the A-1, W2, and N-A zones. The Project would not conflict with the Desert Center Area Plan and Riverside County Zoning Ordinance, see Table 3.121.

**Board of Supervisors Policy B-29.** The Project is subject to Policy B-29, and the developer would need to enter into a development agreement with the County following the guidelines noted in the regulatory setting. Once the agreement is enacted, the Project would comply with this policy.

**Federal Policies, Regulations, and Goals**

The solar and BESS facility would be largely located on federal land and would be subject to the federal policies, regulations, and goals. Some BLM-administered lands are designated as Development Focus Areas in the DRECP Land Use Plan Amendment (LUPA). These are areas where renewable energy generation is an allowable use, incentivized and could be streamlined under the DRECP LUPA. The Project would not conflict with this designation.

### ***Existing or Planned Land Uses***

The solar facility site would be crossed by or adjacent to a number of planned and existing land uses, including existing roads, existing distribution lines, a MWD property and rights-of-way, an existing Southern California Edison (SCE) 161 kV transmission line, and the proposed Eagle Mountain Project gen-tie line. By law, the Applicant would be required to coordinate with any legally existing rights-of-way or conflicting uses to ensure the Project does not adversely impact these uses, including bearing the cost of this coordination.

### **500 kV Generation-Tie Line**

***LESS THAN SIGNIFICANT.*** Most of the proposed gen-tie line between the proposed Easley Substation and the ~~existing Oberon Substation~~ Switchyard would be within the adjacent Oberon Renewable Energy Project on BLM-administered land. The line would cross over SR-177 (Rice Road). Construction, operations and maintenance, and decommissioning of the gen-tie line would not conflict with the Desert Center Area Plan or Riverside County Zoning Ordinance, see Table 3.12-1. The gen-tie line would be on federal property except at the point where it crosses over SR-177 (Rice Road) enroute to the Oberon ~~Substation~~ Switchyard. This crossing would require a Caltrans encroachment permit and would be required to comply with Caltrans requirements for line clearances and for motorist safety during construction. Any overhead medium voltage collector line crossings would also require a Caltrans encroachment permit.

### ***Federal Policies, Regulations, and Goals***

The gen-tie line to the Oberon ~~Substation~~ Switchyard would cross BLM-administered land designated as Development Focus Area (DFA) in the DRECP LUPA to the CDCA. The DFA designation allows for the development of renewable energy facilities and associated infrastructure including gen-tie lines without requiring a land use plan amendment. The gen-tie would all be consistent with the DRECP LUPA and CDCA. Most of the gen-tie line would be within a designated utility corridor. Designated utility corridors allow for transmission infrastructure without requiring a land use plan amendment. Therefore, the gen-tie line would not conflict with federal policies, regulations, and goals.

Because the proposed Project (solar and BESS facility and gen-tie line) would not conflict with applicable land use plans, policies, and regulations, and would not result in an alteration of the present or planned land use of an area, or be inconsistent or incompatible with the site's existing, proposed or surrounding zoning or land use, ~~there would be no impact~~ impacts would be less than significant.

### **Mitigation Measures for Impact LU-1**

No mitigation would be required.

### **Significance After Mitigation**

There would be no conflict with applicable land use plans, policies, or regulations. ~~No impact would occur~~ Impacts would be less than significant.

***\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\****

## **3.12.6. Cumulative Impacts**

### **Geographic Scope**

Impacts resulting from construction, operation, maintenance, and decommissioning of the Project could result in a cumulative effect on land use in combination with other past, present, or reasonably foresee-

able future actions. The geographic scope of the cumulative effects analysis for land use consists of eastern Riverside County. This is based on the jurisdictional boundaries within which the impacts of land use decisions of the Easley Project and other projects described in Tables 3.1-1 and 3.1-2 and shown on Figure 3.1-1 could be additive or synergistic.

The timeframe refers to the duration over which impacts associated with land use would occur short-term or long-term. Short-term impacts to land use would occur during the construction and decommissioning period. Long-term impacts associated with land use would result from developing a solar facility in the Project area and the associated change in land use over its operational life (35 to 50 years or more).

### Cumulative Impact Analysis

Past and planned development has increased human use of land in the geographic scope of the Project site. ~~Because of the limited availability of water, human~~ human development in the geographic scope has been limited to small, scattered communities set among large tracts of undeveloped land. Large tracts of federal land in the desert region are reserved for uses that preclude development. If adopted, the proposed expansion of Joshua Tree National Park and creation of Chuckwalla National Monument would re-designate existing federal lands in the Project vicinity but would not create physical changes in the environment that would contribute to cumulative impacts. If approved by Congress, the designated lands west, north, and south of the Project would not be available for development.

Past and present projects near the Project site on private lands primarily include agricultural operations with some rural residences. The resort community of Lake Tamarisk is to the immediate southwest of the Project. Past projects also include the Kaiser Mine, northwest of the Project. Public lands within the proposed Project site and in the vicinity have been designated as suitable for renewable energy development and have been, continue to be, and are planned to be primarily developed with large-scale solar projects. Many solar renewable projects and the Eagle Mountain Pumped Storage Project have been proposed on both BLM-administered land and private land (see Table 3.1-2). The projects on public land are in DFAs and the ones on private land are primarily on land designated as agriculture or open space.

With appropriate permitting, each project would not result in significant impacts on land use as they are allowed uses. ~~However, the Desert Center Area Plan did not anticipate the potential development of multiple solar projects within the plan area. If many of the projects are built, they could conflict with the goals of the Desert Center Area Plan andp~~ Project development would result in the loss of current open space which the Area Plan and the General Plan strive to preserve. ~~But this would not be considered a cumulatively significant impact on land use, as the solar projects are an allowed use and consistent with County and BLM policies which encourage their development.~~

Potential land use impacts require evaluation on a case-by-case basis. The Easley Project would be consistent with the goals and policies of the Riverside County General Plan, and other applicable local land use plans, policies, and regulations and with the federal plans. In addition, with approval of all discretionary requests, the Project would be an allowable use that would not conflict with the land use or zoning classifications for the site. Therefore, cumulative impacts would be less than significant and the Project's incremental contribution to cumulative impacts to land use would not be considerable.

The cumulative impacts of the gen-tie line would be the same as for the solar facility because the gen-tie line would be within a solar field underdevelopment and adjacent to existing or planned transmission lines and would not result in an additive or cumulative impact with the other renewable energy development in eastern Riverside County.

### Mitigation Measures for Cumulative Impacts

No mitigation would be required.

### **Significance After Mitigation**

Cumulative impacts would be less than significant. The Project's incremental contribution to impacts to land use would not be cumulatively considerable.

#### **3.12.7. Mitigation Measures**

All land use and planning impacts would be less than significant, and no mitigation would be required.



### 3.13. Noise and Vibration

This section evaluates the environmental impacts caused by the noise and ground-borne vibration levels resulting from implementation of the proposed Easley Project. The analysis in this section: presents the fundamentals of environmental noise; describes the applicable policies and ordinances; identifies the criteria used for determining the significance of environmental impacts; and describes the potential noise and vibration impacts of the proposed Project. An impact analysis and comparison of project alternatives is included in Section 5. Noise impacts to wildlife are separately addressed in this EIR in Section 3.5, Biological Resources.

#### 3.13.1. Environmental Setting

##### 3.13.1.1. Fundamentals of Community Noise

To describe environmental noise and to assess impacts on areas that are sensitive to community noise, a measurement scale that simulates human perception is used. The A-weighted scale of frequency sensitivity accounts for the sensitivity of the human ear, which is less sensitive to low frequencies, and correlates well with human perceptions of the annoying aspects of noise. The A-weighted decibel (dBA) is cited in most noise criteria. Decibels are logarithmic units that can be used to conveniently compare wide ranges of sound intensities.

Community noise levels can be highly variable from day to day as well as between day and night. For simplicity, sound levels are usually best represented by an equivalent level over a given time period (Leq) or by an average level occurring over a 24-hour day-night period (Ldn). The Leq, or equivalent sound level, is a single value (in dBA) for any desired duration, which includes all the time-varying sound energy in the measurement period, usually one hour. The L50, is the median noise level that is exceeded fifty percent of the time during any measuring interval. The Ldn, or day-night average sound level, is equal to the 24-hour A-weighted equivalent sound level with a 10-decibel penalty applied to nighttime sounds occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) is another metric that is the average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of 10 decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m. To easily estimate the day-night level caused by any noise source emitting steadily and continuously over 24 hours, the Ldn is 6.4 dBA higher than the source's Leq. For example, if the expected continuous noise level from equipment is 50.0 dBA Leq for every hour, the day-night noise level would be 56.4 dBA Ldn.

Community noise levels are usually closely related to the intensity of human activity. Noise levels are generally considered low when below 45 dBA, moderate in the 45 to 60 dBA range, and high above 60 dBA. In small towns or wooded and lightly used residential areas, the Ldn is more likely to be around 50 or 60 dBA. Levels around 75 dBA are more common in busy urban areas, and levels up to 85 dBA occur near major freeways and airports (OPR, 2017). Although people often accept the higher levels associated with very noisy urban residential and residential-commercial zones, they nevertheless are considered to be adverse to public health.

Surrounding land uses dictate what noise levels would be considered acceptable or unacceptable. Lower levels are expected in rural or suburban areas than would be expected for commercial or industrial zones. Nighttime ambient levels in urban environments tend to be higher than the nighttime noise levels in rural areas away from roads and other human activity. Areas with full-time human occupation and residency are often considered incompatible with substantial nighttime noise because of the likelihood of disrupting sleep. Noise levels above 45 dBA at night can result in the onset of sleep interference. At 70 dBA, sleep interference effects become considerable (U.S. EPA, 1974).

### 3.13.1.2. Existing Noise Environment

Ambient noise measurements were not conducted for this analysis because the environmental setting can be described from information drawn from previous studies in the area. The noise environment of the Project area depends on the proximity of the receiver to noise from vehicular traffic on State Route 177 (SR-177) or Interstate 10 (I-10). Locations away from these highways experience very low levels of noise. Because few human-induced sources of noise occur around the Project area, the noise environment is generally serene and quiet apart from traffic on the area roadways. Based on population density in the Project area, the natural background day-night noise levels are likely 35 to 45 dBA, which corresponds to the range of levels in wilderness and rural areas (BLM, 2010).

Historically, noise surveys conducted for the Riverside County General Plan found locations along I-10 to be exposed to approximately 81.9 dBA Ldn near the edge of the highway and over 60 dBA Ldn for any location within approximately 2,000 feet of the I-10 centerline (Riverside County, 2015a). Locations along SR-177 are exposed to less noise due to lower levels of traffic. Traffic data collected for SR-177 near the Project site shows roughly 2,200 vehicles daily and approximately 14 percent of the baseline vehicles are trucks (Caltrans, 2023). With this mix of baseline traffic, baseline noise levels would be approximately 63 dBA Ldn at 100 feet from the centerline of SR-177. For any location more than 400 feet from SR-177, baseline noise levels would be less than 55 dBA Ldn. (Calculations appear in EIR Appendix K.)

### 3.13.1.3. Noise Sensitive Receptors

In the Riverside County Noise Ordinance and Noise Element, “noise-sensitive” land uses include but are not limited to residences, passive recreation areas, schools, hospitals, rest homes, places of worship and cemeteries (Riverside County, 2015b). Noise sensitive areas are places where quiet is necessary for the intended use of the land, such as residences where noise can interfere with sleep, concentration, and communication, and where excessive noise can cause physiological and psychological stress and hearing loss.

The description of noise-sensitive receptors focuses on noise sensitive land uses or inhabited dwellings within one-quarter mile of proposed activities because the County’s Ordinance No. 847 provides an exemption for construction noise that occurs one-quarter mile or more from the nearest inhabited dwelling.

The proposed Easley Project site is near the Lake Tamarisk community in unincorporated Riverside County and would develop land that is primarily used as open space. The site would be along the alignments of SR-177 or Rice Road and Kaiser Road.

The nearest sensitive land uses include the Lake Tamarisk community and occasional rural residences along SR-177 (Rice Road), such as near Black Binder Road. The Lake Tamarisk community and homes along Kaiser Road would be adjacent to the southwestern-most parcels of the proposed Easley Project. The nearest home in Lake Tamarisk on Shasta Drive would be approximately 0.05 miles (260 feet) from the boundaries of the Easley Project, although construction activity would be set back substantially, at least 200 meters (656 feet), from this residential land use.

### 3.13.1.4. General Information on Vibration

Vibration from objects in contact with the ground will propagate energy through the ground and can be perceptible by humans and animals in the form of perceptible movement or in the form of rumbling sound caused by the vibration of room surfaces. The latter is described as ground-borne noise. High levels of vibration can result in architectural damage and structural damage depending upon the amplitude of the vibration and the fragileness of the building or structure.

Vibration is an oscillatory motion through a solid medium, in which the motion’s amplitude can be described in terms of displacement, velocity, or acceleration. When assessing damage potential, vibration is often measured and reported in terms of peak particle velocity (PPV) or ground acceleration. Vibration can be felt outdoors. However, the perception of vibration is much greater indoors, due to the shaking of the structure. Some of the most common sources of vibration come from trains and transit vehicles, construction equipment, airplanes, and large vehicles (Riverside County, 2015b).

### 3.13.2. Regulatory Framework

#### 3.13.2.1. Federal Laws, Regulations, and Policies

Regulating environmental noise is generally the responsibility of local governments. The U.S. EPA published guidelines on recommended maximum noise levels to protect public health and welfare (U.S. EPA, 1974), and on-site noise levels are subject to federal protections for workers. To protect workers from excessive on-site noise levels, the Occupational Safety and Health Act of 1970 (OSHA) sets on-site occupational noise exposure levels, which are regulated in California via the California Occupational Safety and Health Administration (Cal/OSHA). The maximum time-weighted average noise exposure level of workers is 90 dBA over an eight-hour work shift (29 CFR § 1910.95).

#### 3.13.2.2. State Laws, Regulations, and Policies

For the purpose of limiting population exposure to physically or psychologically significant noise levels, the State of California maintains recommendations for local jurisdictions in the General Plan Guidelines published by the Governor’s Office of Planning and Research (OPR, 2017). The General Plan Guidelines suggest ranges of acceptability for a given land use within a range of noise exposures. For residences, an exterior noise level of up to 60 dBA CNEL is considered “normally acceptable,” and a noise level of greater than 75 dBA CNEL is considered “clearly unacceptable.” To protect the interiors of new multifamily residential units, State law requires the study of noise insulation measures when exterior noise levels exceed 60 dBA CNEL, according to the California building code (California Code of Regulations, Title 24).

#### 3.13.2.3. Local Laws, Regulations, and Policies

##### Riverside County General Plan Noise Element

###### *Policies for Noise Compatibility of Land Uses*

The County’s General Plan, Noise Element (2015) provides the guidelines on Land Use Compatibility for Community Noise Exposure, which are used to evaluate potential noise impacts and to set the criteria for environmental impact findings and conditions for project approval. Land use compatibility defines the acceptability of a land use in a specified noise environment. The land use compatibility criteria adopted by Riverside County as part of the Noise Element of the General Plan appear in Table 3.13-1.

**Table 3.13-1. Riverside County Land Use Compatibility Standards (CNEL or Ldn Noise Level)**

Land Use Category	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low-density (single-family, duplex, mobile homes)	Up to 60 dBA	55–70 dBA	70–75 dBA	Over 75 dBA
Residential – Multiple-family	Up to 65 dBA	60–70 dBA	70–75 dBA	Over 75 dBA
Transient lodging, motels, hotels	Up to 65 dBA	60–70 dBA	70–80 dBA	Over 80 dBA
Schools, libraries, churches, hospitals, nursing homes	Up to 70 dBA	60–70 dBA	70–80 dBA	Over 80 dBA

Land Use Category	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Auditoriums, concert halls, amphitheaters	Category not used	Up to 70 dBA	Over 65 dBA	Category not used
Sports arenas, outdoor spectator sports	Category not used	Up to 75 dBA	Over 70 dBA	Category not used
Playgrounds, neighborhood parks	Up to 70 dBA	Category not used	67.5–75 dBA	Over 72.5 dBA
Golf courses, riding stables, water recreation, cemeteries	Up to 75 dBA	Category not used	70–80 dBA	Over 80 dBA
Office buildings, business commercial, professional	Up to 70 dBA	67.5–77.5 dBA	Category not used	Over 75 dBA
Industrial, manufacturing, utilities, agriculture	Up to 75 dBA	70–80 dBA	Category not used	Over 75 dBA

Source: General Plan, Noise Element Table N-1 (Riverside County, 2015b).

The following General Plan, Noise Element (2015) policies protect noise-sensitive land uses from noise emitted by outside sources and prevent new projects from generating adverse noise levels on adjacent properties.

- **Policy N 1.1.** Protect noise-sensitive land uses from high levels of noise by restricting noise-producing land uses from these areas. If the noise-producing land use cannot be relocated, then noise buffers such as setbacks, landscaping, or block walls shall be used.
- **Policy N 1.2.** Guide noise-tolerant land uses into areas irrevocably committed to land uses that are noise-producing, such as transportation corridors or within the projected noise contours of any adjacent airports.
- **Policy N 1.4.** Determine if existing land uses will present noise compatibility issues with proposed projects by undertaking site surveys.
- **Policy N 1.5.** Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise-sensitive uses of Riverside County.
- **Policy N 1.6.** Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or noise-sensitive uses.
- **Policy N 1.8.** Limit the maximum permitted noise levels that cross property lines and impact adjacent land uses, except when dealing with noise emissions from wind turbines.
- **Policy N 3.2.** Require acoustical studies and subsequent approval by the Planning Department and the Office of Industrial Hygiene, to help determine effective noise mitigation strategies in noise-producing areas.
- **Policy N 3.3.** Ensure compatibility between industrial development and adjacent land uses. To achieve compatibility, industrial development projects may be required to include noise mitigation measures to avoid or minimize project impacts on adjacent uses.
- **Policy N 3.5.** Require that a noise analysis be conducted by an acoustical specialist for all proposed projects that are noise producers. Include recommendations for design mitigation if the project is to be located either within proximity of a noise-sensitive land use, or land designated for noise sensitive land uses.
- **Policy N 3.6.** Discourage projects that are incapable of successfully mitigating excessive noise.

- **Policy N 3.7.** Encourage noise-tolerant land uses such as commercial or industrial, to locate in areas already committed to land uses that are noise-producing.

#### ***Policies for Temporary Construction Noise***

The Noise Element of the General Plan includes numerous policies intended to minimize noise-related conflicts between adjacent types of land uses. Policies addressing “temporary construction” activities include:

- **Policy N 13.1.** Minimize the impacts of construction noise on adjacent uses within acceptable practices.
- **Policy N 13.2.** Ensure that construction activities are regulated to establish hours of operation in order to prevent and/or mitigate the generation of excessive or adverse noise impacts on surrounding areas.
- **Policy N 13.4.** Require that all construction equipment utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

#### ***Policies for Mitigation of Stationary Sources of Noise***

The Noise Element of the General Plan also identifies preferred noise standards for stationary noise sources that affect residential land uses and provides direction to mitigate stationary source noise. Policy N 4.1 of the Noise Element sets a stationary-source exterior noise limit to not to be exceeded for a cumulative period of more than ten minutes in any hour of 65 dBA Leq for daytime hours of 7:00 a.m. to 10:00 p.m., and 45 dBA Leq during the noise-sensitive nighttime hours of 10:00 p.m. to 7:00 a.m. For new stationary sources of noise, the Noise Element includes:

- **Policy N 2.3.** Mitigate exterior and interior noises to the levels listed in Table N-2 below to the extent feasible, for stationary sources. These standards are shown in Table 3.13-2.
- **Policy N 4.1.** Prohibit facility-related noise received by any sensitive use from exceeding the following worst-case noise levels:
  - (a) 45 dBA-10-minute Leq between 10:00 p.m. and 7:00 a.m.
  - (b) 65 dBA-10-minute Leq between 7:00 a.m. and 10:00 p.m.
- **Policy N 4.2.** Develop measures to control non-transportation noise impacts.
- **Policy N 4.3.** Ensure any use determined to be a potential generator of significant stationary noise impacts be properly analyzed and ensure that the recommended mitigation measures are implemented.

**Table 3.13-2. Stationary Source Land Use Noise Standards**

<b>Land Use</b>	<b>Time of Day</b>	<b>Interior Noise Standard</b>	<b>Exterior Noise Standard</b>
Residential	10:00 p.m. to 7:00 a.m.	40 Leq, 10 minute	45 Leq, 10 minute
Residential	7:00 a.m. to 10:00 p.m.	45 Leq, 10 minute	65 Leq, 10 minute

Source: General Plan, Noise Element Table N-2 (Riverside County, 2015b).

Note: The Noise Element of the General Plan indicates that these levels are preferred standards; final decision will be made by the Riverside County Planning Department and Office of Public Health.

#### ***Policies for Ground-borne Vibration***

Ground-borne vibrations can be a source of annoyance to people or a source of structural damage to some types of buildings. The Noise Element of the Riverside County General Plan (2015) includes consideration of human reaction to ground-borne vibrations in terms of the peak particle velocity (PPV) measured in inches per second (in/sec). Residential areas, schools, and sensitive research operations are among the land uses that are vibration sensitive. Table 3.13-3 describes the typical human reaction in response to certain vibration levels.

**Table 3.13-3. Human Reaction to Typical Vibration Levels**

Vibration Level PPV (inches/second)	Human Reaction
0.0059–0.0188	Threshold of perception, possibility of intrusion
0.0787	Vibrations readily perceptible
0.0984	Continuous vibration begins to annoy people
0.1968	Vibrations annoying to people in buildings
0.3937–0.5905	Vibrations considered unpleasant when continuously subjected and unacceptable by some walking on bridges

Source: Caltrans data in General Plan, Noise Element Table N 3 (Riverside County, 2015b).

### Riverside County Noise Ordinance

The County Noise Ordinance allows for different levels of acceptable noise depending upon land use. The Noise Ordinance or Ordinance No. 847 (Regulating Noise) is incorporated in the County Code as Chapter 9.52 (Noise Regulation). The standards in Chapter 9.52.040 (also Section 4 of Ordinance No. 847) limit noise sources on any property from causing excessive exterior noise on any other nearby occupied property. The maximum decibel level standards depend on the receiving land use, such that sound levels in a low-density “Rural Community” shall not exceed 55 dBA Lmax during the daytime hours (7:00 a.m. to 10:00 p.m.) or 45 dBA Lmax during the nighttime hours (10:00 p.m. to 7:00 a.m.). These County standards protect the noise-sensitive receptors within the very low-density rural areas near the Project site.

Exceptions to the noise standards can be requested for construction-related reasons. Section 2 of Ordinance No. 847 specifies that the following construction activities are exempt from the provisions of the noise ordinance:

- Private construction projects located 0.25 mile or more from the nearest inhabited dwelling; and
- Private construction projects located within 0.25 mile of an inhabited dwelling provided that construction activities are limited to 6:00 a.m. to 6:00 p.m. during the months of June through September and are limited to 7:00 a.m. to 6:00 p.m. during the months of October through May.

The proposed Project would be consistent with these County policies.

### 3.13.3. Methodology for Analysis

Analysis of noise and vibration levels was performed through quantitative estimates of expected noise levels, review of agency policies and regulatory requirements, and qualitative analyses for issues that do not readily lend themselves to quantitative evaluation. Quantitative analyses were prepared to address noise and vibration from use of construction equipment on site, noise from construction-related traffic, and noise from facility operations.

The area of interest for noise and vibration issues is typically localized. Airborne noise dissipates fairly rapidly with increasing distance from the noise source. The distances involved depend primarily on the intensity of the noise generated by the source, and partly on weather conditions such as wind speed and direction, the height and strength of temperature inversions, and the height of cloud cover. Sound is detectable somewhat further downwind than upwind of a noise source. Temperature inversions and cloud cover can reflect or refract sound that is radiated upwards; this effect can increase noise levels at locations that receive the reflected or refracted sound. Such reflection and refraction effects are important primarily for high intensity sounds. For noise sources such as construction activity and vehicle traffic, although potentially audible over large distances, the region of greatest influence is typically less than 0.25 miles (1,320 feet) from the noise source (County Noise Ordinance No. 847).

Ground-borne vibrations similarly dissipate rapidly with increasing distance from the vibration source. The distances involved depend primarily on the intensity of the vibrations generated by the source, and partly on soil and geologic conditions. Detectable vibrations will travel the greatest distance through solid rock and the least distance through loose, unconsolidated soils or saturated soils. For vibration sources such as construction activity and vehicle traffic, the region of influence is typically less than 200 feet from the vibration source (Caltrans, 2020).

#### 3.13.4. CEQA Significance Criteria

The criteria used to determine the significance of potential noise and vibration impacts are based on Appendix G of the State CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to noise or vibration if the Project would result in:

- *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.*
- *Generation of excessive ground-borne vibration or ground-borne noise levels.*

Neither Riverside County General Plan nor Noise Ordinance establish numeric maximum acceptable construction source noise levels at potentially affected receivers, which would allow for a quantified determination of what CEQA constitutes a substantial temporary noise increase. Therefore, the County identifies a numerical construction threshold based on the Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment Manual*, for this analysis of daytime and nighttime construction impacts. The FTA considers an exterior construction noise level of 80 dBA Leq as a reasonable daytime threshold for noise sensitive residential land use with a nighttime exterior construction noise level of 70 dBA Leq (FTA, 2018).

The following CEQA significance criterion from Appendix G was not included in the analysis and is not discussed further beyond this summary:

- *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The Project site is not located within an airport land use plan. The Desert Center Airport is a private airstrip approximately one mile east of the nearest Project components. Because the proposed Project includes no noise-sensitive uses, no airport land use noise compatibility criteria would apply. None of the Project components could expose residential land uses to excessive noise levels due to a public airport or public use airport.

#### 3.13.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to noise and vibration. Public concerns expressed during the scoping process involved noise from construction, especially due to the close proximity of the proposed development to homes in the LTDR and nearby communities, as well as noise from increased traffic. As part of the effort to address scoping comments and disclose noise and vibration impacts, this analysis includes quantification noise levels attributable to the Project and construction traffic.

Some scoping comments identified possible increases in noise due to loss of vegetation and concerns about a constant “loud buzzing sound” that comes from solar developments. This analysis identifies the types of sources associated with the proposed solar facility, BESS, medium voltage collector and gen-tie lines, including the electrical equipment typical to these types of facilities.

The scoping comments raise the possibility of the proposed Project causing land use change on a large-enough scale to alter the natural effect of ground absorption. The effect could occur by removing vegetation and installing structures that may reflect noise from distant sources, such as highways, the Desert Center Airport, or Chuckwalla Valley Raceway. New structures in the setting of open space could also counter this effect by acting as barriers that shield receptors from distant noise sources or reflect noise unpredictably. To address this comment, this analysis quantifies sound propagation from Project sources to receivers by assuming that all sound propagation occurs over “hard” surfaces, which conservatively ignores the effects of ground absorption where, in fact, natural vegetation or revegetated areas may provide some attenuation over distance.

### Applicant Proposed Measures

**APM NOISE-1 Construction Timing.** Applicant will avoid or minimize use of any impact hammer for pile driving or other equipment similarly capable of producing disruptive noise during construction activities within a one-mile radius from the residential parcel on the northeast corner of around the Lake Tamarisk Desert Resort community during the winter months of highest residency (November 1 to March 31). If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, the Applicant will avoid or minimize this construction activity prior to 7:00 a.m. and after 6:00 p.m. The Applicant will also avoid nighttime equipment deliveries between 10:00 p.m. and 7:00 a.m.

**Impact N-1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies.**

**LESS-THAN-SIGNIFICANT WITH MITIGATION, CONSTRUCTION OF THE SOLAR AND ENERGY STORAGE FACILITY.** Increased ambient noise would occur during construction of the proposed Project. Heavy-duty construction equipment would be used on the site of the solar and energy storage facility and along the 500 kV gen-tie line, and trucks and vehicles would travel through the surrounding area for transporting equipment and materials to the site.

Construction of the Project is estimated to occur over an approximately 20 months. During these months, the range of construction activities would include pre-construction surveys, establishing staging areas and access points, mobilizing construction equipment, crews, and materials, installing the PV arrays and other electric facilities, and stabilizing and restoring disturbed areas. The types of construction equipment used on the Project site would include trucks, light-duty vehicles, backhoes, loaders, excavators or trenchers, forklifts, cranes, compactors, and drill rigs or augers.

Table 3.13-4 summarizes the typical noise levels for individual pieces of construction equipment.

**Table 3.13-4. Typical Noise Levels for Individual Construction Equipment**

Equipment	Noise Level at 50 ft (dBA Lmax)	Noise Level at 50 ft (dBA Leq)
Mounted impact hammer (hoe ram)	90	83
Scraper	84	80
Dozer	82	78
Forklift, man lift	75	68
Crane	81	74
Backhoe, loader	79	75



Equipment	Noise Level at 50 ft (dBA Lmax)	Noise Level at 50 ft (dBA Leq)
Excavator	81	77
Compactor	83	76
Generator	81	78
Drill rig, auger	84	77
Dump truck, haul truck, concrete mixer truck	76 to 79	73 to 76
Pickup truck, crew truck	75	62 to 71

Source: FHWA, 2006.

Lmax: Maximum noise level from Actual Measured in Roadway Construction Noise Model (RCNM).

Leq: Equivalent noise level for 1 hour incorporating the Acoustical Usage Factor.

The activity likely to cause the highest noise levels at the site would be installation of steel piles for supporting the PV module structures. Steel piles (e.g., cylindrical pipes, H-beams, helical screws, or similar structures) would be driven into the soil using pneumatic techniques, such as a hydraulic rock hammer attachment on the boom of a rubber-tired backhoe excavator. The piles typically would be spaced 10 feet apart along the axis of the PV panel arrays. The hydraulic rock hammer would be light-duty to avoid excessive noise levels that could be associated with a heavy-duty impact pile driver. Maximum intermittent noise levels near steel pile installation activities be up to 90 dBA Lmax and 83 dBA Leq at 50 feet. For activities than pile installation, typical maximum intermittent noise levels near individual equipment would vary up to 84 dBA Lmax and 80 dBA Leq at 50 feet.

The noise levels caused by typical activities within the site would be substantially lower when experienced at locations distant from the site boundaries. Because sound fades over distance, on-site noise would diminish over the additional distances separating noise sensitive receptors from the proposed activities. Assuming the standard spherical spreading loss (reduction of 6 dB per doubling of distance) and the highest unmitigated construction noise source of 83 dBA Leq at 50 feet, the noise level caused by a typical spread of construction equipment would be 62 dBA Leq at the nearest occupied residences in the Lake Tamarisk community, 200 meters (656 feet) from the nearest proposed construction. This demonstrates that the nearest receiver locations would not be exposed to noise levels exceeding the reasonable daytime 80 dBA Leq or the nighttime 70 dBA Leq thresholds during construction activities. (Calculations appear in EIR Appendix K.)

With respect to construction-related traffic noise, development activities would also cause offsite noise, primarily due to trucks needed to deliver and remove materials and from the traffic of commuting workers. Haul trucks would make trips to bring equipment, water, and materials to the site and remove waste. Access to the site would be from SR-177 (Rice Road) and Kaiser Road.

The instantaneous peak noise levels from passing trucks and commuting worker vehicles would be approximately 70 to 76 dBA at 50 feet (see Table 3.13-4). This noise would be concentrated at staging areas, along access roads, and the thoroughfares used by Project traffic, primarily SR-177 and Kaiser Road. Along SR-177, the traffic from construction-related workers and haul trucks would increase SR-177 day-night noise levels by 3 dBA over the baseline levels, from 63 dBA to approximately 66 dBA Ldn within 100 feet of the centerline or from 64 dBA to 67 dBA CNEL.

The construction-related traffic noise impacts would occur primarily but not exclusively during daytime conditions. For evening or nighttime construction-related traffic, the effects on day-night noise levels would be more pronounced than traffic confined to daytime hours because of the increased sensitivity during the evening and nighttime hours (between 7:00 p.m. and 7:00 a.m.). The Project could conflict with Riverside County General Plan policies to minimize the impacts of construction noise, if Project construction traffic along SR-177 and Kaiser Road would cause day-night noise levels to substantially

increase during evening or nighttime hours. To reduce the impact of evening and nighttime construction traffic noise, this analysis recommends mitigation to restrict construction deliveries to daytime hours.

The Riverside County Noise Ordinance allows noise from construction activities, and designates this noise as exempt, when: (a) the construction project is located one-quarter (0.25) mile or more from the nearest inhabited dwelling, or (b) when the construction project is located within 0.25 mile of an inhabited dwelling and the activities are limited to certain daytime hours. The closest occupied residences in Desert Center would be within 0.25 mile of Project construction traffic and on-site construction activities within the proposed Project site.

The Project construction work schedule would involve evening and nighttime activity, and all activities would use best efforts to avoid or minimize impact hammer use for pile driving or other equipment similarly capable of producing disruptive noise, as described in APM NOISE-1.

The Riverside County Noise Ordinance allows construction noise to be exempt between the hours of 7:00 a.m. and 6:00 p.m. The work schedules of the proposed Project would need to adhere to the County exemption for construction noise where activities are within 0.25 miles of a sensitive receptor to comply with the ordinance. The Noise Element of the General Plan includes no threshold noise levels (in terms of dBA) for temporary construction, but the County's policies require the Project to follow established hours of operation and to implement acceptable practices to minimize the effects of adverse construction noise.

Mitigation Measure (MM) N-1 (Construction Restrictions) is recommended to ensure that any construction activities within 0.25 miles of a sensitive receptor outside of the schedule of the Noise Ordinance would be limited to light-duty equipment and vehicles.

Mitigation Measures N-2 (Public Notification Process) and N-3 (Noise Complaint Process) are also recommended to ensure that residents nearest to the Project site boundaries and access roads are provided advance notification of potentially adverse noise conditions and to ensure that complaints are resolved. With the recommended mitigation measures, construction would not result in a substantial increase in noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. With the recommended mitigation measures, the impact of construction noise relative to applicable community noise standards would be less than significant.

In addition, the Applicant has stated in APM NOISE-1 that it will avoid or minimize use of any impact hammer for pile driving or other equipment similarly capable of producing disruptive noise during construction activities within a one-mile radius from the residential parcel on the northeast corner of the Lake Tamarisk Desert Resort community during the winter months of highest residency (November 1 to March 31). If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, the Applicant will avoid or minimize this construction activity in the early morning or late evening. Implementation of APM NOISE-1 will further reduce this less-than-significant impact.

**LESS-THAN-SIGNIFICANT WITH MITIGATION, CONSTRUCTION OF THE 500 kV GEN-TIE LINE.** Construction of the 500 kV gen-tie structures and installation of poles and conductors would involve a line truck, water truck, crane, backhoe, excavator, and helicopters. Gen-tie construction noise would result in a readily perceptible, but temporary, increase in daytime environmental noise. Gen-tie construction activities would only intermittently affect any one location as the construction crews move along the alignment.

Near each pole site, the equipment in the gen-tie construction spread and overhead helicopter operations would generate increase ambient noise during use of offroad equipment and during helicopter overflights, takeoffs, and landings. Helicopter operations could be expected to generate noise levels of approximately 92 dBA within about 100 feet to 450 feet of the source depending on payload capacity of the helicopter, and locations a few hundred feet from the source would experience less than 90 dBA (U.S. Forest Service,

2023). Using a helicopter for 15 minutes in a typical hour would result in approximately 83 dBA Leq at 200 meters (656 feet). (Calculations appear in EIR Appendix K.)

Gen-tie construction noise would occur along an alignment that is not within 0.25 mile of any inhabited dwellings. However, helicopter operations could conflict with Riverside County General Plan policies to minimize the impacts of construction noise if not limited to occur during daytime hours. Mitigation Measure N-1 (Construction Restrictions) would ensure that construction activities outside of the schedule of the Noise Ordinance would be limited to light-duty equipment and vehicles, and Mitigation Measures N-2 (Public Notification Process) and N-3 (Noise Complaint Process) would also ensure that nearby residents are provided advance notification of potentially adverse noise conditions and to ensure that complaints are resolved. For construction of the gen-tie, this impact with mitigation would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT, OPERATIONS AND MAINTENANCE.** Operations-related activities that could cause minor levels of noise in the areas of the proposed Project include upkeep, maintenance, inspections, vegetation management, solar module washing, fire safety, and site security. The proposed Project would also include stationary sources of noise in the form of PV panel tracking system motors, the inverter-transformer stations that operate when the solar panels produce electricity in the daytime, BESS, and the 500 kV gen-tie line.

Throughout the solar field, the equipment that could generate the most prominent stationary source noise would be the pad-mounted inverter-transformer stations. The off-site noise levels produced by the individual inverters and transformers would depend on the final equipment selected and the ultimate locations of the individual inverter stations. The inverter-transformer stations would be centrally located within each 2 to 5 MW increment of generation. Auxiliary equipment for inverter-transformer stations may include cooling fans and pumps that operate depending on the internal temperature of the transformer cooling oil. This type of noise would have a broad-band spectrum and would not include simple tones or a “hum.” The typical performance specification of a commercial or utility-scale inverter with cooling system and enclosure would be to achieve a design standard of 67 dBA at a distance of 32.8 feet (10 meters). With multiple units on each skid to achieve up to a 5,000 kilowatt output, the resulting noise level would be approximately 71 dBA at 50 feet and 45 dBA Leq at 1,000 feet from each inverter-transformer pad. (Calculations appear in EIR Appendix K.)

Within the solar field, other minor sources include tracker motors and mechanisms that allow the solar panels to tilt and track the path of the sun on a single axis throughout the day. Tracker motors and actuators would not operate on a continuous basis or in unison. For example, each set of actuators would operate for a few seconds and then pause for 5 minutes before operating again. This process would occur only during daylight hours, with a return to the starting position at sunrise. Although final design would determine the actual specifications for the motors, based on similar projects, noise from each motor and actuator would be about 62 or 63 dBA at the source or a distance of 3.28 feet (1 meter). Noise levels from the tracker motors throughout the solar field would not be discernable in the background conditions at any locations over 200 feet from the edges of the solar field.

The dominant stationary sources of noise near the proposed operation and maintenance (O&M) building would be related to the heating, ventilation, and air conditioning units (HVAC), if necessary for the O&M building and the BESS enclosures. The transformers and switchgear to within the onsite substation yards would also include cooling fans and pumps. Typical cooling systems for the BESS and transformers could generate 75 dBA at a distance of 32.8 feet (10 meters), which would result in 44 dBA Leq at 1,200 feet from the BESS equipment. (Calculations appear in EIR Appendix K.)

The proposed Project would also introduce the permanent stationary source of noise from the audible corona noise that occurs with normal and routine operation of the 500 kV gen-tie. Corona noise would occur along the alignments of the proposed gen-tie lines, and the typical resulting noise level near each

gen-tie line with wet conductors would about 45 dBA Leq at the edge of the right-of-way. The noise from the gen-tie would not cause a substantial permanent increase in ambient day-night noise levels and would be less than the most-stringent property line standards in the Noise Ordinance. Therefore, for operation of the gen-tie, this impact would be less than significant.

The proposed Project would be operated by up to 10 permanent staff on the site at any one time. Occasional vehicular noise would also be caused by crews for ongoing facility maintenance and repairs and for module washing and security patrols. These activities would normally involve only a small crew, and the Project-related O&M traffic would be sporadic.

The applicable standards in the Noise Ordinance (Chapter 9.52.040 and Section 4 of Ordinance No. 847) limits noise sources from causing excessive exterior noise on any nearby occupied property. The Noise Ordinance ensures that noise levels at any receiving land use that is a low-density “Rural Community” shall not exceed 55 dBA Lmax during the daytime hours (7:00 a.m. to 10:00 p.m.) or 45 dBA during the nighttime hours (10:00 p.m. to 7:00 a.m.). The stationary source noise standards set forth in the Noise Element, Policy N 2.3 and Policy N 4.1, of the General Plan are less stringent than those in the Noise Ordinance. All equipment within the Project site would be required to comply with the stationary source noise standards of the Noise Ordinance.

The solar generating facility would be primarily active and operational during daytime hours. However, the pad-mounted inverters-transformer stations’ cooling systems and the battery storage equipment could operate outside of daylight hours. The overall noise levels caused by these units would be subject to the 45 dBA Lmax standard of the Noise Ordinance that applies at the boundary of any nearby occupied property. The proposed O&M building, BESS enclosures, and onsite substations would not be located within 1,200 feet of any occupied properties or residences and would not cause exterior noise of more than 45 dBA at any residential property boundary. As such, the noise from operation of the proposed Project would not exceed the Noise Ordinance standard of 45 dBA at night for any occupied “rural community” location. Likewise, the proposed Project operational noise levels of 44 dBA Leq at 1,200 feet from the BESS equipment would not exceed the General Plan Noise Element standard for stationary sources of 45 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.). The impact of operation noise relative to applicable community noise standards would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT, DECOMMISSIONING.** Decommissioning impacts would likely be similar to those that would occur during construction. The actual impacts would depend on the proposed decommissioning action and final use of the site.

### Mitigation Measures for Impact N-1

- MM N-1**      **Construction Restrictions.** See full text in Section 3.13.9 (Mitigation Measures).
- MM N-2**      **Public Notification Process.** See full text in Section 3.13.9 (Mitigation Measures).
- MM N-3**      **Noise Complaint Process.** See full text in Section 3.13.9 (Mitigation Measures).

### Significance After Mitigation

The increased noise levels that would occur with the proposed Project construction activities would be adverse after mitigation but not at significant levels. This impact would be less than significant during operation.

**Impact N-2. Generation of excessive ground-borne vibration or ground-borne noise levels?**

**LESS-THAN-SIGNIFICANT IMPACT, CONSTRUCTION.** Vibration from routine construction equipment and activities might be perceptible to people in the immediate vicinity of construction activities. Vibration sources that typically occur with construction activity or vehicle traffic have a region of influence that is limited to approximately 200 feet. During construction, the impact or vibratory pile drivers used for installing posts would have the greatest radius of potential ground-borne vibration impacts.

The level of ground-borne vibration that could reach sensitive receptors depends on the distance to the receptor, the equipment type that is creating vibration (e.g., the frequency being produced), and the soil conditions surrounding the construction site. Because the use of construction equipment generating ground-borne vibrations would be localized around Project components, and construction activity would be set back substantially from property boundaries, no vibration sensitive structures or land uses would be near construction equipment or sources of vibration. The nearest home in Lake Tamarisk on Shasta Drive would be approximately 0.05 miles (260 feet) from the boundaries of the Easley Project. Project construction activity would be set back substantially, at least 200 meters (656 feet), from this residential land use.

When necessary to install posts near the proposed Project site boundaries, use of pile drivers could result in vibration that would be perceptible and potentially annoying within 100 feet of the source. The typical level of ground-borne vibration from an impact pile driver could exceed 0.6 in/sec PPV near the source, but at a distance of 100 feet the level would attenuate to below 0.1 in/sec, which is below the County threshold level that would be annoying to occupants of a building (0.1968 in/sec). Other construction activities would create lower levels of vibration and would not have the potential to create annoyance at distances of 50 feet or more from the equipment in use. (Calculations appear in EIR Appendix K.)

Because offsite vibration levels would be low enough to avoid causing an annoyance, they would be unlikely to cause structural damage. Impacts from vibration would be localized and temporary (i.e., infrequently recurring at any single location), and therefore, would not be excessive, resulting in a less than significant impact.

**LESS-THAN-SIGNIFICANT IMPACT, OPERATIONS AND MAINTENANCE.** Operation of the proposed solar facility, BESS, and gen-tie would not generate perceptible levels of vibration in the surrounding area. There would be no permanent source or potential to change vibration levels, except during circumstances where Project components require unscheduled maintenance or repair activities, during which the impact would be brief but of similar intensity to that of construction. Because Project activities and facilities would not expose people to excessive ground-borne vibration, this impact would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT, DECOMMISSIONING.** Decommissioning impacts would likely be similar to those that would occur during construction. The actual impacts would depend on the proposed decommissioning action and final use of the site.

**Mitigation Measures for Impact N-2**

No mitigation would be required.

**Significance After Mitigation**

This impact would be less than significant.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

### 3.13.6. Cumulative Impacts

#### Geographic Scope

The geographic scope for cumulative analysis of noise and vibration is generally localized. Noise sources attributable to cumulative projects may cause adverse effects within approximately one mile of a project site including truck routes, but the region of greatest influence is typically within 0.5 miles from the boundary of a project site. Similarly, vibration sources that typically occur with construction activity or vehicle traffic have a region of influence that is limited to approximately 200 feet.

This geographic scope for cumulative noise and vibration effects includes the West-wide Section 368 Energy Corridors and the development activities of existing, past, present, and reasonably foreseeable future projects in the Desert Center area, as described in Section 3.1.2.

#### Cumulative Impact Analysis

The cumulative projects that occur in the geographic scope for noise and vibration include planning documents and the existing and probable future solar energy projects that are similar in nature to the proposed Project. The planning efforts, proposed expansion of Joshua Tree National Park, and creation of Chuckwalla National Monument would not themselves create actions that increase noise or vibration levels. The noise and vibration effects of the equipment used for construction of other present and future cumulative projects would depend on the site-specific needs and schedules, and the impacts may or may not overlap spatially and temporally with those of the proposed Project.

Limited areas of cumulative project construction activities could be within 0.5 mile of the proposed Project. ~~Simultaneous construction activity would have the potential to cause overlapping construction noise impacts with construction of the proposed Project.~~ Active pieces of construction equipment normally cause no more than 85 dBA when measured 50 feet from the source. Construction-phase noise impacts would be short-term and limited in nature, with construction activities for all cumulative projects normally being limited to the daytime. ~~Simultaneous cumulative project construction activity would have the potential to cause overlapping construction noise impacts with construction of the proposed Project.~~ The potential for overlap depends on the distance and timing of the future projects. The boundaries of the cumulative project nearest to the existing residences are those for the Sapphire Solar Project, which would be over one mile from the existing residences at Lake Tamarisk Desert Resort. At this distance, active construction equipment generating noise within the Sapphire Solar Project site could contribute about 42 dBA at the residences. When compared with the construction effects of the proposed Project, which could cause 62 dBA Leq at the residences, the cumulative project construction noise would not substantially influence the localized noise levels experienced by nearby residences including Lake Tamarisk Desert Resort. (Calculations appear in EIR Appendix K.) Because substantial distances separate residences from the proposed Project and probable future projects, construction noise from the Sapphire Solar Project and other cumulative projects would attenuate to imperceptible levels prior to reaching residences and therefore would not be expected to combine with project construction noise in a way that would increase noise levels experienced by sensitive receptors.

The noise impact of cumulative project operations could also occur simultaneously with proposed Project construction, although no cumulative project operation noise would be likely to occur at a location that substantially influences the localized noise levels experienced by residences nearest to the proposed Project permanent noise sources. This is because the only cumulative projects with the reasonable potential to combine noise impacts with the Project are the Sapphire Solar Project, Oberon Solar Project, and Athos Solar Project. As described above, the Sapphire Solar Project would be located over one mile away from Lake Tamarisk Desert Resort. Distances of 0.5 miles or more separate Lake Tamarisk Desert Resort from the nearest noise-producing facilities for the Oberon project, and over one mile separates

Lake Tamarisk Desert Resort from the Athos project. At these distances, operational noise from these cumulative projects would be comparable to the noise from proposed Project operation, but at a greater distance. The cumulative project noise would attenuate to the point of being imperceptible for existing residences. As a result, operational noise from these projects would not be expected to combine with Project construction noise in a way that would cause significant cumulative noise impacts.

For the reasons described above and given that the nearest sensitive receptor would be at least 200 meters (656 feet) from proposed Project construction activities and at much greater distances from cumulative projects, cumulative noise impacts during Project construction would not be significant. Mitigation Measures MM N-1 through N-3 would minimize the Project's contribution to these already less-than-significant cumulative construction noise impacts.

The duration of construction work for the proposed Project would be approximately 20 months, and after that time, few notable permanent sources of noise would occur with the proposed solar facility, BESS, and gen-tie, and similarly, few noise sources occur with the cumulative projects.

All cumulative project operations would generate noise from employee vehicles accessing the sites, and solar energy projects include power inverters and other power system infrastructure that are minor sources of noise. These sources may cause localized cumulative effects where multiple projects or shared transportation routes occur adjacent to a sensitive receptor. However, as described above, cumulative projects with the potential to combine noise impacts with the project are located such that operational noise they generate would be expected to attenuate to the point of being imperceptible for existing residences. As a result, operational noise from these projects would not be expected to combine with proposed Project operations noise in a way that would cause significant cumulative noise impacts.

As described above, cumulative noise impacts would not be significant. These less-than-significant impacts would be further reduced through compliance with local laws and regulations and implementation of typical mitigation to protect sensitive receptors from noise and implement feasible noise controls. Cumulative renewable energy projects and other development that is subjected to the environmental permitting process would have a detailed analysis of noise and land use conflicts as part of the project-level environmental review. The permitting process normally requires each project to comply with local standards and to avoid noise-related land use conflicts. This means that all projects, even if unrelated to the proposed Project, would need to comply with the local community noise standards, such as the Riverside County Noise Ordinance. Additional mitigation may be applied to the cumulative projects through environmental permitting by lead agencies. Although sources of noise associated with cumulative project operations, including employee vehicles accessing the sites, power inverters, and other power system infrastructure could impact residences that are near the proposed Project, the mitigation recommended in this analysis would ensure that the Project's incremental contribution to the cumulative noise impact would not be considerable.

Cumulative effects due to ground-borne vibration would occur only if there were sources of the vibration within approximately 200 feet from the boundaries between the proposed Project site and cumulative project sites. Boundaries of cumulative projects occur within 200 feet of the proposed Project site, but these shared boundaries are not within 200 feet of existing residences. As a result, the areas of potential overlap of cumulative project construction-related vibration would not be likely to create a cumulative vibration impact at residences near the proposed Project, and no cumulative effects would be likely from ground-borne vibration.

#### **Mitigation Measures for Cumulative Impacts**

Mitigation Measures MM N-1 to MM N-3 would reduce the Project's contribution to the already less-than-significant cumulative noise and vibration impacts. ~~be implemented to address potential noise and vibration impacts for the proposed Project.~~ No additional mitigation is required.

### Significance After Mitigation

Cumulative noise and vibration impacts would be less than significant. The Project's incremental contribution to noise and vibration impacts would not be cumulatively considerable.

### 3.13.7. Mitigation Measures and Applicant Proposed Measures

**APM NOISE-1 Construction Timing.** Applicant will avoid or minimize use of any impact hammer for pile driving or other equipment similarly capable of producing disruptive noise during construction activities within a one-mile radius from the residential parcel on the northeast corner of around the Lake Tamarisk Desert Resort community during the winter months of highest residency (November 1 to March 31). If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, the Applicant will avoid or minimize this construction activity prior to 7:00 a.m. and after 6:00 p.m. The Applicant will also avoid nighttime equipment deliveries between 10:00 p.m. and 7:00 a.m.

**MM N-1 Construction Restrictions.** Heavy equipment operation, noisy construction work relating to any Project features onsite, and truck trips associated with materials and equipment deliveries shall be restricted to the times delineated below, unless a special permit has been issued by the County of Riverside: during June through September, between 6 a.m. to 6 p.m.; and during October through May, between 7:00 a.m. to 6:00 p.m.

Haul truck engines and other engines powering fixed or mobile construction equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.

The construction contractor shall locate equipment staging in areas to create the greatest distance between construction-related noise sources and noise sensitive receivers nearest the Project site during Project construction. Where feasible, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site. No music or electronically reinforced speech from construction workers shall be audible at noise-sensitive properties.

**MM N-2 Public Notification Process.** At least 15 days prior to the start of ground disturbance, the Project owner shall notify all residents within one mile of the Project site and the linear facilities, by mail or by other effective means, of the commencement of Project construction. At the same time, the Project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the Project. If the telephone is not staffed 24 hours a day, the Project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the Project site during construction where it is visible to passersby. This telephone number shall be maintained until the Project has been operational for at least one year.

**MM N-3 Noise Complaint Process.** Throughout the construction and operation of the Project, the Project owner shall document, investigate, evaluate, and attempt to resolve all Project-related noise complaints. The Project owner or authorized agent shall:

- (a) Use a Noise Complaint Resolution Form, or other documentation procedure acceptable to the County, to record and report the Project owner's response to resolving each noise complaint;
- (b) Attempt to contact the person(s) making the noise complaint within 24 hours;



- (c) Conduct an investigation to determine the source of noise in the complaint;
- (d) If the noise is Project-related, take all feasible measures to reduce the source of the noise; and
- (e) Submit a report to the County documenting the complaint and actions taken. The report shall include: a complaint summary, including the final results of noise reduction efforts and, if obtainable, a signed statement by the complainant stating that the noise problem has been resolved to the complainant's satisfaction.

## 3.14. Paleontological Resources

This section describes the existing local geology and paleontological resources, the regulatory framework for paleontological resources, and the possibility of discovery of paleontological resources within the area where the proposed Project and alternatives would be implemented. An impact analysis and comparison of project alternatives is included in Section 5.

The Project area relevant to the analysis of paleontological resources is the physical footprint of Project construction, operation and maintenance, and decommissioning activities. Paleontological resources are any fossilized remains, traces, or imprints of organisms that are preserved in the Earth's crust and are of paleontological interest and provide information about the history of life on Earth. Fossil remains may include bones, teeth, shells, leaves, and wood. They are found in geological deposits within which they were originally buried. Paleontological resources include not only the actual fossils, but also the collecting localities and the geological deposits that contain the fossils. Paleontological resources are considered nonrenewable resources because the organisms they represent no longer exist. Thus, once destroyed, these resources can never be replaced. The information in this section is based on the *Paleontological Resource Survey Report for the Easley Renewable Energy Project*, Riverside County, California, prepared by PaleoWest (2023) (Paleontological Report; EIR Appendix E).

### 3.14.1. Environmental Setting

#### 3.14.1.1. Paleontological Resource Classifications

BLM Instruction Memorandum IM 2009 011 provides guidelines for assessment and mitigation of potential impacts to paleontological resources (BLM, 2008). The Memorandum defines a significant paleontological resource as:

*Any paleontological resource that is considered to be of scientific interest, including most vertebrate fossil remains and traces, and certain rare or unusual invertebrate and plant fossils. A significant paleontological resource is considered to be scientifically important because it is a rare or previously unknown species, it is of high quality and well-preserved, it preserves a previously unknown anatomical or other characteristic, provides new information about the history of life on earth, or has identified educational or recreational value. Paleontological resources that may be considered to not have paleontological significance include those that lack provenience or context, lack physical integrity because of decay or natural erosion, or that are overly redundant or are otherwise not useful for research. Vertebrate fossil remains and traces include bone, scales, scutes, skin impressions, burrows, tracks, tail drag marks, vertebrate coprolites (feces), gastroliths (stomach stones), or other physical evidence of past vertebrate life or activities.*

Due to the nature of the fossil record, paleontologists cannot know either the quality or the quantity of fossils present in a geologic unit prior to natural erosion or human-caused exposure. Therefore, in the absence of surface fossils, it is necessary to assess the sensitivity of rock units based on their known potential to produce scientifically significant fossils elsewhere within the same geologic unit (both within and outside of the study area) or a unit representative of the same depositional environment. The proposed Project is on both BLM-administered and private land with the largest portion on BLM-administered land; therefore, it follows the Potential Fossil Yield Classification (PFYC) system for assessing paleontological resources. The PFYC system provides baseline guidance for assessing paleontological resources on BLM-administered land (BLM, 2016).

### Potential Fossil Yield Classification (PFYC)

The PFYC system is based on mapped geologic units which are assigned a paleontological sensitivity class based on the relative abundance and significance of paleontological resources and their sensitivity to adverse impacts. Initial PFYC assignments based only on geologic mapping are considered as only a first approximation of the potential presence of paleontological resources and are subject to changes based on ground verification. The PFYC class rankings are summarized below (BLM, 2016):

**Class 1 – Very Low.** Geologic units that are not likely to contain recognizable fossil remains. This class usually includes units that are igneous or metamorphic, excluding reworked volcanic ash units; or units that are Precambrian in age or older. Management concern for paleontological resources in Class 1 units is usually negligible or not applicable. Overall, the probability of impacting significant paleontological resources is very low and further assessment of paleontological resources is usually unnecessary.

**Class 2 – Low.** Geologic units that are not likely to contain palaeontologic resources. Class 2 geologic units have the following characteristics: field surveys have verified that palaeontologic resources not present or are very rare; geologic units are generally younger than 10,000 years before present (bp); and sediments that exhibit significant physical and chemical changes (i.e., diagenetic alteration) that make fossil preservation unlikely. Management concern for paleontological resources is generally low and further assessment or mitigation is usually unnecessary except in rare or isolated circumstances where localities containing paleontological resources are found.

**Class 3 – Moderate (a) or Unknown (b).** Sedimentary geologic units where fossil content varies in significance, abundance, and predictable occurrence. This class is often marine in origin with sporadic known occurrences of paleontological resources. Paleontological resources may occur intermittently, but abundance is known to be low. Significant paleontological resources may occur but would be widely scattered. The potential for authorized land use to impact significant paleontological resources is known to be low to moderate. Management concerns for paleontological resources are moderate. Management options could include record searches, pre-disturbance surveys, monitoring, mitigation, or avoidance. Surface-disturbing activities may require sufficient assessment to determine whether significant paleontological resources occur in the area of a proposed action and whether the action could affect the paleontological resources.

**Class 4 – High.** Geologic units that are known to contain a high occurrence of paleontological resources. Significant paleontological resources have been documented but may vary in occurrence and predictability. Surface disturbing activities may adversely affect paleontological resources. Rare or uncommon fossils, including nonvertebrate (such as soft body preservation) or unusual plant fossils, may be present. Illegal collecting activities may impact some areas. Management concern is moderate to high depending on the proposed action. A field survey by a qualified paleontologist is often needed to assess local conditions. On-site monitoring or spot checking may be necessary during land-disturbing activities. Avoidance of known paleontological resources may be necessary.

**Class 5 – Very High.** Highly fossiliferous geologic units that consistently and predictably produce significant paleontological resources. Significant paleontological resources have been documented and occur consistently. Paleontological resources are highly susceptible to adverse impacts from surface-disturbing activities. Unit is frequently the focus of illegal collecting activities. Management concern is high to very high. A field survey by a qualified paleontologist is almost always needed, and on-site monitoring may be necessary during land-use activities. Avoidance or resource preservation through controlled access, designation of areas of avoidance, or special management designations should be considered.

**Class U – Unknown Potential.** Geologic units that cannot receive an informed PFYC assignment. Geological units may exhibit features or preservational conditions that suggest significant paleontological resources could be present, but little information about the actual paleontological resources of the unit

or area is known. Geologic units represented on a map are based on lithologic character or basis of origin but have not been studied in detail. Scientific literature does not exist or does not reveal the nature of paleontological resources. Reports of paleontological resources are anecdotal or have not been verified. Area or geologic unit is poorly or understudied. BLM staff has not yet been able to assess the nature of the geologic unit. Until a provisional assignment is made, geologic units that have an unknown potential have medium to high management concerns, and lacking other information, field surveys are normally necessary, especially prior to authorizing a ground-disturbing activity.

### **Society of Vertebrate Paleontology Criteria**

The Society of Vertebrate Paleontology (SVP) has developed standard procedures for the assessment and mitigation of adverse impacts to paleontological resources which are intended to be applicable to both private and public lands under the jurisdiction of local, city, county, regional, state, and federal agencies (SVP, 2010). Under the SVP criteria rock units are described as having (a) high, (b) undetermined, (c) low, or (d) no potential for containing significant paleontological resources (SVP, 2010).

The Project is located on both BLM-administered land and private land; however, much more of the proposed Project is located on BLM-administered land and therefore will use the BLM PYFC system for paleontological resource assessment. SVP has also established professional guidelines for paleontologists and provided definitions of significant paleontological resources (SVP, 2010). The SVP defines significant paleontological resources as consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are considered to be older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 radiocarbon years).

### **Riverside County Criteria**

Riverside County has been inventoried for geologic formations known to potentially contain paleontological resources. Lands with high, low, or undetermined potential for finding paleontological resources have been mapped in the County (Riverside County, 2015: Figure OS-8). Based on Riverside County Figure OS-8, the Project is underlain by areas mapped as unknown, low, and high (Ha) sensitivity (Riverside County, 2015). It should be noted that the map does not substitute for site-specific investigations, as deemed necessary.

**High Potential.** Sedimentary rock units with high potential for containing significant non-renewable paleontological resources include rock units in which vertebrate or significant invertebrate fossils have been found or determined likely to be present. These units include, but are not limited to, sedimentary formations which contain significant non-renewable paleontological resources anywhere within their geographical extent and sedimentary rock units temporally or lithologically suitable for the preservation of fossils. High sensitivity includes not only the potential for yielding abundant vertebrate fossils, but also for production of a few significant fossils that may provide new and significant data. High sensitivity areas are mapped as either “High A” or “High B,” according to the following criteria:

- **High Sensitivity A (Ha):** Based on geologic formations or mapped rock units that are known to contain or have the correct age and depositional conditions to contain significant paleontological resources. These include rocks of Silurian or Devonian age and younger that have potential to contain remains of fossil fish, and Mesozoic and Cenozoic rocks that contain fossilized body elements and trace fossils such as tracks, nests, and eggs.
- **High Sensitivity B (Hb):** Equivalent to High A but is based on the occurrence of fossils at a specified depth below the surface. This category indicates fossils that are likely to be encountered at or below 4 feet of depth and may be impacted during construction activities.

- **Low Potential.** Lands for which previous field surveys and documentation demonstrate as having a low potential for containing significant paleontological resources subject to adverse impacts. The mapping of low potential was determined based on actual documentation and was not generalized to cover all areas of a particular rock unit on a geologic map.
- **Undetermined Potential.** Areas underlain by sedimentary rocks for which literature or unpublished studies are not available have undetermined potential for containing significant paleontological resources. These areas need to be inspected by a qualified vertebrate paleontologist before a specific determination of high potential or low potential can be assigned.

### 3.14.1.2. Literature Review and Records Search

Paleontological resources are not found in “soil” but are contained within the geologic deposits or bedrock that underlies the soil layer. Therefore, in order to ascertain whether a particular study area has the potential to contain significant fossil resources at the subsurface, it is necessary to review relevant scientific literature and geologic mapping to determine the geology and stratigraphy of the area. Further, to delineate the boundaries of an area of paleontological sensitivity, it is necessary to determine the extent of the entire geologic unit because paleontological sensitivity is not limited to surface exposures of fossil material.

PaleoWest conducted a review of published geologic and paleontological literature and searches of pertinent local and regional museum repositories for paleontological localities at the Natural History Museum of Los Angeles County (NHMLAC), San Bernardino County Museum (SBCM), San Diego Natural History Museum (SDNHM), and Western Science Center (WSC) (PaleoWest, 2023).

The geologic literature review revealed that The Geologic Map of California – Salton Sea Sheet (Jennings, 1967) is the only published geological map covering the entire Project area; this is a regional scale map at a 1:250,000 scale and therefore less detailed than a larger scale, project area focused map. The Salton Sea Sheet identifies the Project site as primarily underlain by Quaternary alluvium (Qal), with approximately 30 acres of Quaternary nonmarine conglomerate (Qc, Qco) along the proposed gen-tie route. The Quaternary alluvial deposits of Chuckwalla Valley (Qal) are composed of late Pleistocene (2.6 million years ago to 11,700 years ago) to Holocene (11,700 years ago to present) terrestrial valley axis fill and valley margin deposits. The Quaternary alluvial deposits are widespread and are laterally and vertically variable with respect to lithology, grain size, and depositional environment. The nonmarine alluvial fan conglomerates (Qc and Qco) are described by Jennings (1967) as a coarse cobble conglomerate deposit derived from alluvial fans (PaleoWest, 2023). Recent excavations in the Chuckwalla Valley indicate that fine-grained Pleistocene playa deposits may underlie Quaternary alluvial fan valley axis deposits at shallow depth (PaleoWest, 2023).

The museum locality records searches from the NHMLAC, SDMHN, and the WSC did not identify any previously recorded vertebrate localities within the Project boundaries; however, the museums did identify several nearby localities from within similar Quaternary sedimentary deposits (PaleoWest, 2023). The nearby localities in the Chuckwalla Valley produced Quaternary vertebrate fossils of kangaroo rat, pocket mouse, rattlesnake, and horned lizard from Ford Dry Lake; horse, camel, bison, and muskox tribe from near the Eagle Mountains and Coxcomb Mountains; and catfish, desert tortoise, gopher snake, horned lizard, desert iguana, finch, grebe, saber-toothed cat, bighorn sheep, mule deer, kit fox, camel, llama, rabbit, gopher, kangaroo rat, ground squirrel, harvest mouse, and pocket mouse from the Desert Harvest and Desert Sunlight solar projects (PaleoWest, 2023). The SBCM did not have record of fossil localities in the Project area or within a 5-mile buffer.

### 3.14.1.3. Field Survey

A pedestrian survey was conducted for the Project between April 3–6 and April 10–13, 2023, by a PaleoWest BLM-permitted Paleontological Field Director with assistance from PaleoWest Staff Paleontologists. The purpose of the field survey was to inspect the ground surface visually for exposed fossils, evaluate geologic exposures for their potential to contain buried fossils, and assist in determining where additional paleontological mitigation may be necessary prior to or during Project development. The survey was conducted for the entire Project site and along the gen-tie route, covering approximately 3,867 acres, using evenly spaced, 10–30-meter (m) parallel transects. Project areas obscured by heavy vegetation, agricultural mulch, or developed roads were not comprehensively examined because of lack of visibility of the underlying geological unit.

Based on the field survey, the Project area is underlain by moderately consolidated, light brown to light tan Quaternary alluvium consisting predominantly of clay, silt, and coarse-grained sand with both remnant and active alluvial surfaces, which include periodically inundated wash channels. The field observations of the Quaternary nonmarine conglomerate unit (Qc, Qco), observed locally along the proposed gen-tie route, indicate the unit is likely not a true conglomerate but rather a developing desert pavement surface composed of coarse angular metamorphic and igneous clasts on top of a finer-grained alluvial fan deposit (PaleoWest, 2023).

A total of 31 paleontological localities were identified on the surface of the Project area during fieldwork. Four significant vertebrate fossils were documented and collected for curation at the WSC during the paleontological survey of the Project area. The significant fossils include specimens of rabbit and turtle. Also, 27 nonsignificant fossils were observed during the paleontological field survey. The nonsignificant fossils were poorly preserved unidentifiable vertebrate bone and ubiquitous turtle shell; therefore, they were documented but not collected. All of the identified localities were found within the Quaternary alluvium (Qal) geologic unit (PaleoWest, 2023).

The occurrence of fossil remains in the Project area from rabbits/hares (*Lepus*, Leporidae) and tortoises (Testudinidae) is expected for the Desert Center area as both are endemic taxa, and their tendency to burrow underground would increase their chances of preservation should they die in their dens. Remains of these taxa are common in Pleistocene deposits in the Mojave Desert, though remains of *Lepus* are rare north of Interstate 10 (PaleoWest, 2023). The presence of burrowing as an agent of preservation suggests more fossils may be preserved in the subsurface of the Project area and may be encountered during ground-disturbing activities.

### 3.14.1.4. Paleontological Sensitivity

Fieldwork results confirmed surface fossils are present in the Project area. All visible surface fossils were identified during the field survey and the significant fossils were collected and curated. Additional surface or near-surface fossils may be exposed by ongoing eolian and alluvial processes that rework or remove thin layers of sediment that may obscure fossils (PaleoWest, 2023). The Quaternary alluvium throughout the Project area has proven conducive to the preservation of vertebrate remains and may contain an unknown number of buried fossil resources in the subsurface, particularly if fine-grained playa deposits are encountered at depth. As such, PaleoWest recommended the paleontological resource potential for Quaternary alluvium be assigned **PFYC 4 (High)**. The Quaternary nonmarine conglomerates (Qc, Qco of Jennings [1967]) have not produced any fossil resources in the Project area or vicinity; however, field observations indicate Quaternary nonmarine conglomerate (Qc, Qco) in the Project area is likely not a true conglomerate but rather a developing desert pavement surface on top of an alluvial fan deposit. The Quaternary deposits beneath the desert pavement are of an appropriate age to preserve fossil resources and similar lithologies have been known to yield significant paleontological resources elsewhere in the

Chuckwalla Valley (PaleoWest, 2023). PaleoWest recommended the areas mapped as Quaternary nonmarine conglomerates be assigned **PFYC 3a (Moderate)**.

### 3.14.2. Regulatory Framework

#### 3.14.2.1. Federal Laws, Regulations, and Policies

**Paleontological Resources Preservation Act (PRPA) of 2009.** The PRP was part of the Omnibus Public Lands Management Act (OPLMA) of 2009. The PRPA requires the Secretary of the Interior to manage and protect paleontological resources on federal land using scientific principles and expertise and requires federal agencies to develop appropriate plans for inventorying, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable laws, regulations, and policies. Where possible, these plans should emphasize interagency coordination and collaborative efforts with non-federal partners, the scientific community, and the general public. The PRPA is the authority for federal land managing agencies for permits to collect paleontological resources, as well as curation of these resources in an approved repository. It provides authority for the protection of significant paleontological resources on federal lands including criminal and civil penalties for fossil theft and vandalism.

The PRPA defines a paleontological resource as any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth.

**Antiquities Act of 1906.** The Antiquities Act was the first law enacted to specifically establish that archaeological sites on public lands are important public resources. It obligated federal agencies that manage public lands to preserve the scientific, commemorative, and cultural values of such sites. This Act does not refer to paleontological resources specifically; however, the Act does provide for the protection of "objects of antiquity" (understood to include paleontological resources) by various federal agencies not covered by the PRPA.

**The Federal Land Policy and Management Act of 1976.** The Federal Land Policy and Management Act (FLPMA) (43 USC 1701 1782) authorizes inventories and monitoring surveys of paleontological resources on federal land managed by the BLM, which issues a permit for collecting paleontological resources. It also directs the BLM to develop management plans that include public education about paleontological resources and procedures for collection and minimization of impacts to resources.

The BLM defines a significant paleontological resource as any paleontological resource considered to be of scientific interest, including most vertebrate fossil remains and traces, and certain rare or unusual invertebrate and plant fossils. A significant paleontological resource is considered to be scientifically important because it is a rare or previously unknown species, it is of high quality and well preserved, it preserves a previously unknown anatomical or other characteristic, provides new information about the history of life on earth, or has identified educational or recreational value (BLM, 2008).

**National Environmental Policy Act of 1969.** The National Environmental Policy Act (NEPA) (USC § 4321 et seq.; 40 Code of Federal Regulations, § 1502.25), as amended, directs federal agencies to "Preserve important historic, cultural, and natural aspects of our national heritage (Section 101(b)(4))." The current interpretation of this language has included scientifically important paleontological resources among those resources that may require preservation.

#### 3.14.2.2. State Laws, Regulations, and Policies

**California Environmental Quality Act (CEQA) (Public Resources Code Division 13 – Environmental Quality) and CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3).** CEQA declares that it is state policy to: "take all action necessary to provide the people of this state with...historic

environmental qualities.” It further states that public or private projects financed or approved by the state are subject to environmental review by the state. All such projects, unless entitled to an exemption, may proceed only after this requirement has been satisfied. CEQA requires detailed studies that analyze the environmental effects of a proposed project. In the event that a project is determined to have a potential significant environmental effect, CEQA requires that alternative plans and mitigation measures be considered. The State CEQA Guidelines reflect the requirements set forth in the Public Resources Code, as well as court decisions interpreting the statute and practical planning considerations and define procedures, types of activities, persons, and public agencies that are required to comply with CEQA.

If paleontological resources are identified as being within a project study area, the sponsoring agency must take those resources into consideration when evaluating project effects. The level of consideration may vary with the importance of the resource.

**California Public Resources Code - PRC § 5097.5 and § 30244.** A person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. The code includes rules for legal punishment and restitution. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

### 3.14.2.3. Local Laws, Regulations, and Policies

**Riverside County General Plan.** The Multipurpose Open Space Element of the Riverside County General Plan identifies a number of policies intended to minimize impacts to paleontological resources. It also includes a Paleontological Sensitivity Resources map indicating lands with low, undetermined, or high potential for finding paleontological resources. The following policies apply to the portions of the Project area within County- and privately owned lands (Riverside County, 2015):

- **Policy OS 19.6.** Whenever existing information indicates that a site proposed for development has high paleontological sensitivity as shown on Figure OS-8, a paleontological resource impact mitigation program (PRIMP) shall be filed with the County Geologist prior to site grading. The PRIMP shall specify the steps to be taken to mitigate impacts to paleontological resources.
- **Policy OS 19.7.** Whenever existing information indicates that a site proposed for development has low paleontological sensitivity as shown on Figure OS-8, no direct mitigation is required unless a fossil is encountered during site development. Should a fossil be encountered, the County Geologist shall be notified and a paleontologist shall be retained by the project proponent. The paleontologist shall document the extent and potential significance of the paleontological resources on the site and establish appropriate mitigation measures for further site development.
- **Policy OS 19.8.** Whenever existing information indicates that a site proposed for development has undetermined paleontological sensitivity as shown on Figure OS-8, a report shall be filed with the County Geologist documenting the extent and potential significance of the paleontological resources on site and identifying mitigation measures for the fossil and for impacts to significant paleontological resources prior to approval of that department.
- **Policy OS 19.9.** Whenever paleontological resources are found, the County Geologist shall direct them to a facility within Riverside County for their curation, including the Western Science Center in the City of Hemet.



The proposed Project would comply with all federal, State, and County requirements regarding the development of applicable plans and reports and the recovery and curation of any paleontological resources found.

### 3.14.3. Methodology for Analysis

Due to the nature of the fossil record, paleontologists cannot know either the quality or the quantity of fossils present in a geologic unit prior to natural erosion or human-caused exposure. Therefore, in the absence of surface fossils, it is necessary to assess the sensitivity of rock units based on their known potential to produce scientifically significant fossils elsewhere within the same geologic unit (both within and outside of the study area) or a unit representative of the same depositional environment. The paleontological resources assessment is based on the paleontological sensitivity of the underlying geologic units as determined by: (1) records searches at the Natural History Museum of Los Angeles County (NHMLAC), San Bernardino County Museum (SBCM), San Diego Natural History Museum (SDNHM), and Western Science Center (WSC); (2) a review of the relevant geologic and paleontologic literature for the project area; and (3) a field survey of the Project site, as detailed in the Paleontological Resource Survey Report (PaleoWest, 2023). The Project site was identified with areas of high and moderate potential for paleontological resources and are evaluated for the amount and type of construction ground disturbance and construction and operational activities that would result in impacts to paleontological resources. No areas of very high potential for paleontological resources were identified within the Project site.

### 3.14.4. CEQA Significance Criteria

The criteria used to determine the significance of potential Paleontological Resources impacts are based on Appendix G of the State CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to Paleontological Resources if the Project would:

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Impact PR 1).

The County of Riverside's Environmental Assessment Form includes Paleontological Resources significance criteria that are identical to the above-listed CEQA criteria and are thus not analyzed separately.

### 3.14.5. Proposed Project Impact Analysis

During the scoping effort conducted by the County of Riverside no concerns related to Paleontological Resources were raised.

**Impact PR-1. The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

**LESS THAN SIGNIFICANT WITH MITIGATION.** As defined, significant paleontological resources are determined to be fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or diagnostically important. Most impacts on paleontological resources are direct impacts, resulting from ground-disturbing activities that would damage or destroy resources. The result of resource recovery is scientific net gains in the discovery of previously unrecorded paleontological resources. Indirect impacts include the potential for increased unauthorized collection of fossils and other paleontological resources resulting from larger numbers of people in the vicinity (i.e., personnel involved in construction and operation of the facilities).

Since most of the Project site has nearly level to gently sloping topography, no mass grading would be required; however, some areas of the solar site would be affected by some form of ground disturbance, including mowing, grubbing, minor grading, compaction, and excavation. Some of the areas where facilities and arrays would be located would require light grubbing for leveling and trenching. Construction

would require ground disturbance for construction of the solar arrays, substation, O&M building, septic system, BESS foundations, access roads, gen-tie line towers, and other features. This ground disturbance could result in direct impacts to the paleontologically sensitive geologic rock units that could adversely affect (damage or destroy) significant paleontological resources. The desktop paleontological assessment conducted for the Project by PaleoWest identified paleontological resources in the Project vicinity and the paleontological field survey identified paleontological resources on the Project site, including four significant vertebrate fossils from rabbits/hares (*Lepus*, Leporidae) and tortoises (Testudinidae) (PaleoWest, 2023). PaleoWest assigned PFYC classifications of High (PFYC 4) to the Quaternary alluvium (Qal) and Moderate (PFYC 3a) to the mapped Quaternary nonmarine conglomerates (Qc, Qco). Therefore, significant paleontological resources could be encountered and adversely impacted (damaged or destroyed) during ground disturbance associated with the Easley Project construction.

The moderate to high sensitivity of the formations and known and potential paleontological resources underlying the Project site necessitates the implementation of a Paleontological Resources Monitoring and Mitigation Plan (PRMP) and worker awareness training to minimize the impact of construction-related activities. Mitigation Measures PR-1 through PR-4 would require a PRMP, paleontological awareness training, paleontological monitoring where appropriate, and mitigation and monitoring reporting. With implementation of Mitigation Measures PR-1 through PR-4 that would require worker training, monitoring during ground disturbing activities, and mitigation and recovery procedures in the event of a discovery, potential adverse impacts on paleontological resources within the Project area during construction and operation of the solar facilities would be reduced to a less-than-significant level.

Indirect effects include the potential for increased unauthorized collection of fossils and other paleontological resources resulting from increased number of people in the vicinity during construction. Implementation of Mitigation Measures PR-1 through PR-4, and the installation of fencing around the perimeter of the Project facility, would minimize the potential for indirect impacts to paleontological resources by limiting unauthorized access to the site, putting in place a monitoring program to ensure fossil identification and recording during construction, and providing an educational program to workers so that paleontological resources are avoided or reported to qualified professionals.

### Mitigation Measures for Impact PR-1

- MM PR-1**      **Paleontological Resource Monitoring and Mitigation Plan (PRMP).** See Section 3.14.8 (Mitigation Measures) for full text.
- MM PR-2**      **Worker Environmental Awareness Program (WEAP).** See Section 3.14.8 (Mitigation Measures) for full text.
- MM PR-3**      **Paleontological Monitoring and Fossil Recovery.** See Section 3.14.8 (Mitigation Measures) for full text.
- MM PR-4**      **Paleontological Resources Monitoring Report.** See Section 3.14.8 (Mitigation Measures) for full text.

### Significance After Mitigation

The impact would be less than significant.

\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\*

### 3.14.6. Cumulative Impacts

#### Geographic Scope

The geographic scope of cumulative impacts to paleontological resources is eastern Riverside County. Cumulative development in eastern Riverside County in the Desert Center region of Southern California has the potential to directly or indirectly destroy paleontological resources, particularly during earth moving activities such as grading and excavation in all areas of the Chuckwalla Valley underlain by the same geologic units as the proposed Project; in particular, areas of Quaternary alluvial sediments (Qal) that have a BLM PFYC of Class 4 (High) paleontological sensitivity, or underlain by other geologic units with high to very high paleontological sensitivity. In addition, collection of fossil materials, dislodging of fossils from their preserved environment, and/or physical damage of fossil specimens could also adversely affect paleontological resources. Together these potential direct and indirect impacts associated with development in the cumulative scenario could result in a cumulatively significant impact to paleontological resources.

#### Cumulative Impact Analysis

As discussed above, there is a potential for paleontological resources on the Project site to be affected during ground-disturbing activities associated with the Project construction (Impact PR-1). A significant cumulative impact would occur if the impacts of multiple projects combined to result in the loss of paleontological resources that could provide information about ancient life in the Chuckwalla Valley. The large amount of ground disturbance proposed from projects in this region is likely to result in some loss of fossil resources; particularly, if ground-disturbing projects do not implement measures to avoid or minimize impacts. This would result in a significant cumulative impact. The Easley Project, as well as the other solar development projects in eastern Riverside County, would be required to provide mitigation for any impacts to paleontological resources in accordance with provisions of CEQA, as well as with regulations currently implemented by the County and BLM, the PRP Act, and the proposed guidelines of the SVP. Implementation of Mitigation Measures PR-1 through PR-4 would ensure that the proposed Project would avoid and minimize impacts on paleontological resources to the maximum extent feasible. Therefore, the Easley Project's incremental contribution to cumulative impacts for paleontological resources would not be cumulatively considerable.

#### Mitigation Measures for Cumulative Impacts

<b>MM PR-1</b>	<b>Paleontological Resource Monitoring and Mitigation Plan (PRMP)</b>
<b>MM PR-2</b>	<b>Worker Environmental Awareness Program (WEAP)</b>
<b>MM PR-3</b>	<b>Paleontological Monitoring and Fossil Recovery</b>
<b>MM PR-4</b>	<b>Paleontological Resources Monitoring Report</b>

#### Significance After Mitigation

The impact would be less than significant. Cumulative impacts would be less than significant and the Project's contribution to those impacts would not be cumulatively considerable.

### 3.14.7. Mitigation Measures

<b>MM PR-1</b>	<b>Paleontological Resource Monitoring and Mitigation Plan (PRMP).</b> Prior to the start of any Project-related construction activities, the Applicant shall retain a County- and BLM-approved paleontologist (Project Paleontologist) to prepare and implement a project-specific PRMP to be approved by the County and BLM. The Project Paleontologist shall hold a BLM-issued Paleontological Resource Use Permit and be responsible for implemen-
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ting all the paleontological conditions of approval and for using qualified paleontologists to assist in work and field monitoring.

At a minimum, information to be contained in the PRMP, in addition to other information required under industry standard, Society of Vertebrate Paleontology standards, and BLM paleontology program policy and standards, is as follows:

- Identification (name) and qualifications of the Project Paleontologist and qualified paleontological monitors to be employed for grading operations monitoring.
- Identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens.
- Description of the project site and planned earthwork and excavation.
- A site-specific plan and map prepared by the Project Paleontologist which identifies construction impact areas with sediments of High (PFYC 4) and Moderate (PFYC 3a) sensitivity for encountering significant paleontological resources and the approximate depths at which those resources are likely to be encountered for each Project component.
- The PRMP shall require the qualified paleontological monitor(s) to monitor all construction-related earth-moving activities in sediments determined to have a High (PFYC 4) sensitivity.
- The PRMP shall define monitoring procedures and methodology and shall specify that sediments of Moderate (PFYC 3a) or undetermined sensitivity shall be monitored on a part-time basis (as determined by the Project Paleontologist). Sediments with very low or low potential will not require paleontological monitoring (PFYC 1 and 2).
- The PRMP shall detail methods of recovery, preparation, and analysis of specimens, the final curation location of specimens at the repository identified in the BLM-issued Paleontological Resource Use Permit, data analysis, and reporting. Where possible, recovery is preferred over avoidance in order to mitigate the potential for looting of paleontological resources.
- The PRMP shall specify that all paleontological work undertaken by the Applicant on public lands administered by BLM shall be carried out by qualified, permitted paleontologists with the appropriate current BLM Paleontological Resources Use Permit.
- Identification of personnel with authority and responsibility to temporarily halt or divert ground-disturbance activities to allow for recovery of large specimens.

The PRMP shall be submitted to the County and BLM for review and approval 60 days prior to start of Project construction. The PRMP must be approved by the County and BLM prior to the Notice To Proceed.

#### MM PR-2

**Worker Environmental Awareness Program (WEAP).** Prior to the start of Project-related construction activities, a paleontological component to the WEAP shall be developed by the Project Paleontologist. The WEAP shall address the potential to encounter paleontological resources in the field, the sensitivity and importance of these resources, and the legal obligations to preserve and protect such resources. The training program shall also include the set of reporting procedures that workers are to follow if paleontological resources are encountered during Project activities. The WEAP may be combined with other environmental training programs for the Project. All field personnel will receive WEAP training on paleontological resources prior to Project-related construction activities.

**MM PR-3 Paleontological Monitoring and Fossil Recovery.** The PRMP shall identify monitoring frequency and intensity of all areas of the Project site, particularly in areas underlain by geologic units assigned paleontological sensitivity of High (PFYC 4) or Moderate (PFYC 3a). Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend to the BLM Authorized Officer that monitoring be reduced or cease entirely.

In the event that a paleontological resource is discovered, the paleontological monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

- **Salvage of Fossils.** If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) will recover them following standard field procedures for collecting paleontological as outlined in the PRMP prepared for the Project. The Project Paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the potentially significant fossil(s) can be removed in a safe and timely manner.
- **Fossil Preparation and Curation.** The museum that has agreed to accept fossils that may be discovered during Project-related excavations will be identified on the Paleontological Resources Use Permit held by the Project Paleontologist and in the PRMP. Upon completion of Project ground-disturbing activities, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the County- and BLM-approved repository (identified on the permit and in the PRMP) and receipt(s) of collections submitted to the County and BLM no later than 60 days after all ground-disturbing activities are completed.

**MM PR-4 Paleontological Resources Monitoring Report.** The Applicant shall ensure preparation of a paleontological resource mitigation and monitoring report by the Project Paleontologist following completion of ground-disturbing activities. The contents of the report shall include, but not be limited to, a description and inventory list of recovered fossil materials (if any); a map showing the location of paleontological resources found in the field; determinations of scientific significance; proof of accession of fossil materials into the pre-approved museum or other repository; and a statement by the Project Paleontologist that Project impacts to paleontological resources have been mitigated. The report shall be certified by the professionally qualified Project Paleontologist responsible for the content of the report and submitted to the County and BLM. In addition, all appropriate fossil location information shall be submitted to the Western Information Center, San Bernardino County Museum, and Los Angeles County Museum of Natural History, at a minimum, for incorporation into their Regional Locality Inventories.

### 3.15. Population and Housing

This section evaluates the impacts on population and housing resulting from implementation of the Project. The analysis in this section: presents an overview of existing conditions that influence population and housing, describes the applicable regulations, identifies the criteria used for determining the significance of environmental impacts, and describes the potential impacts to population and housing. An impact analysis and comparison of project alternatives is included in Section 5.

#### 3.15.1. Environmental Setting

##### 3.15.1.1. Population

The proposed Project area is in Riverside County, which is the fourth most populous county in California (CA DOF, 2022). Table 3.15-1 provides a summary of the existing population, housing, and employment conditions for Desert Center, CA (the general location of the proposed Project) and Riverside County and San Bernardino County (counties where the construction workforce would largely be recruited).

**Table 3.15-1. Year 2021 Existing Conditions – Population, Housing, and Employment: Desert Center, Riverside County, and San Bernardino County.**

Location	Population	Housing Units		Employment	
		Total Units	Vacancy Rate	Total Employed <sup>1</sup>	Unemployment Rate
Desert Center	288	241	35.0%	268	0%
Riverside County	2,435,525	863,784	10.5%	1,130,500	3.7%
San Bernardino County	2,187,665	740,654	8.9%	990,100	3.6%

1: Accounts for population greater than 16 years of age and in Labor Force.

Source: CA DOF, 2022; CA EDD, 2022, US Census Bureau 2021a, 2021b, 2021c.

Population estimates, future projections, and average annual growth rates for Riverside County and San Bernardino County are summarized in Table 3.15-2. There was no data available for Desert Center regarding population projections, so it has not been included in Table 3.15-2. Populations from 2020 through 2050 are listed with an average annual growth number and rate for the communities within the study area. The population growth in both Riverside County and San Bernardino County are expected to increase slowly during the next three decades, with Riverside County projected to have a slightly higher annual growth rate than San Bernardino County.

**Table 3.15-2. Population Estimates, Projections, and Average Annual Growth Rates**

	Riverside County	San Bernardino County
Population, 2020	2,449,299	2,184,112
Projected Population, 2025	2,593,906	2,273,291
Average Annual Growth Rate, 2020-2025	1.18%	0.82%
Projected Population, 2030	2,728,068	2,368,002
Average Annual Growth Rate, 2025-2030	1.03%	0.83%
Projected Population, 2040	2,933,038	2,536,592
Average Annual Growth Rate, 2030-2040	0.75%	0.71%
Projected Population, 2050	3,059,095	2,681,796
Average Annual Growth Rate, 2040-2050	0.42%	0.57%

Source: CA DOF 2021.

### 3.15.1.2. Housing

The current occupied and vacant housing estimates are presented in Table 3.15-1 for communities and counties within the study area of Desert Center, Riverside County, and San Bernardino County. The vacancy rate of Desert Center is high with about 35 percent of the total housing units vacant. Riverside County and San Bernardino County have relatively low vacancy rates, with approximately 9 percent and 4 percent of the total housing units vacant, respectively.

### 3.15.2. Regulatory Framework

There are no federal, state, or local regulations, plans, and standards for population and housing that apply to the proposed Project.

### 3.15.3. Methodology for Analysis

The regulations implementing CEQA state that economic or social factors of a project may be included in a CEQA document but shall not be treated as significant effects on the environment. However, economic or social effects of a project may be used to determine the significance of physical changes caused by the Project. Additionally, economic, social, and housing factors should be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment.

To determine whether the proposed Project would induce population growth, the availability of the local workforce and population in the region was analyzed. It was assumed that most construction workers would be drawn from communities located within Riverside County and San Bernardino County, which have the largest concentration of construction workers in proximity to the proposed Project area. It is anticipated that most projected construction workforce would likely seek housing closer to the proposed Project area (within an hour driving distance) or seek temporary housing (such as seasonal, recreational, or occasional use housing; long-term visitor areas; and hotel and motels) during the week and commute an average 150 miles round trip per day and commute home over the weekend.

### 3.15.4. CEQA Significance Criteria

The significance criteria listed below are from the Environmental Checklist Form in Appendix G of the State CEQA Guidelines. Under CEQA, the proposed Project and alternatives would have significant impacts on population and housing if they would result in:

- *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (see Impact PH-1).*

The following additional significance criteria from the County of Riverside Environmental Assessment form are used in this analysis. A project could have potentially significant impacts if it would:

- *Cumulatively exceed official regional or local population projections (see Section 3.14.9, Cumulative Impacts)*

The following CEQA significance criteria from Appendix G were not included in the analysis:

- *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.*

The proposed Project would be constructed on vacant desert land and would not remove any existing structures. The Project would not cause displacement of existing housing or people, and would not necessitate construction of replacement housing elsewhere.

The following CEQA significance criteria from the County's Environmental Assessment Form were not included in the analysis for the following reasons:

- *Create a demand for additional housing, particularly housing affordable to households earning 80% or less of the County's median income.*

The proposed Project would not create a demand for additional housing due to the temporary nature of Project construction activities and the nominal workforce required during Project operation. During construction, workers would commute to the Project site from nearby communities in Riverside County and San Bernardino County.

- *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

Similar to the above, the proposed Project would not displace substantial existing housing or people due to the fact that there are no existing residential buildings on site, and no housing structures would be removed as part of the Project. As a result, the construction of replacement housing is not necessary. In addition, the Project workforce would be sourced locally, and the proposed Project does not contain a residential component.

- *Affect a County Redevelopment Project Area.*

The proposed Project area and its immediate vicinity would not be within a County Redevelopment Project Area.

### 3.15.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to population and housing. Public concerns included a potential for decreased property values due to the proximity of the Project, which is an economic effect and, therefore, not a significant impact under CEQA (see Section 3.15.3). For informational purposes, concerns related to property values are addressed in Section 3.12, Land Use and Planning, and Section 4.7 (Other Public Concerns).

**Impact PH-1. The Project could induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).**

**LESS THAN SIGNIFICANT.** During the 20-month construction period of the proposed Project, the on-site workforce is expected to reach peak of approximately 530 individuals with an average construction-related on-site workforce of 320 individuals. The construction workforce would largely be recruited from within Riverside and San Bernardino Counties. Riverside County has the largest concentration of construction workers close to the Project area. It is anticipated that many workers are likely to engage in weekly commuting or otherwise temporarily relocate to the Desert Center region while working at the Project area.

In 2021, Desert Center's unemployment rate averaged 0 percent, Riverside County's unemployment rate averaged 3.7 percent, and San Bernardino County's unemployment rate averaged 3.6 percent. Based on the most recent unemployment rates, it is anticipated that most construction, operation, and maintenance workforce would come from the existing labor pool in nearby communities in Riverside or San Bernardino Counties.



As illustrated in Table 3.15-1, Year 2021 Existing Conditions – Population, Housing, and Employment: Desert Center, Riverside County, and San Bernardino County, vacancy rates in the study areas are high, ranging from about 9 to 35 percent. Within the Desert Center area, there are approximately 115 vacant units. Riverside County as a whole has approximately 103,919 vacant units. There are sufficient vacant housing units within the local communities to support the number of construction workers to the extent that they are not only drawn from local communities. The proposed Project would not trigger the need for construction of new housing and would not induce substantial permanent growth to the regional population levels.

During operation of the proposed Project, up to 10 permanent staff members could be on the site at any one time for ongoing facility maintenance and repairs. ~~Alternatively, approximately 2 permanent staff and 8 Project operators would be located off site and would be on call to respond to alerts generated by the monitoring equipment at the Project site.~~ Security personnel would be on-call. These staff would also be sourced from nearby communities in Riverside County and San Bernardino County. The permanent staff are not anticipated to increase the local population and vacancy rates within the study area offer ample available housing to operational employees wishing to relocate within the local study area.

Decommissioning of the proposed Project would require removal of the solar equipment and facilities and transportation of all components off site. Decommissioning activities would require similar equipment and workforce as construction but would be substantially less intense.

Overall, the proposed Project's impact on population growth in the Project area and demand for additional housing from construction, operation, and decommissioning would be less than significant.

Similar to the solar and energy storage facility, workers for the gen-tie line (a peak of up to 530 workers for a 20-month period) would be sourced from nearby communities in Riverside County and San Bernardino County. Given the unemployment and vacancy rates in the Desert Center area and Riverside County and San Bernardino County as a whole, any potential population growth in the Project area would either be temporary or insubstantial during construction and operation of the proposed Project and the existing vacant housing units would be sufficient to support the Project. Impacts would be less than significant.

### **Mitigation Measures for Impact PH-1**

No mitigation would be required.

### **Significance After Mitigation**

This impact would be less than significant.

***\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\****

## **3.15.6. Cumulative Impacts**

### **Geographic Scope**

The geographic scope of the cumulative impacts analysis includes populated areas within a two-hour worker commute distance of the proposed Project site near Desert Center, which would extend out into the rest of Riverside County and into San Bernardino County. This geographic scope would include all projects listed in Tables 3.1-1 and 3.1-2.

### **Solar and Energy Storage Facility**

Short-term cumulative impacts to population and housing would occur during the construction and decommissioning periods when overlapping construction schedules of multiple projects create a demand for

workers that may not be met by the local labor force, thereby inducing in-migration of non-local labor and their households. Operational cumulative population and housing impacts could occur when multiple projects cause a substantial increase in population in an area that leads to demand for housing that exceeds available capacity.

Construction of the present and reasonably foreseeable future development projects shown in Tables 3.1-1 and 3.1-2 may overlap with construction of the proposed Project. Under the conservative assumption that peak construction periods overlap for all reasonably foreseeable projects, there would be an increased demand for temporary housing units in the cumulative area. As discussed under Section 3.15.1, the vacancy rates for housing units are moderately high (35 percent in Desert Center) and there are a number of temporary housing options available as well. There is an ample supply of housing units to accommodate workers drawn from outside the two-hour commute area. Therefore, cumulative impacts in the cumulative scenario on housing are projected to be less than significant. The proposed Project would contribute an additional peak labor need of approximately 530 individuals. Given the availability of housing units, the incremental effects of the Project, when considered together with other past, present, and reasonably foreseeable future projects, would not result in a considerable contribution to cumulative population or housing impacts.

#### **500 kV Gen-tie Line**

Cumulative impacts of the gen-tie line would be the same as for the solar and energy storage facility with regards to impacts to population and housing in the study area. The gen-tie line would not make a considerable contribution to cumulative impacts because any potential population growth in the Project area due to the construction and operation of the Project gen-tie line would either be temporary or insubstantial during construction and operation of the proposed gen-tie line.

#### **Mitigation Measures for Cumulative Impacts**

No mitigation would be required.

#### **Significance After Mitigation**

The cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **3.15.7. Mitigation Measures**

No mitigation would be required.

## 3.16. Public Services and Utilities

This section evaluates the impacts on public services and utilities resulting from implementation of the proposed Project. The analysis in this section: presents an overview of existing conditions that influence public services and utilities, describes the applicable regulations, identifies the criteria used for determining the significance of environmental impacts, and describes the potential impacts on public services and utilities of the proposed Project. An impact analysis and comparison of project alternatives is included in Section 5.

### 3.16.1. Environmental Setting

#### 3.16.1.1. Fire Protection

Riverside County Fire Department, in cooperation with California Department of Forestry and Fire Protection (CAL FIRE), provides fire and emergency services to residents of unincorporated areas of Riverside County (Riverside County Fire Department, 2023a). The closest Riverside County Fire Department/CAL FIRE station to the proposed Project location in the Desert Center area is Station 49 – Lake Tamarisk Station, located at 43880 Lake Tamarisk, Desert Center, about 0.3 miles southwest of the Project (Riverside County Fire Department, 2023b).

The BLM Fire and Aviation Program is responsible for fire and fuels management and protection of federal lands, identified as Federal Responsibility Areas, within the United States. The Fire and Aviation program includes fire suppression, preparedness, predictive services, fuels management, fire planning, community assistance and protection, prevention and education, and public safety. BLM establishes fire prevention orders and restrictions to assist with wildland fire prevention efforts throughout the public lands within the California Desert District, which portions of Inyo, Imperial, Kern, Mono, Los Angeles, San Bernardino, San Diego, and Riverside Counties.

#### 3.16.1.2. Police Protection

The Riverside County Sheriff's Department's Colorado River Station provides service to the unincorporated area from Red Cloud Road on the west, to the Arizona state line on the east, and county line to county line on the north and south, which includes the Desert Center area. The Colorado River Station is located at 260 North Spring Street, Blythe, CA (Riverside County Sheriff, 2023), approximately 45 miles east of the proposed Project area.

The California Highway Patrol (CHP) is the primary law enforcement agency for State highways and roads. The CHP division covering highways within the Desert Center area is the Border Division. The California Highway Patrol Blythe Area serves the East Riverside County Region and is located at 430 South Broadway, Blythe, CA. This office patrols Interstate 10, State Route 78, and U.S. Route 95, as well as 500 miles of unincorporated Riverside County roadways (CHP, 2023).

The BLM has approximately 200 law enforcement rangers on staff who promote safety, security, and environmental protection of public lands, public land users, and employees. The BLMs law enforcement program draws its authority from federal law under federal jurisdiction. BLM law enforcement officers enforce federal laws and do not have authority to enforce state laws without written authorization from a sheriff, other authorized state official, or state law (BLM, 2023).

#### 3.16.1.3. Emergency Medical Services

The Palo Verde Hospital, located at 250 North 1st Street, Blythe, CA, is the closest hospital to the proposed Project area. It provides intensive care and radiology services as well as surgery. The hospital has 51 patient

beds, consisting of 4 intensive care beds, and 2 surgical suites (Palo Verde Hospital, 2023). It is located approximately 45 miles east of the proposed Project area.

Desert Regional Medical Center, located about 65 miles to the west of Desert Center at 1150 North Indian Canyon Drive in Palm Springs, CA, is the second closest hospital to the proposed Project area. The medical center is the only designated Level II trauma center in the Coachella Valley and is equipped with 385 beds. The facility includes tertiary acute care services, critical care services, and a skilled nursing unit (Desert Care Network, 2023).

#### 3.16.1.4. Parks

There are no recreation facilities, developments, or specific recreational attractions on the Project site. However, the surrounding area offers multiple outdoor recreational opportunities, including off-highway vehicle use, camping, rock hounding, and hiking. The Project is east of the Joshua Tree National Park and is near other recreational areas, such as the Palen-McCoy Wilderness Area and the Chuckwalla Mountains Wilderness Area. No local parks or Riverside County regional parks are located in the vicinity of the Project area near Desert Center (Riverside County RPOSD, 2023).

See Section 3.17, Recreation, for more information about recreation resources near the Project area.

#### 3.16.1.5. Schools

The Desert Center Unified School District serves the Desert Center area where the proposed Project is located. The closest school to the Project area is Eagle Mountain School, which serves kindergarten through eighth grade students (CDE, 2023) and is located approximately 6 miles northwest of the Project area.

#### 3.16.1.6. Libraries

The Riverside County Library System serves all Riverside County. The closest library branch to the proposed Project area is the Lake Tamarisk Branch located at 43880 Tamarisk Drive, Desert Center, CA (Riverside County Library System, 2023), about 0.5 miles south of the Project area.

#### 3.16.1.7. Solid Waste Services

The following Table 3.16-1 lists the capacities of the active landfills near the Desert Center area. The closest landfill to the Project area is the Desert Center Landfill, located at 17991 Kaiser Road, Desert Center, CA, approximately 0.2 miles west of the northwest corner of the Project area.

**Table 3.16-1. Landfill Capacities**

Landfill Name	Total Capacity (cu.yd.)	Remaining Capacity (cu.yd.)	Remaining Capacity (percent)	Maximum Throughput (tons/day)
Blythe Sanitary Landfill (Cease operation estimated 2047)	6,229,670	3,834,470	61.55	400
Desert Center Landfill (Cease operation estimated 2041)	409,112	127,414	31.14	60

Sources: CalRecycle, 2023a and 2023b.

#### 3.16.1.8. Utilities

Water in the Desert Center area is primarily provided from well water or Riverside County Service Area 51 (CSA 51). Wastewater is generally collected in septic tanks and ~~are~~ is not conveyed through a sewer system and treated at a centralized treatment plant. Southern California Edison provides electricity to the Desert

Center and surrounding areas (CEC, 2020a). Southern California Gas provides natural gas to the area (CEC, 2020b). Telecommunications are provided by AT&T, T-Mobile, Verizon, and Sprint (CPUC, 2023).

### 3.16.2. Regulatory Framework

There are no federal or local regulations, plans, and standards for public services and utilities that apply to the proposed Project.

#### 3.16.2.1. State Laws, Regulations, and Policies

**2010 Strategic Fire Plan for California.** The 2010 Strategic Fire Plan for California was developed in coordination with the State Board of Forestry and Fire Protection and CAL FIRE to reduce and prevent the impacts of fire in California. Goal 6 of the Plan sets objectives to determine the level of suppression resources (staffing and equipment) needed to protect private and public state resources. Specific objectives include, but are not limited to, maintaining an initial attack policy which prioritizes life, property, and natural resources; determining suppression resources allocation criteria; analyzing appropriate staffing levels and equipment needs in relation to the current and future conditions; increasing the number of CAL FIRE crews for fighting wildfires and other emergency response activities; maintaining cooperative agreements with local, state, and federal partners; and implementing new technologies to improve firefighter safety, where available (State Board of Forestry and Fire Protection). The standards outlined are applicable to the fire protection agency serving unincorporated Riverside County.

**California Integrated Waste Management Act of 1989.** Assembly Bill 939 codified the California Integrated Waste Management Act of 1989 in the Public Resources Code and established a hierarchy to help the California Integrated Waste Management Board (CIWMB) and local agencies implement three major priorities under the Integrated Waste Management Act: source reductions; recycling and composting; and environmentally safe transformation and land disposal. Waste diversion mandates are included under these priorities. The duties and responsibilities of the CIWMB have since been transferred to the California Department of Resources Recycling and Recovery (CalRecycle) after the abolishment of the CIWMB in 2010, but all other aspects of the Act remain unchanged.

The Act requires all local and county governments to adopt a waste reduction measure designed to manage and reduce the amount of solid waste sent to landfills. This Act established reduction goals of 25 percent by the year 1995 and 50 percent by the year 2000. Senate Bill 1016 (2007) streamlines the process of goal measurement related to Assembly Bill 939 by using a disposal-based indicator: the per capita disposal rate. The per capita disposal rate uses only two factors: the jurisdiction's population (employment can be considered in place of population in certain circumstances) and the jurisdiction's disposal as reported by disposal facilities. CalRecycle encourages reduction measures through the continued implementation of reduction measures, legislation, infrastructure, and support of local requirements for new developments to include areas for waste disposal and recycling on site.

**California Code of Regulations (Title 27).** Title 27 (Environmental Protection) of the California Code of Regulations defines regulations and minimum standards for the treatment, storage, processing, and disposal of solid waste at disposal sites. The State Water Resources Control Board maintains and regulates compliance with Title 27 (Environmental Protection) of the California Code of Regulations by establishing waste and site classifications and waste management requirements for solid waste treatment, storage, or disposal in landfills, surface impoundments, waste piles, and land treatment units. The compliance of the proposed Project would be enforced by the Colorado River RWQCB Region 7 and the California Department of Resources Recycling and Recovery (CalRecycle) (formerly the California Integrated Waste Management Board). Compost facilities are regulated under CCR Title 14, Division 7, Chapter 3.1 Section 17850 through 17895, by CalRecycle. Permit requests, Reports of Waste Discharge, and Reports and

Disposal Site Information are submitted to the RWQCB and CalRecycle, and are used by the two agencies to review, permit, and monitor these facilities.

**California Fire Code (CFC).** Chapter 12 of the CFC provides provisions related to the installation, operation and maintenance of energy systems used for generating or storing energy to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations. Section 1207 of the 2022 CFC provides requirements for Electrical ESS. Battery Energy Storage Systems (BESS) greater than 600 kWh are required by the CFC to be UL (Underwriter’s Laboratory) listed and have full-scale testing using the testing standard UL9540A. UL9540A tests a variety of fire and life safety features on the battery including thermal runaway, gas venting, and fire propagation.

### 3.16.3. Methodology for Analysis

This section considers the potential impact to and disruption of public services and utilities in the Desert Center area during Project construction and operation. Many public services and utilities would experience minor impacts. However, because of the potential need to disrupt services for extended periods of time during construction, some of the impacts may be moderate. The metrics used to compare alternatives would be the length of time required for construction of the different alternatives and whether that would result in a longer disruption time. If an alternative required a substantially longer construction timeframe than others or required substantially more services than others, this would also be used to compare impacts to public services.

### 3.16.4. CEQA Significance Criteria

The criteria used to determine the significance of potential public services and utilities impacts are based on Appendix G of the State CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to public services and utilities if the Project would:

- *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; and/or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, which include (see Impact PSU-1):*
  - *Fire Protection;*
  - *Police Protection;*
  - *Schools;*
  - *Parks; and*
  - *Other Public Facilities.*
- *Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental issues (see Impact PSU-2).*
- *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (see Impact PSU-3).*
- *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (see Impact PSU-4).*

- *Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste (see Impact PSU-4).*

The County of Riverside’s Environmental Assessment Form includes additional significance criteria, which were also used in the analysis. The additional criteria indicate that a project could have potentially significant impacts if it would:

- *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; and/or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, which include (See Impact PSU-1):*

- *Sheriff Services;*
- *Libraries; or*
- *Health Services.*

- *Not comply with federal, state and local statutes and regulations related to solid wastes including the County Integrated Waste Management Plan (CIWMP) (see Impact PSU-4).*

The following CEQA significance criteria from Appendix G were not included in the analysis and are not discussed further beyond this summary:

- *Result in construction of new facilities or the expansion of the existing following facilities:*

- *Electricity;*
- *Natural gas;*
- *Communications systems;*
- *Storm water drainage;*
- *Street lighting;*
- *Maintenance of public facilities, including roads; or*
- *Other governmental services.*

The proposed Project would generate renewable energy that would have an overall beneficial effect on the electricity supply. The Project would not use any sources of natural gas. The Project would not require expansion of existing or new street lighting, storm water drainage, or other public facilities, including roads.

- *Conflict with any adopted energy conservation plans.*

The proposed Project would further the goals of the California Renewable Portfolio Standard (RPS) and other similar renewable programs in the state. The Project operation would have an overall beneficial effect on the electricity supply to the grid and would help decrease reliance on coal power. No conflicts with adopted energy conservation plans would occur.

### **3.16.5. Proposed Project Impact Analysis**

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to public services and utilities. Public concerns related to public services and utilities that were identified in the scoping process involved the waste that batteries cause when they are no longer useful, and the potential for an increased need for law enforcement. Waste caused by batteries would be handled appropriately, as discussed in Section 3.10, Hazards and Hazardous Materials, and in Appendix W, Hazardous Materials Management Plan (HMMP).

A commenter noted that the Lake Tamarisk sewage settlement ponds are on BLM-administered land within the perimeter of the proposed Project and suggested the sewage pond land needs to be assigned to Riverside County in care of County Service Area (CSA) 51. The sewage ponds referenced in this comment are located on BLM-administered land within the Easley Project boundaries (APN 808-230-005). Water and sewer services are provided to Lake Tamarisk by the County. The sewage ponds are part of a County facility that contains wastewater evaporation ponds with underground pipes to service Lake Tamarisk. Currently, the ponds and the facility are not fully used, and the County has no plans to expand the ponds/facility. The Easley Project would not impact the sewage settlement pond facility. Ingress/egress to the facility and access to the underground sewer lines would be maintained. Assignment of the ponds to CSA 51 would be a matter between BLM and Riverside County that is outside of the scope of the Easley Project.

**Impact PSU-1. The Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; and/or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services.**

*LESS THAN SIGNIFICANT.* Construction is anticipated to occur over a 20-month period and require an average construction-related on-site workforce of 320 individuals, with the peak workforce reaching approximately 530 individuals. As discussed in Section 3.15, Population and Housing, it is anticipated that the construction workforce would be drawn from communities within Riverside County and San Bernardino County and would not induce substantial permanent growth to the regional population levels.

After the construction phase, up to 10 permanent staff could be on the site at any one time for ongoing facility maintenance and repairs. These 10 operation personnel would also come from local communities and would not contribute to a significant population increase.

Decommissioning is anticipated to require a workforce similar to or slightly less than that required for construction. The workforce would be drawn from communities within Riverside County and San Bernardino County and would not induce substantial permanent population growth at the regional or local level.

## Fire Protection

The Project area is not within a designated area of very high or high fire hazard, according to the CAL FIRE Fire Hazard Severity Zones Map (Riverside County, 2021). In addition, no structures would be retained as residences or would be constructed as residences as part of the proposed Project.

During construction, there is the potential for both small fires and major structural fires. Electrical sparks, combustion of fuel oil, hydraulic fluid, mineral oil, or insulating fluid at substations, or flammable liquids, explosions, and over-heated equipment may cause small fires. The proposed Project could result in an increase in demand for fire protection services over existing levels during construction. ~~However, local fire protection services, along with the provisions in the Fire Protection Plan, are anticipated to be adequate enough to handle this potential increase in demand for fire services, and no construction of new fire protection facilities is proposed.~~

Construction of the proposed Project would not cause population growth sufficient to generate a need for new or expanded fire protection facilities. Impacts would be less than significant, and no mitigation would be required.

To further reduce this less than significant impact, the Fire Management and Prevention Plan for the Project, developed as part of the BLM Plan of Development (POD) and reviewed by Riverside County Fire Department (RCFD), will identify potential hazards and accident scenarios that would exist at the facility during



construction. The Fire Management and Prevention Plan would decrease the risk of fires and include fire response measures that employees would implement before emergency responders arrive on site.

Increases in long-term demand for fire protection services typically are associated with substantial permanent increases in population. Approximately 320 to 530 daily workers would be present on site during the 20-month construction period. As discussed in Section 3.15, Population and Housing, it is anticipated that the construction workforce will be drawn from communities within Riverside County and San Bernardino County, and therefore would not induce substantial growth even during the construction period such that the demand for fire protection services, aside from that mentioned for activities taking place at the construction project itself, would increase. After the construction phase, up to 10 permanent staff could be on the site at any one time for ongoing facility maintenance and repairs. These 10 operation personnel would not contribute to a significant population increase, resulting in an increase to the demand for fire protection services, or require new or altered facilities. Additionally, the proposed Project would include emergency access and other safety features and plans for fire protection, and impacts would be less than significant. No new public facilities would be needed to maintain acceptable service ratios, response times, or other performance objectives for fire protection. Overall, the Project's impact on the RCFD's ability to maintain acceptable service ratios, response times, or other performance objectives relating to technical rescue services would be less than significant.

### **Police Protection and Sheriff Services**

The temporary increase of construction workers could increase demands on police services. Although an addition of up to 530 construction personnel would alter the current protection service ratio, because Project construction is not anticipated to permanently increase the local population, no new or expanded law enforcement facilities or increased staff levels within the Project regional or local study area would be required. In addition, during construction, on-site security would include trained, uniformed, and unarmed personnel whose primary responsibility would be to control ingress and egress of personnel and vehicles, perform fire and security watch during off hours, and perform security badge administration, all of which would minimize the potential need for assistance from the Riverside County Sheriff's Department or the CHP.

Construction of the proposed Project would generate truck and employee traffic along haul routes and at the Project area, which could temporarily increase the accident potential in these areas or affect response times or other service performance over the approximate 20-month construction period. The additional volume of traffic associated with workers commuting to the sites during construction would be temporary and it is anticipated that personnel and equipment from the Riverside County Sheriff's Department or the CHP would suffice to respond to incidents in the Project area. In addition, Project construction is not expected to adversely affect the CHP's ability to patrol the highways. Once operational, the Project area would include perimeter fencing, controlled access gates, and security cameras and lighting, which would minimize the potential need for the police assistance. The Project may also include infrared lighting on the tallest gen-tie structures at one crossing to ensure military low-level aircraft safety. Project decommissioning impacts would be the same as those described for Project construction.

Overall, Project construction, operations, and decommissioning would not result in the need for new or physically altered police or sheriff protection facilities to maintain acceptable service ratios, response times, or other performance objectives. Impacts would be less than significant.

### **Schools**

As described above and in Section 3.15, Population and Housing, there are sufficient vacant housing units within the nearby communities to support the number of construction workers and the proposed Project would not trigger the need for new housing. Up to 10 permanent staff could be on the site at any one

time for ongoing facility maintenance and repairs. These 10 operation personnel would come from the local labor force and would not contribute to a significant population increase. The Project would not displace populations or existing housing, and it would not necessitate construction of replacement housing elsewhere. Therefore, the temporary addition of construction and decommissioning workers and the long-term addition of operational personnel to the Project area's population is not anticipated to increase school enrollment sufficiently to require new schools to be constructed or existing schools to be physically altered to allow for a Project-related increase in enrollment, where the physical alteration of the school could result in adverse environmental impacts. Impacts would be less than significant.

## **Parks**

As discussed above, no local parks or Riverside County regional parks are in or near the vicinity of the Project area near Desert Center. The required construction and decommissioning workforce of the Project would be hired from the available regional workforce. There would be temporary in-migration that would increase the local population during construction; however, it would not warrant the need for new or expanded parks and recreational facilities within the Project regional or local study area. It is anticipated that some or most of the workforce would temporarily relocate to near the Project site and would commute home on the weekends so are unlikely to use the recreation facilities. Although some workers may use recreational areas during Project construction and operation, increased use would be minimal and/or temporary and would not contribute substantially to the physical deterioration of existing facilities. Less than significant impacts would occur. Park and other recreational facilities are discussed in detail in Section 3.17, Recreation.

## **Other Public Facilities**

### ***Health Services***

The RCFD would provide first responder emergency medical care. The nearest RCFD fire stations are staffed full-time, 24 hours, 7 days a week, with a minimum three-person crew, including paramedics. Once a patient is transported, local area hospitals are available to provide emergency medical care.

While a high number of construction and decommissioning employees would be located on site, local area emergency medical facilities are expected to adequately handle any worksite accidents requiring their attention. Minor injuries could be treated at Palo Verde Hospital in Blythe. Injuries resulting in significant trauma would be treated at the Desert Regional Medical Center in Palm Springs. Project construction and operation would therefore not require new or physically altered hospital facilities or personnel or result in the increase in emergency responder staff levels within the Project regional or local study area; impacts would be less than significant.

### ***Libraries***

Consistent with the impacts previously discussed for other public facilities, although Project construction and decommissioning would temporarily increase the number of people within the Palo Verde Valley, it would not substantially increase the population. The permanent addition of 10 full-time staff and the operation- and maintenance-related demands of the Project would also not substantially increase the population. New or expanded library facilities within the area are not required and impacts would be less than significant.

## **Mitigation Measures for Impact PSU-1**

No mitigation would be required.

## Significance After Mitigation

This impact would be less than significant.

**Impact PSU-2. The Project would require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, which could cause significant environmental effects.**

*LESS THAN SIGNIFICANT.* The Project would not require or result in the relocation or construction of new water, wastewater treatment, or natural gas facilities during construction, operation, maintenance, or decommissioning because the Project would not be connected to a public water or sewer system and would not use natural gas.

The Project would construct a new electric solar power facility that includes a BESS, SCADA, and telecommunications system. The construction of the Project would cause potentially significant environmental effects as described in detail in Sections 3.2 through 3.19 of this Environmental Impact Report. The EIR includes mitigation measures to reduce the effects to the extent feasible ~~and complies~~ in accordance with CEQA.

Construction of the proposed Project would require ground-disturbing activities, including solar array installation, substation yards and O&M building construction, construction of access roads, and construction of the gen-tie, medium voltage collector, and distribution lines. Since most of the site has nearly level to gently sloping topography, no mass grading would be required; however, much of the solar and energy storage facility would be impacted by some form of ground disturbance, either from compaction, micro-grading, or disc-and-roll grading. Grading could alter naturally occurring drainage patterns and result in soil erosion, sedimentation, long-term siltation, and increased storm water runoff. Vegetation removal for road clearance and construction areas decreases the ability of the soil to absorb water, which also increases storm water runoff from such disturbed areas. Vegetation would be cleared for construction of the drainage controls, including berms if needed. Site preparation also would include construction of drainage components to capture and direct stormwater flow around the BESS facility.

As part of the Project, a Storm-water Pollution Prevention Plan (SWPPP) or SWPPP-equivalent document would be prepared by a qualified engineer or erosion control specialist and would be implemented before and during construction. The SWPPP would be designed to reduce potential impacts from storm water runoff and existing drainage patterns. In addition, the SWPPP would include best management practices (BMPs) for controlling runoff and reducing erosion. The BMPs would include storm water runoff quality control measures, concrete waste management, storm water detention, watering for dust control, and construction of perimeter silt fences, as needed. The SWPPP and associated BMPs are a regulatory requirement, thus, not considered to be a mitigation measure necessary to reduce the impact significance for Impact PSU-2. However, the implementation of the BMPs included in the SWPPP or a SWPPP-equivalent document would ensure that the proposed Project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause potentially significant environmental effects, and impacts would be less than significant.

## Mitigation Measures for Impact PSU-2

No mitigation would be required.

## Significance After Mitigation

This impact would be less than significant.

**Impact PSU-3. The Project would have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.**

*LESS THAN SIGNIFICANT.* During the construction phase of both the solar facility and generation-tie line, it is anticipated that a total of up to 1,000 acre-feet would be used over the 20-month construction timeframe for dust suppression, truck wheel washing, and other purposes. Restroom facilities for the construction workforce would be provided by portable units to be serviced by licensed providers.

During operation, water would be required for panel washing, maintenance, the BESS facility, and for substation restroom facilities. The proposed Project would require water for panel washing up to four times per year and other uses resulting in the use of approximately 50 acre-feet annually. Water used during panel washing would be absorbed into the surrounding soil or would evaporate. Water would also be used for fire safety and the implementation of BMPs and mitigation measures.

Water for operations, construction needs, and related dust control would be obtained from either an on-site groundwater well or purchased off site. Water tanks would likely be set up by any groundwater wells and near the O&M building. These water sources would tap into the Chuckwalla Valley Groundwater Basin (CVGB).

A Water Supply Assessment (EIR Appendix G, Water Supply Assessment) was conducted for the Project and concluded that the CVGB's current annual groundwater recharge and outflows are almost balanced, and all estimated groundwater demand for the Project may be sourced from the CVGB without resulting in a cumulative groundwater deficit under average climatic conditions using conservative groundwater recharge estimates.

During a normal year, the baseline groundwater budget for the CVGB indicates an annual groundwater surplus of 100 AF. There would be an initial groundwater deficit during the construction phase of the project, because the estimated water use for construction is greater than 100 AF, however, there would be a recovery of groundwater levels during the operational phase, because this phase uses less water.

~~For dry and multiple dry years, the Water Supply Assessment concluded that, including all cumulative projects, there would be a total groundwater deficit of approximately 102,900 AF. The Project would contribute 1,500 AF, approximately 1 percent to this deficit. At the end of the projected 37-year period analyzed in the water supply assessment, there would be some recovery of groundwater levels, but overall, there would be a deficit of approximately 126,500 AF.~~

As stated in Section 3.11, Hydrology and Water Quality, assuming normal recharge data and the available water supplies during normal, single, dry, and multiple dry water years from the CVGB, would meet the projected water demands of the Project, in addition to existing uses. Additionally, the water budget indicates the CVGB water balance would be in a state of surplus after the 52-year period under normal conditions with the Project in place. Based on the adopted water budget components (primarily based on Fang et al. [2021]), the CVGB is not in overdraft. CVGB also is a very low priority basin. Additionally, DWR (2004) estimated the total groundwater storage capacity of the CVGB is 9,100,000 to 15,000,000 AF. Therefore, based on available historical data, storage capacity and hydrogeologic properties of the CVGB, the presented CVGB water budget, the modeled cone of depression from Project pumping, and the assumed water use of 3,500 AF (approximately 0.0004 percent of an assumed 10,000,000 AF CVGB groundwater storage capacity) over the life of the Project (52 years), the Project is not anticipated to negatively impact groundwater storage, nor cause substantial impact to the available quantity of groundwater in the CVGB that affects beneficial uses. Therefore, the available water supplies during normal, single dry, and multiple dry water years from the CVGB would meet the projected water demands of the Project, in addition to existing uses and foreseeable future development.

~~Although there would be a groundwater deficit, sufficient water supplies are available to serve the Project's needs. The CVGB would have sufficient water supplies for construction, operation, and decommissioning of the Project, along with future foreseeable development. Impacts would be less than significant.~~

### Mitigation Measures for Impact PSU-3

No mitigation would be required.

### Significance After Mitigation

This impact would be less than significant.

**Impact PSU-4. The Project would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

*LESS THAN SIGNIFICANT.* The Project would generate solid waste during construction, operation, maintenance, and decommissioning. Riverside County must comply with the California Green Building Standards Code which includes mandatory recycling. Section 5.408 of the Code requires that 65 percent of the nonhazardous waste be recycled or salvaged for reuse. Section 5.408.3 (Excavated soil and land clearing debris) requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing shall be reused or recycled.

The Project site consists of relatively flat topography. All required cut and fill soils associated with construction-related grading activities is anticipated to be approximately balanced; minimal import and export (to a landfill) would be necessary. Construction materials would be sorted on site throughout construction and transported to appropriate waste management facilities. Recyclable materials would be separated from non-recyclable items and stored until they could be transported to a designated recycling facility. It is anticipated that at least 20 percent of construction waste would be recyclable, and 50 percent of those materials would be recycled. Additionally, wooden construction waste (such as wood from wood pallets) would be sold, recycled, or chipped and composted.

Non-hazardous construction materials that cannot be reused or recycled would likely be disposed of at the county landfills. Hazardous waste and electronic waste would not be placed in a landfill, but rather would be transported to a hazardous waste handling facility (e.g., electronic-waste recycling). All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste.

Non-hazardous waste generated during Project operations would be limited to office uses associated with the proposed O&M building and include paper, aluminum, food, and plastic and would be managed similarly to during construction with non-hazardous items being recycled where possible or otherwise disposed of at the municipal county landfills.

The closest landfill to the Project area is the Desert Center Sanitary Landfill, with a remaining capacity of 127,414 cubic yards. It is estimated to operate until year 2041 (CalRecycle, 2023b). The other nearest landfill: Blythe Sanitary Landfill has over 3.8 million cubic yards of capacity remaining. The Project would comply with applicable federal, State, and local regulations related to solid waste and sufficient capacity is anticipated at the three nearest waste disposal sites. The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Overall, impacts related to solid waste would be less than significant and no mitigation would be required.

### Mitigation Measures for Impact PSU-4

No mitigation would be required.

### Significance After Mitigation

This impact would be less than significant.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

## 3.16.6. Cumulative Impacts

### Geographic Scope

The geographic scope of the cumulative impacts analysis includes the service areas of each of the providers serving the proposed Project. This geographic scope would include all projects listed in Tables 3.1-1 and 3.1-2. The proposed Project and other development projects in the cumulative scenario, together, could increase demand for public services and utilities in eastern Riverside County due to increases in workers within the area during construction; this has the potential to result in ~~a significant cumulative impacts~~ to public services and utilities. If adopted, the proposed expansion of Joshua Tree National Park and creation of Chuckwalla National Monument would re-designate existing federal lands in the Project vicinity but would not create physical changes in the environment that would affect public services and utilities or contribute to cumulative impacts.

### Fire Protection, Law Enforcement, and Health Services

Construction of present and reasonably foreseeable future projects may overlap with construction of the Project. The other present and reasonably foreseeable cumulative projects that fall within the geographic scope for fire and law enforcement services are primarily made up of energy projects, including utility-scale solar and electric transmission projects. The greatest potential for fires and fire hazards would exist at these sites during construction because the on-site workforce would be at its peak, which would create human presence-related hazards, including with the variety of equipment used that could create sparks or other potential fire hazards. The combined effects of the increased cumulative demand for fire, law enforcement, and emergency medical services from the cumulative projects within the geographic scope of analysis could result in a significant cumulative impact. However, the implementation of the Project-specific Fire Management and Prevention Plan would reduce the Project-related demand for fire, law enforcement, and emergency medical services from construction, such that the residual demand would not exceed established service ratios or require new or physically altered facilities, the construction of which could cause environmental impacts. Other projects would be required to comply with similar standards and regulations to reduce the potential for fire risks. The incremental effects of the Project and cumulative projects would therefore be reduced to a less-than-significant level. The incremental effects of the proposed Project from up to 10 permanent staff during operations would also not be cumulatively considerable because the very low number of workers would also not lead to the exceedance of established service ratios or require new or physically altered facilities. Therefore, cumulative construction-related impacts would be less than significant, and Project construction would not make a considerable contribution to cumulative impacts on fire, law enforcement, and emergency medical services.

Cumulative operational and maintenance-related impacts to public services including fire, hazardous materials handling, and medical resources and facilities ~~related to the Project~~ would be less than related demands during construction and would not result in ~~a considerable contribution to significant~~ cumulative impacts due to the low number of employees required to support projects in the cumulative scenario.

At the end of the 30 to 50-year operational period of the proposed Project, the components would be decommissioned and deconstructed; the site would be restored to its pre-solar facility conditions and made available for agricultural use. Similar to construction (but to a lesser degree), the greatest potential need for public services would be associated with fire hazards. Fire hazards would be greatest during this time because the on-site workforce would be at its peak which could create a potential demand for fire and police services. Under cumulative conditions, implementation of the Project in the context of past projects and in conjunction with development of projects listed in Tables 3.1-1 and 3.1-2 are not anticipated to cause a demand on public services or utilities such that the construction of new or physical alteration of existing facilities would be required because the payment of development fees now and into the future is expected to substantially offset the public service-related demands of currently proposed and reasonably foreseeable future projects. Therefore, no significant adverse cumulative impact would result.

### **Schools and Libraries**

Due to the temporary nature of construction, it is not likely that any of the workers and their families for any of the cumulative projects would relocate to the area. Any potential impact to schools and libraries from the minimal number of operations personnel for each solar project would be negligible especially as the workers would be sourced from local communities and would likely commute. There would be no significant cumulative impact to schools or public libraries.

### **Utilities**

Cumulative operational impacts to utilities would not be ~~cumulatively considerable~~ significant. The proposed Project would utilize an on-site or off-site groundwater well or water trucked from an offsite water purveyor and would not generate wastewater. See Section 3.11.6 regarding cumulative groundwater impacts. There is no potential for the Project to contribute to cumulative impacts to water or wastewater systems. In addition, due to the existing and remaining capacity at existing landfills, the Project's incremental solid waste-related impact during construction and operation, when combined with the contributions of past, other present, and reasonably foreseeable future projects would not ~~be cumulatively considerable~~ result in significant cumulative impacts.

### **Mitigation Measures for Cumulative Impacts**

No mitigation would be required.

### **Significance After Mitigation**

Cumulative impacts would be less than significant. The Project's incremental contribution to impacts to public services and utilities would not be cumulatively considerable.

### **3.16.7. Mitigation Measures**

No mitigation measures are required.

## 3.17. Recreation

This section describes the environmental setting and regulatory framework for recreational resources near the proposed Project. The study area for the recreation includes recreational areas and opportunities within 20 miles of the Project site. This is an appropriate study area for recreation because it captures all major recreation resources that contribute to baseline conditions and could be affected by activities related to the Project. An impact analysis and comparison of project alternatives is included in Section 5.

### 3.17.1. Environmental Setting

The Project site consists of both private and BLM land. The site is in eastern Riverside County surrounded primarily by BLM land with some scattered rural residences and farms. In the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment, the BLM-administered portions of the site are designated as a Development Focus Area (DFA), which is an area suitable for renewable energy project development. BLM land has traditionally been used for a range of recreation activities such as hiking, horseback riding, rockhounding, noncompetitive vehicle touring, and other events on “designated open” routes of travel. Additionally, the Project is near the Joshua Tree National Park.

#### 3.17.1.1. Regional Recreation Areas and Opportunities

The Project is in the Desert Center area in the Chuckwalla Valley. Desert Center has no community parks and there are no regional or State parks in the Chuckwalla Valley. Lake Tamarisk Desert Resort (LTDR), located 2 miles north of Desert Center and immediately south and west of the Project, is a 55 member-owned community for active seniors with 150 mobile homes spaces, mobile home rentals, heated pool, and club house. LTDR has a 9-hole county golf course as well. The Chuckwalla Valley Raceway is located approximately 1 mile east of the Project and State Route 177 (SR-177) on private land. It was built in 2010 on over 1,100 acres, and has a 17-turn, 2.68-mile track for beginner to experienced racers. It also includes an area for camping and has 40 cabins and a private airport.

Locally, residents and visitors use the public and private lands around the LTDR community for informal recreation, including wildlife viewing, hiking, and all-terrain vehicle (ATV) use. The land around and near LTDR is mostly under BLM administration. Much of the BLM-administered land west of Kaiser Road and LTDR is protected desert tortoise habitat and is open land. East of Kaiser Road, extensive tracts of BLM lands have been designated as Development Focus Areas (DFAs) and are suitable for development of renewable energy projects. Certain conservation and management actions (CMAs) apply to projects in DFAs in order to protect valued resources. Implementation of CMAs results in portions of a Project site remaining open and accessible; areas with solar arrays and other Project facilities are fenced.

Within a 20-mile radius around the Project, the BLM administers wilderness areas; campgrounds, including long-term visitor areas; trails; interpretive sites; and an extensive network of backcountry-approved travel and off-highway vehicle (OHV) routes near the Project.

A coalition of environmental and community groups known as the Protect California Deserts campaign is proposing a new national monument south of Joshua Tree National Park, and south and west of the Project area outside of the DRECP DFA lands. While early in the process, if approved, the proposed “Chuckwalla National Monument” would recognize the area’s recreational and cultural significance and would encompass nearly 700,000 acres in both Riverside and Imperial counties. National monument status would require either a vote by Congress or a presidential designation under the Antiquities Act (Rode, 2023).



Much of the recreation activity occurs in the Chuckwalla Special Recreation Management Area (SRMA) located immediately south of Interstate 10 (I-10), which is its northern boundary. The SRMA extends approximately 15 miles south from I-10 and approximately 10 miles west and 22 miles east of Desert Center. The SRMA includes large sections of the Chuckwalla Mountains and Chuckwalla Valley. BLM-administered Areas of Critical Environmental Concern (ACECs) and BLM and NPS wilderness areas provide dispersed recreation opportunities in the region. In general, recreation use on BLM lands in the California desert is limited to the cooler months of September through May, with little use in the summer.

According to the BLM Recreation Management Information System (RMiS) Report 23(c) for the Palm Springs-South Coast Field Office, for the year October 1, 2019, through September 30, 2020, the Eastern Riverside County Recreation Management Area had 402,313 visitor days,<sup>37</sup> with most occurring as dispersed use. The Corn Springs campground (approximately 8 miles south of the Project) saw 6,946 visitor days, while the Desert Lily Preserve (approximately 3.3 miles east of the nearest Project elements) had 1,917 visitor days (BLM 2020). The most attractive recreational area in the region is Joshua Tree National Park, with the closest boundary approximately 4 miles from the Project site. The main recreational users of the Project Area and vicinity are local residents from Desert Center and Blythe, or visitors stopping for short periods while traveling on I-10 (BLM, 2018).

Recreation areas within 20 miles of the Project site are identified in Table 3.17-1 and discussed below. This information was adapted from the Palen Solar Project environmental review (BLM, 2018, updated with information on the BLM home website, visit menu (BLM 2023).

**Table 3.17-1. Recreation Areas and Special Designations with Recreational Opportunities**

Recreation Area	Direction from Project Site	Approx. Distance from Project Site (miles)	Approximate Size (acres)	Status
Chuckwalla Special Recreation Management Area	south	2	228,480	Designated in the DRECP
Palen-Ford Playa Dunes ACEC	east	3	41,370	Designated in the DRECP
Chuckwalla Desert Wildlife Management Area ACEC	south	2	514,400	Expanded under the DRECP
Palen Dry Lake ACEC	southeast	11	3,630	Designated
Chuckwalla Mountains Wilderness	south	3	112,326	Designated
Palen-McCoy Wilderness	east	12	259,009	Designated
Corn Springs ACEC	south	7	2,470	Designated
Alligator Rock ACEC	south	1.5	7,750	Designated
Desert Lily Preserve ACEC	east	2	2,060	Designated
Joshua Tree National Park	northeast	3	1,017,750	Designated
Joshua Tree Wilderness	northeast	3	549,500	Designated
Corn Springs Campground	southeast	7.6	9 camping units	Designated
Bradshaw Trail Back Country Byway	south	17	65 miles	Designated

Source: BLM, 2018, BLM 2023.

<sup>37</sup> A visitor day is defined as 12 visitor hours. A visitor hour is a unit of measure of the presence of one or more persons in an area for continuous, intermittent, or simultaneous periods totaling one hour (i.e., one person for one hour, two people for 30 minutes each; or 10 people for 6 minutes each).

## Joshua Tree National Park

The National Park Service administers the Joshua Tree National Park (Park). The southeast end of the Park is located about 3 miles northeast of the Project. The Park comprises nearly 800,00 acres, mostly federally administered, and is used for hiking, mountain biking, and rock climbing, and includes nine campgrounds. Other recreational activities include wildflower viewing and birdwatching. The eastern part of the park, closest to the Project, is noted for its dark skies that draw stargazers and amateur astronomers, and the Park has been designated as an International Dark Sky Park by the International Dark Sky Association. The Park is open year-round, with peak visitation occurring from October through May. Over 3 million people visited the Park in 2021 (NPS, 2023).

## Wilderness Areas

The Wilderness Act limits recreation on wilderness lands to those that are primitive and unconfined, depend on a wilderness setting, and do not degrade the wilderness character of the area. Motorized or mechanized vehicles or equipment for recreational purposes are not permitted in wilderness (916 USC 1133(c)). The BLM regulates such recreation on lands within its jurisdiction in accordance with the policies, procedures and technologies set forth in the Code of Federal Regulations (43 CFR 6300), BLM Manual 6340 (*Management of Designated Wilderness Areas*), and BLM's Principles for Wilderness Management in the California Desert.

Four wilderness areas are located within 20 miles of the Project site: the Chuckwalla Mountains Wilderness, Palen-McCoy Wilderness, Joshua Tree Wilderness, and Little Chuckwalla Mountains Wilderness. They have no developed trails, parking/trailheads, or other visitor use facilities. These areas are generally steep, rugged mountains, with no permanent natural water sources, thus limiting extensive hiking or backpacking opportunities. Visitor use within the wilderness areas is very light although the BLM has no visitor use counts. Five nearby mountain peaks are occasionally used by the Desert Peaks Section of the Sierra Club's Angeles Chapter (BLM, 2018). None of the peaks directly overlook the Project site, although the site may be visible from certain peaks, depending on elevation and topography.

Observations by staff and Law Enforcement Rangers indicate only 100 to 200 hikers per year within all the wilderness areas near the Project site. More popular is vehicle camping along roads that are adjacent to the wilderness areas. RV camping near wilderness areas, with associated hiking, OHV use, photography, sightseeing, etc., accounts for up to 2,000 visitors per year (BLM, 2018).

## Areas of Critical Environmental Concern

Seven ACECs are located near the Project site: Chuckwalla Desert Wildlife Management Area ACEC, Palen Dry Lake ACEC, Corn Springs ACEC, Alligator Rock ACEC, Desert Lily Preserve ACEC, and Chuckwalla Valley Dune Thicket ACEC. The Palen-Ford Playa Dunes ACEC was most recently designated in the DRECP. Recreation activities allowed in ACECs are determined by the resources and values for which the ACECs were established, and by the associated ACEC Management Plan. Most ACECs allow low-intensity recreation that is compatible with protection of the relevant values (BLM, 2015).

The Alligator Rock ACEC and the Corn Springs ACEC primarily protect cultural resources. The Chuckwalla Desert Wildlife Management Area (DWMA) and Desert Lily ACEC protect sensitive wildlife and plant species, while Chuckwalla Valley Dune Thicket and Palen Dry Lake ACECs protect both natural and cultural resources. The Palen-Ford Playa Dunes ACEC maintains the integrity of essential fringe-toed lizard habitat and essential ecological processes. Only the Corn Springs and the Palen-Ford Playa Dunes ACECs have recreation use facilities; however, they are signed to inform visitors of the special values of the areas and associated protection measures.

### **Long Term Visitor Areas**

The BLM manages seven Long Term Visitor Areas (LTVAs), where camping is available from September 15 to April 15. A seasonal individual special recreation permit is required allowing visitors to stay in any of the six LTVAs in California or two LTVAs in Arizona: Imperial Dam LTVA near Yuma and La Posa LTVA near Quartzsite. In California, camping is allowed in the LTVA between April 16 and September 14 at no cost with the standard 14-day camping limit. Mule Mountains LTVA is 2,805 acres, an estimated 35 miles east of the Project, and includes the Wiley's Well and Coon Hollow campgrounds. Mule Mountains LTVA received 20,537 visits in 2015-2016 (BLM, 2018). Midland LTVA is 135 acres, an estimated 47 miles east of the Project site, and received 17,964 visits in 2015-2016 (BLM, 2018).

### **Special Recreation Management Areas**

A SRMA is an administrative unit where the existing or proposed recreation opportunities and recreation setting characteristics are recognized for their unique value, importance, or distinctiveness, especially compared to other areas used for recreation. SRMAs are units of public land identified for directing available recreation funding and personnel to specific, structured recreation opportunities. They are managed to protect and enhance a targeted set of activities, experiences, benefits, and desired recreation.

The DRECP LUPA has designated one SRMA south of the Project site on the south side of the I-10, the Chuckwalla SRMA. This area is to provide opportunities for area residents, visitors, and commercial recreation providers to engage in motorized and non-motorized recreation activities that are compatible with recovery efforts for the desert tortoise and other resource values. The primary activities for the Chuckwalla SRMA are motorized recreation touring and other recreational activities that rely on motorized vehicles to access public lands.

### **The Bradshaw Trail**

The Bradshaw Trail is a 70-mile Back Country Byway in southeastern Riverside County, with a small segment in Imperial County. This east-west trail is located about 18 miles south of the Project site and extends from about 12 miles east of the community of North Shore near the Salton Sea State Recreation Area to about 14 miles southwest of Blythe near the Colorado River.

The Bradshaw Trail was the first road through Riverside County, blazed by William Bradshaw in 1862 as an overland stage route beginning in San Bernardino, California, and ending at Ehrenberg, Arizona. The trail was used extensively between 1862 and 1877 to transport miners and passengers. The trail is a dirt road that traverses mostly public land between the Chuckwalla Mountains and the Chocolate Mountain Aerial Gunnery Range. Four-wheel-drive vehicles are recommended due to stretches of soft sand. Recreational opportunities along the Bradshaw Trail include four-wheel driving, wildlife viewing, plant viewing, birdwatching, and scenic drives. All commercial activities require a land use or special recreation permit from the BLM. Fourteen-day camping limits apply on public lands.

### **Off-Highway Vehicle Routes**

The California Desert Conservation Area (CDCA) Plan and Northern and Eastern Colorado Desert Coordinated Management (NECO) Plan Amendment state that vehicle access is among the most important recreation issues in the desert. A primary consideration of the recreation program is to ensure that access routes necessary for recreation enjoyment are provided. Under the CDCA Plan, as amended, BLM-administered public lands within the CDCA are designated as Open, Limited, or Closed. Within Open areas, motorized vehicles may travel anywhere; in Closed areas, such travel is prohibited. While there are no BLM-designated Open OHV areas in Riverside County, there are Open Routes suitable for OHV travel. In Limited areas, motorized-vehicle access is allowed only on certain routes of travel, defined to include roads,

ways, trails, and washes. The DRECP LUPA does not change the status of the routes within the Project area (BLM, 2015).

The BLM defines OHV routes as follows (BLM, 2018):

- *Open Route*: Access by all types of motorized vehicles is allowed generally without restriction.
- *Limited Route*: Access by motorized vehicles is allowed, subject to limitations on the number and types of vehicles allowed and restrictions on time or season and speed limits.
- *Closed Route*: Access by motorized vehicles is prohibited except for certain official, emergency, or otherwise authorized vehicles.

A route has high significance if it provides access to other routes, historical sites, or recreational areas such as the backcountry driving, photography, camping, rock hounding, and hiking opportunities in eastern Riverside County.

The Desert Center region has several OHV Open Routes. The BLM has no traffic counters or other means to determine accurate usership numbers of routes in the vicinity of the Project. Observations by BLM staff and Law Enforcement Rangers report that use is relatively low on routes within the vicinity of the Project site, not exceeding 300 visits per year (BLM, 2018). Recreation and vehicle use generally is limited to the cooler months of September through May. Use is nearly non-existent during the summer.

### **Washes Open Zones**

Under the NECO Plan, all Multiple-use Class – Moderate Use (MUC-M) areas are considered “washes open zones” unless specifically designated Limited or Closed. The use of washes within “washes open zones” is restricted to those considered “navigable,” unless it is determined that vehicle use must be further limited. Navigable washes in “washes open zones” are designated “Open” as a class, that is, washes are not individually designated unless they are identified as specific routes in the NECO route inventory. In this context, the term “wash” is defined as a watercourse, either dry or with running or standing water, which by its physical nature, width, soil, slope, topography, vegetative cover, etc., permits the passage of motorized vehicles, thereby establishing its navigability (BLM, 2018).

The BLM has not inventoried or analyzed specific washes in the Project area as to their navigability, but by the above definition, all or portions of washes in the Desert Center area may be considered navigable. As is the case with designated routes, the BLM has no means to determine accurate use of “open wash zones” in the vicinity of the Project.

#### **3.17.1.2. Solar Facility**

None of the existing solar facility sites are used for recreation as they are all previously farmed parcels or undeveloped desert. However, much of the surrounding region is used for recreation as described above.

OHV routes cannot be officially designated on private land, but some routes cross private land and may be used by recreationists. Four designated BLM Open Routes are on or near the Project site: DC322; DC533; DC536-1; and DC540.

#### **3.17.1.3. 500 kV Generation-Tie Line**

The gen-tie line would be located on almost entirely BLM-administered land through the Oberon Renewable Energy Project site, which began commercial operation in fall 2023. The land is designated as a DFA (meaning not designated for recreation). The gen-tie line would connect to the Oberon ~~substation~~ Switchyard within the Oberon Renewable Energy Project site.

## 3.17.2. Regulatory Framework

### 3.17.2.1. Federal Laws, Regulations, and Policies

**Wilderness Act of 1964.** The Wilderness Act, signed into law in 1964, created the National Wilderness Preservation System and defined wilderness as “an area of undeveloped Federal land retaining its primeval character and influence without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions....”

Designated wilderness is the highest level of conservation protection for federal lands. Only Congress may designate wilderness or change the status of wilderness areas. Wilderness areas are designated within existing federal public land. Congress has directed four federal land management agencies — U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service — to manage wilderness areas to preserve and, where possible, to restore their wilderness character.

The Wilderness Act prohibits permanent roads and commercial enterprises, except commercial services that may provide for recreational or other purposes of the Wilderness Act. Wilderness areas generally do not allow motorized equipment, motor vehicles, mechanical transport, temporary roads, permanent structures or installations (with exceptions in Alaska). Wilderness areas are to be primarily affected by the forces of nature, though the Wilderness Act does acknowledge the need to provide for human health and safety, protect private property, control insect infestations, and fight fires within the area. Wilderness areas are managed under the direction of the Wilderness Act, subsequent legislation (such as the Alaska National Interest Lands Conservation Act), and agency policy.

**Federal Land Policy and Management Act (FLPMA).** FLPMA recognizes the value of public lands and includes the multiple use/sustained yield framework for management to provide for outdoor recreation for future generations. Title VI of FLPMA, *Designated Management Areas, California Desert Conservation Area*, acknowledges the recreational resources contained within the California desert environment and directs the BLM to develop a multiple use and sustained yield management plan to conserve the desert’s resources, particularly recreational use. The solar facility site is governed by these pieces of legislation, and its various alternatives would impact the recreational opportunities available in the vicinity.

**California Desert Conservation Area (CDCA) Plan.** The CDCA Plan establishes goals for management of recreation in the California Desert (BLM, 1999). As with the FLPMA, recreational opportunities in the study area are framed by the CDCA Plan. The goals are to provide for the use of the public lands and resources of the CDCA, including recreational uses, in a manner that enhances wherever possible — and that does not diminish — the environmental, cultural, and aesthetic values of the desert (BLM, 1999). The goals of the Recreation Element of the plan are to:

- *Provide for a wide range of quality recreation opportunities and experiences emphasizing dispersed undeveloped use;*
- *Provide a minimum of recreation facilities. Those facilities should emphasize resource protection and visitor safety;*
- *Manage recreation use to minimize user conflicts, provide a safe recreation environment, and protect desert resources;*
- *Emphasize the use of public information and education techniques to increase public awareness, enjoyment, and sensitivity to desert resources;*
- *Adjust management approach to accommodate changing visitor use patterns and preferences;*
- *Encourage the use and enjoyment of desert recreation opportunities by special populations, and provide facilities to meet the needs of those groups; and*

- *Provide for off-road vehicle recreation use where appropriate in conformance with FLPMA, Section 601, and Executive Orders 11644 and 11989.*

ACECs are also identified as special management areas in the CDCA Plan. These include areas where special management attention is required to protect important historic, cultural, scenic, biological, or other natural resources.

The CDCA Plan also contains a motorized-vehicle access element, which provides a system and a set of rules that governs access to the CDCA by motor vehicles. The rules include providing for constrained motor-vehicle access, while protecting desert resources (BLM, 1999). When the CDCA Plan was first adopted, the BLM designated a network of motorized vehicle routes on public lands within the northern and eastern Mojave Desert. The BLM designated routes for north-central and southern portions of the CDCA. The BLM manages OHV use so that the conditions of special-status species and other natural and cultural resources are maintained.

**Northern and Eastern Colorado Desert Coordinated Management Plan.** The NECO Plan, an amendment to the CDCA Plan, provides for management of recreation within the California Desert area of El Centro, Blythe, Needles, and cities in the Coachella Valley (BLM, 2002). The NECO Plan specifies the types of recreational activities allowed in Multiple-Use Classes on BLM-administered land. Under this plan, all routes outside closed and OHV open areas are designated as Open, Closed, or Limited. The NECO plan includes an off-highway vehicles (OHV) route inventory and designated routes of travel (approximately 95 percent of existing routes remained available for vehicle access under the plan). Open Routes through the solar facility area include DC 322, 533, 536-1, and 540. Special Recreation Permits (SRPs) are authorizations that allow for recreational uses of the public lands and related waters. They are issued as a means to control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors.

**Desert Renewable Energy Conservation Plan.** The BLM published the Land Use Plan Amendment (LUPA) and Final EIS for the DRECP in November 2015. The DRECP amended the CDCA Plan with the signing of the Record of Decision in September of 2016. It designates SRMAs and Extensive Recreation Management Areas within the California Desert, including the study area (BLM, 2015). The DRECP includes additional conservation management actions for recreation that dictate the types of activities allowed near certain recreational features.

**Off-Road Vehicles (43 CFR § 8340, et seq.)** This regulation establishes criteria for designating public lands as open, limited, or closed to the use of OHVs and for establishing controls governing the use and operation of OHVs in such areas, while protecting resources, promoting safety, and minimizing user conflicts. Recreational use under Title VI “includes the use, where appropriate, of off-road recreational vehicles.”

### 3.17.2.2. State Laws, Regulations, and Policies

No State law, regulations, or policies were identified pertaining to recreation at or near the Project site.

### 3.17.2.3. Local Laws, Regulations, and Policies

**Riverside County General Plan, and Desert Center Area Plan (DCAP).** The Riverside County General Plan includes policy area locations, such as for Desert Center, that have a separate Area Plan for future development and growth. The Project falls within the DCAP, which is part of the General Plan. Under the DCAP, the Open Space Recreation designation is applied to the golf course at Lake Tamarisk. No other land under County jurisdiction in the Project area is designated for recreation. Local land use designations do not apply to the BLM land, but FLPMA requires the BLM to coordinate with local governments in land use planning in Title II, Section 202, (b)(9).

### 3.17.3. Methodology for Analysis

This section analyzes potential effects of the proposed Project related to recreation and assesses the impacts to known recreational uses. For the Project, this includes the use of Open Routes on or near the Project site. The CDCA Plan and NECO Plan Amendment, which includes a detailed inventory and designation of Open Routes for motorized-vehicle use, were reviewed to determine impacts to Open Routes.

### 3.17.4. CEQA Significance Criteria

The criteria used to determine the significance of potential recreation impacts are based on Appendix G of the State CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to recreation if the Project would:

- *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (see Impact REC-1).*

The following CEQA significance criterion from Appendix G was not included in the analysis:

- *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

The proposed Project does not include recreational facilities nor require the construction or expansion of recreational facilities.

The County of Riverside's Environmental Assessment Form includes two additional significance criteria not in the CEQA Guidelines. They are:

- *Located within a Community Service Area (CSA) or recreation and park district with a Community Parks and Recreation Plan (Quimby fees).*
- *Include the construction or expansion of a trail system.*

The proposed Project site is located in unincorporated Riverside County and is adjacent to but not within Community Service Area No. 51. County CSAs collect special taxes and assessments to provide services to specific areas of the County. CSA 51 maintains the Lake Tamarisk Golf Course as well as a tot lot. The Project would not be located in a recreation and park district with a Community Parks and Recreation Plan. The Project would not include construction or expansion of a trail system. Therefore, the two above criteria related to recreation in the County's Environmental Assessment Form were not included in the analysis.

### 3.17.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to recreation. Public concerns regarding recreation identified during the scoping process included concerns about the lower quality and decrease in availability of recreation due to: heat and wind and the presence of solar developments; preventing access for OHVs, hiking, or other recreational activities; and a decrease in the scenic value of the region.

Several commentors have stated that the Lake Tamarisk community has invested in equipment for recreational use in the desert, such as OHVs. Some commentors suggested allowing passages through Project to allow for easier access to recreational areas for OHV use and hiking.

These comments are addressed within the impact analysis provided below.

**Impact REC-1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

### **Solar and BESS Facility**

**LESS THAN SIGNIFICANT.** The solar and energy storage facility is on BLM-administered land and on private land that was previously used for agriculture or undeveloped desert. Except for BLM Open Routes, there are no designated recreational uses of the land. However, the land is largely open and unoccupied and may be visited by hikers, birdwatchers, and others. Except as explained below for BLM Open Routes, the Project would have no direct impact that would result in the loss of designated recreational space or increase in the use of other recreational facilities.

BLM Open Route DC322 extends northwest through the Project site beginning at the west side of SR-177. It crosses both BLM and private land and continues northwest of the Project. Fenced solar panel arrays would be installed north and south of this route as it traverses the Project site, but it would remain open. It continues north and west from the Project site.

BLM Open Route DC533 is just north of the Project that extends east from BLM Open Route DC322 and would not be affected by the Project.

BLM Open Route DC540 extends from SR-177 east to the Chuckwalla Valley Raceway and airport and is adjacent to the easternmost array of solar panels near SR-177 but would be outside the fence line and remain open.

BLM Open Route DC536-1 extends northwest from SR-177 to BLM Open Route DC322, where it terminates. It traverses the Project site and is parallel to and approximately 0.8 miles north of BLM Open Route DC322. BLM Open Route DC536-1 is only partially on BLM-administered land. It would be blocked by fenced solar arrays in two locations. However, existing undesignated routes outside of the Project fence connect BLM Open Route DC 536-1 to DC322.

BLM Open Route DC536-1 is the only Open Route that would be blocked by the Project, which would install solar arrays within a fenced area across the route. However, BLM Open Route DC322, which parallels BLM Open Route DC536-1 would remain open, providing OHV access from SR-177 to BLM-administered lands west and north of the Project.

BLM Open Route DC536-1 is a short route (approximately 2.5 miles) that connects SR-177 and BLM Open Route DC533, as does the unaffected parallel route BLM Open Route DC322 to the south. Based on aerial imagery, BLM Open Route DC536-1 does not appear to be frequently used as it is difficult to find on the images. The route does not lead to a specific recreation destination, is not heavily used, is in an area with an alternative route (BLM Open Route DC322) nearby. BLM Open Route DC536-1 could remain accessible via an undesignated route visible on aerial imagery extending north from BLM Open Route DC322 outside the Project fence. The loss of approximately 1.2 miles of BLM Open Route DC536-1 would not be expected to result in a substantial use of other routes compared with current practice. The impact would be less than significant.

Indirect effects to recreational users of specially designated lands (including the Special Recreation Management Area, wilderness areas and ACECs, the Joshua Tree National Park) could occur due to the distant views of the construction work and dust. The wilderness areas and ACECs do not have maintained trails or trailheads and have a low number of public visitors. While the Joshua Tree National Park receives hundreds of thousands of visitors annually, the location closest to the Project is less heavily visited because of the difficulties in reaching that area.



Recreational users could be affected by construction, operation and decommissioning activities of the Project such as construction noise, fugitive dust, vehicle movement, and other “non-natural” construction activities. During operation, the visual change at the site could affect visitors seeking experiences in a natural setting. Night lighting for the solar PV Project is expected to be minimal, so little detrimental effect to night skies and star gazing would be anticipated. The area is used for military training flights. If aviation safety lighting is installed on any gen-tie line poles, the lighting would be infrared, and thus, would not be visible to the human eye and would not detract from the dark night sky for which the region is noted. Project decommissioning impacts would be the same as those described for Project construction. Upon the completion of decommissioning, the site would be returned to its pre-Project conditions or as agreed to by the landowner, and BLM may choose to reopen the affected BLM Open Routes across public lands.

Overall, these impacts could affect users’ perception of solitude, naturalness, and unconfined recreation. While the Project would result in indirect impacts to recreation, it is not anticipated that the Project would result in a significant change in use of the nearby recreation facilities that would increase the use of other regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, the impact would be less than significant. The associated indirect impacts are addressed in Sections 3.13 (Noise and Vibration), 3.4 (Air Quality), 3.18 (Traffic), and 3.2 (Aesthetics).

### **500 kV Generation-Tie Line**

**LESS THAN SIGNIFICANT.** The gen-tie line would be on BLM-administered land designated as a Development Focus Area and would traverse the adjacent Oberon Renewable Energy Project in an existing transmission corridor not designated for recreation. The gen-tie line would not result in direct loss of recreation, nor would it result in permanent impacts to designated OHV routes. While it would introduce a new 500 kV transmission line and may temporarily close BLM Open Route DC379 in the corridor, the associated construction would be of short duration. Impacts to recreation due to the gen-tie line would be less than significant.

### **Mitigation Measures for Impact REC-1**

No mitigation would be required.

### **Significance After Mitigation**

This impact would be less than significant.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

## **3.17.6. Cumulative Impacts**

### **Geographic Scope**

The cumulative geographic scope for recreation is the Desert Center region because the direct and indirect impacts to recreation would be additive within this area in that they could result in direct loss of recreation and indirect impacts to the same resources. Within this area there are existing utility-scale solar facilities (Desert Sunlight, Desert Harvest, Athos, Palen, and Oberon) as well as projects under construction (Victory Pass and Arica). Additional projects are under review (Sapphire, Eagle Mountain Pumped Storage, Redonda Solar, and Skybridge). See Tables 3.11 and 3.12. While other existing or proposed projects would add to the cumulative recreation impacts, the solar facilities would be the largest contributors.

### Cumulative Impact Analysis

The cumulative solar projects would result in similar impacts to recreation as those described for the proposed Project in that they would affect Open Routes available to OHV users. However, each project is located either on private land or on BLM-administered land designated as development focus area under the DRECP LUPA. While some of the BLM-administered land may be used for recreation, the direct loss of recreational lands would be minimal compared with the land available for recreation in the region, most notably south of I-10.

If adopted, the proposed expansion of Joshua Tree National Park and creation of Chuckwalla National Monument would re-designate existing federal lands in the Project vicinity but could increase recreational visitation in these areas. Such visitation could create physical changes in the environment that would contribute to potential cumulative impacts; however, such impacts would be less than those that would be associated with potential development that is avoided.

If all the solar projects were developed, loss of the local Desert Center OHV routes would be ~~significant~~ substantial because many routes would be closed. However, extensive OHV recreational opportunities would continue to exist in the surrounding area, including within the SRMA south of I-10, thus ensuring that cumulative impacts related to the loss of OHV routes would not be significant. ~~The Easley Project's contribution to the cumulative loss of OHV routes this less-than-significant impact would not be cumulatively considerable because the Project would only result in the partial closure of only one route, would be partially closed and would be users of that trail would have alternative access to a nearby Open Route. None of the routes in the Project site connect to specific recreation areas.~~

If all the solar projects were developed in the Chuckwalla Valley area, they would substantially change the region and the vistas from nearby recreational facilities that are prized for their isolation, especially wilderness areas. Recreationists looking for solitary experiences would potentially look for other areas to recreate ~~which would increase, thereby increasing~~ the use of these parks or wilderness areas. However, because of the large amount of wilderness and solitary recreational areas in Eastern Riverside County and in the California desert and the limited use of the recreational areas near the Project, it is unlikely that recreationists who leave the Desert Center area for elsewhere in California would noticeably increase the use of ~~such other~~ areas such that substantial physical deterioration of the region would occur or be accelerated. The recreational users in the Project vicinity are likely to visit nearby extensive recreational areas such as the BLM lands south of I-10. Therefore, there would not be a significant cumulative impact in the region and the proposed Project would not make a considerable contribution to cumulative impacts.

### Mitigation Measures for Cumulative Impacts

No mitigation would be required.

### Significance After Mitigation

~~This impact~~ Cumulative impacts would be less than significant. The Project's incremental contribution to recreation impacts would not be cumulatively considerable.

### 3.17.7. Mitigation Measures

Impacts would be less than significant, and no mitigation would be required.

### 3.18. Traffic and Transportation

This section describes the environmental setting and regulatory framework with respect to traffic and transportation for the proposed Project, including applicable plans, policies, and regulations. Because the Project site is in a remote area, materials would have to be brought to the site from long distances and many workers would have to commute from communities elsewhere in Riverside County and nearby counties. An impact analysis and comparison of project alternatives is included in Section 5.

All Project-related traffic would use Interstate 10 (I-10) and State Route 177 (SR-177) for regional travel. The “Project area” or “study area” for the traffic and transportation analysis would be the existing roadways and intersections with the potential to experience a discernable increase in traffic volume during Project construction. Therefore, the study area for this analysis of traffic and transportation includes I-10, SR-177, and local roadways in the vicinity of the Project site.

A Transportation Impact Analysis for the Easley Project (David Evans and Associates, 2023) was prepared by David Evans and Associates to evaluate the potential transportation and traffic impacts of the Project with regard to congestion and is provided as Appendix H of this EIR.

#### 3.18.1. Environmental Setting

The Project site is approximately 2 miles north of Desert Center in eastern Riverside County (refer to Figure 2-2). This site is north of I-10 and is situated primarily between SR-177 (Rice Road) on the east and County Route R2 (Kaiser Road) on the west. A small portion of the Project is east of SR-177, as is the Project’s gentle line. It is anticipated that most construction workers would be drawn from the Blythe/Palo Verde Valley region, with additional workers coming from the Imperial Valley and the greater Riverside County region. Workers and delivery trucks would access the Project site using entrances from SR-177 (Rice Road) approved by the California Department of Transportation (Caltrans) from Kaiser Road (County Road R2) approved by and Riverside County. It is anticipated that the I-10 interchange with SR-177 at Desert Center (Exit 192) would experience a substantial increase in traffic volume during AM and PM peak hours, when vehicles would be using SR-177 and Kaiser Road to reach Project access points.

##### 3.18.1.1. Regional and Local Roadway Facilities

Roads in the vicinity of the Project site are shown in Figure 3.18-1. Easley Project Roads and Access. In addition to the principal through roads (I-10, SR-177/Rice Road, and Kaiser Road) local roads potentially affected by traffic include Ragsdale Road, Oasis Road, and Orion Road. Site access would be from both Rice Road and Kaiser Road, as indicated in Figure 3.18-1 (located at the end of the Traffic and Transportation section). The final location and design of Project access driveways would be determined in consultation with Caltrans and Riverside County, respectively, which have jurisdiction over these roads.

Regional roadway facilities in the Project area include:

**Interstate 10:** I10 is a major east/west interstate freeway connecting Southern California to Phoenix, Arizona and destinations further east. I10 is a four-lane freeway with a Desert Center interchange near the Project site at SR177 (Rice Road). The posted speed limit on I10 is 70 mph. In 2020 I10 carried roughly 28,000 average daily trips (ADT) with a peak hour ADT of approximately 3,400 at the I-10/SR-177 interchange.

- **State Route 177:** SR-177 (Rice Road) is a north/south highway between Desert Center/I-10 and SR-62, approximately 25 miles northeast of Desert Center. SR-177 is a two-lane road, and the posted speed limit is 65 mph. In 2020, at its junction with I-10, Rice Road carried had approximately 2,900 ADT with a peak hour ADT of 470.

Local roadways in the Project area include:

- **Ragsdale Road:** Ragsdale Road parallels the north side of I-10 in Desert Center and intersects with SR-177 (Rice Road) approximately 1,000 feet north of the freeway.
- **Kaiser Road (County R2):** Kaiser Road is a local county road that extends north for its intersection with SR-177 (Rice Road) approximately 400 feet north of Ragsdale Road. Kaiser Road provides access the Lake Tamarisk community and continues north along the western boundary of the Project site. The road continues northwest to the community of Eagle Mountain, where it terminates.
- **Oasis Road:** Oasis Road is a short local road connecting Kaiser Road and Rice Road along the south side of the community of Lake Tamarisk.
- **Orion Road:** Orion Road is a local road extending west from Rice Road and provides access to properties east of Rice Road.

There are no signalized intersections in the Project vicinity. Except for a stop sign on Kaiser Road southbound at SR-177, neither Kaiser Road nor SR-177 (Rice Road) have stop signs in the Project vicinity. The other local roads have stop signs where they intersect with Rice Road and Kaiser Road. Some movements on local intersecting roads, including crossing the major roadway or turns onto the major road, can be subject to delays, depend on the amount of through traffic on the main roadway; however, on the major roads through traffic and right turns would not experience any delays at these intersections.

As noted, SR-177 and Kaiser Road each provide access to the Project site.

**SR-177 (Rice Road).** In the Project vicinity, northbound and southbound traffic on SR-177 is free flowing with no stop signs between the I-10 freeway and the Project site. Traffic exiting the I-10 freeway at the I-10/SR-177 interchange has stop signs at the top of the eastbound and westbound I-10 offramps; eastbound and westbound traffic from SR-177 onto the freeway has no stops. North of the freeway, SR-177 intersects Ragsdale Road, which has stop signs controlling traffic entering or crossing SR-177. This is also the case at the T-intersections of Kaiser Road and Oasis Road, respectively, with SR-177. Traffic on the intersecting roads has stop signs while SR-177 is through traffic.

**Kaiser Road (County R2).** Traveling north from the I-10 interchange, Kaiser Road is reached by a left turn from northbound SR-177. There are no stop signs for northbound traffic on Kaiser Road. Near Lake Tamarisk, Oasis Road has a stop sign at its T-intersection with Kaiser Road. Southbound on Kaiser Road from the Project site toward the freeway there is one stop sign where Kaiser Road ends in a T-intersection with SR-177. Here traffic going toward the freeway would make a right turn onto southbound SR-177.

### 3.18.1.2. Project Site Access

Access to the Project vicinity from both the east and west is primarily via I-10. Secondary regional access from the northeast is via SR-177 (Rice Road). Most of the Project is situated between a State Highway (SR-177) and a County Road (Kaiser Road) and therefore subject to Caltrans and County requirements respectively for encroachment on these roadway rights-of-ways (ROWs). Encroachment permits would be needed for ingress/egress driveways or installation of any overhead/underground lines in or across the ROWs. Among the factors considered when permitting access points are the geometry and spacing of proposed ingress/egress points relative to each other and other existing road features and characteristics, the volume and speed of traffic on the affected road, and the ability to make safe turning movements in and out of the adjacent property.

Figure 3.18-1 shows approximate access locations. However, the final location and design features of temporary and permanent driveways between the roads and the site would be determined in consultation with the responsible agency and in compliance with their requirements. The volume of traffic to and from

a particular access point would vary during the course of construction, depending on where within the site construction activities occur and the number of workers required by those activities.

### **3.18.1.3. Public Transportation within the Project Vicinity**

#### **Pedestrian and Bicycle**

Pedestrian facilities include sidewalks, crosswalks, curb ramps, pedestrian signals, and streetscape amenities. Pedestrian facilities currently do not exist in the Project study area. The existing pedestrian network does not currently provide sidewalks connecting adjoining land uses along SR-177 (Rice Road). No bicycle facilities (e.g., bicycle paths, lanes, or routes) currently exist in the area.

#### **Public Transportation Service**

The nearest public bus service is offered by the Palo Verde Valley Transit Agency, which serves the Blythe Area. Bus Route 6 travels along I-10 and serves the Desert Center Post Office once daily westbound and eastbound on Monday, Wednesday, and Friday (Palo Verde Valley Transit Agency, 2023).

#### **Rail Service**

There is no rail service in the vicinity of the Project. The Arizona and California Railroad runs from Cadiz, CA to Parker, AZ. A branch line that once served Blythe, California, has been abandoned.

#### **Airports**

Blythe Airport is the nearest public airport located approximately 40 miles east of the Project, serving Riverside County. The airport has two runways and is mostly used for general aviation, with an average 37 flights a day (AirNav, 2023a). Desert Center Airport is a private use airport owned by Chuckwalla Valley Associates. It is located approximately 1 mile east of SR-177 and the Project. Desert Center Airport has one runway and averaged less than 150 general aviation operations per year in 2006. Permission is required to land at this private use facility (AirNav, 2023b).

The Project site was compared to the military flight paths and airspace designations of the California Military Land Use Compatibility Analysis (CMLUCA) database. The site location is not within 4,000 feet of a military installation, within military special-use airspace, or beneath a military designated low-level flight path. Based on the CMLUCA, the Project site is located within military Visual Route (VR) flight paths (CMLUCA, 2023).

Impacts related to airports and aviation are addressed in Section 3.10, Hazards and Hazardous Materials.

## **3.18.2. Regulatory Framework**

### **3.18.2.1. Federal Laws, Regulations, and Policies**

#### **CFR, Title 49, Subtitle B**

This regulation includes procedures and regulations pertaining to interstate and intrastate transport (including hazardous materials program procedures) and provides safety measures for motor carriers and motor vehicles that operate on public highways.

### 3.18.2.2. State Laws, Regulations, and Policies

#### California Vehicle Code (CVC)

The CVC includes regulations pertaining to licensing, size, weight, and load of vehicles operated on highways; safe operation of vehicles; and the transportation of hazardous materials.

#### California Government Code

Sections 65352, 65404, 65940, and 65944, amended by Senate Bill 1462, requires local planning agencies to notify the military whenever a proposed development project or general plan amendment is located within 1,000 feet of a military installation, located within special use airspace, or is located beneath a low-level flight path.

#### California Department of Transportation

**Local Development – Intergovernmental Review (LD-IGR).** The Caltrans LD-IGR program uses the Transportation Impact Study Guide (TISG) during environmental review of land use projects and plans (Caltrans, 2020). The Caltrans LD-IGR program works with local jurisdictions early and throughout their land use planning and decision-making processes, consistent with the requirements of CEQA and state planning law. Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita VMT (vehicle miles travelled), increase accessibility to destinations via cycling, walking, carpooling, and transit, and reduce GHG emissions. Those goals along with standard CEQA practice create the foundation of Caltrans review of proposed new land use projects.

The TISG replaces Caltrans' previous Traffic Impact Study Guidelines from 2002, which were based on vehicle delay and congestion. Based on the May 2020 TISG, for land use projects and plans, automobile delay is no longer considered a significant impact on the environment under CEQA per Senate Bill 743. Caltrans review of land use projects and plans is now based on a VMT metric, consistent with changes to the CEQA Guidelines (Cal. Code Regs. § 15064.3(b)(1)). This 2020 VMT-focused TISG provides a foundation for review of how lead agencies apply the VMT metric to CEQA project analysis.

As discussed later in Sections 3.18.5 through 3.18.8, the proposed Project would generate a large number of peak hour trips during construction. Most of these are worker vehicle trips. EIR Appendix H provides a transportation impact analysis prepared for the proposed Project. The analysis provided in Sections 3.18.5 through 3.18.8 compares the worst-case daily construction and operational trips against the existing volumes and capacities of study area roadways, including traffic volumes from other projects with construction and operation timelines overlapping that of the proposed Project.

### 3.18.2.3. Local Laws, Regulations, and Policies

#### Southern California Association of Governments

**Connect SoCal – Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS).** The 2020-2045 RTP/SCS Plan charts a path toward a more mobile, sustainable and prosperous region by making key connections: between transportation networks, between planning strategies and between the people. As part of the development of Connect SoCal, a set of ten high level goals were adopted. As requested by SCAG, the following presents a consistency analysis of the proposed Project with the ten Connect SoCal goals and demonstrates that the proposed Project would be consistent with the RTP/SCS Plan.<sup>38</sup>

<sup>38</sup> Adopted Final Connect SoCal Plan Performance Measures. [https://scag.ca.gov/sites/main/files/file-attachments/fconnect\\_social\\_performance-measures.pdf](https://scag.ca.gov/sites/main/files/file-attachments/fconnect_social_performance-measures.pdf).

1. Encourage regional economic prosperity and global competitiveness.

*Consistency Analysis:* Economic benefits, from the procurement of goods and services and worker wages, would occur both locally and regionally during Project construction and operation.

2. Improve mobility, accessibility, reliability, and travel safety for people and goods.

*Consistency Analysis:* The proposed Project would have no effect on the mobility, accessibility, or reliability of the transportation network. With respect to safety, Mitigation Measure TRA-2 (Repair Roadways and Transportation Facilities Damaged by Construction Activities) is proposed to ensure any damage and deterioration attributed to the Project would be repaired.

3. Enhance the preservation, security, and resilience of the regional transportation system.

*Consistency Analysis:* The proposed Project would have no effect on security of the transportation network. With respect to preservation and resilience, Mitigation Measure TRA-2 (Repair Roadways and Transportation Facilities Damaged by Construction Activities) is proposed to ensure any damage and deterioration attributed to the Project would be repaired.

4. Increase person and goods throughput and travel choices within the transportation system.

*Consistency Analysis:* While the Project would not be transit-friendly, it would include Mitigation Measure TRA-1 (Construction Traffic Carpool and Trip Reduction Plan), which would encourage carpooling of construction workers. During operation of the proposed Project, up to 10 permanent staff periodically could be on the site for ongoing facility maintenance and repairs, which would not affect the transportation system.

5. Reduce greenhouse gas emissions and improve air quality.

*Consistency Analysis:* The proposed Project is a solar generation and energy storage facility, which would reduce greenhouse gas emissions and improve air quality by offsetting the need for conventional power generation.

6. Support healthy and equitable communities.

*Consistency Analysis:* The proposed Project is a solar generation and energy storage facility, which would reduce greenhouse gas emissions and improve air quality by offsetting the need for conventional power generation. Economic benefits, from the procurement of goods and services and worker wages, would occur both locally and regionally during Project construction and operation.

7. Adapt to a changing climate and support an integrated regional development pattern and transportation network.

*Consistency Analysis:* The proposed Project would have no effect on regional development patterns of the transportation network. The proposed Project is a solar energy facility, which would reduce greenhouse gas emissions and improve air quality by offsetting the need for conventional power generation.

8. Leverage new transportation technologies and data-driven solutions that result in more efficient travel.

*Consistency Analysis:* While the Project would not be transit-friendly, it would include Mitigation Measure TRA-1 (Construction Traffic Carpool and Trip Reduction Plan), which would encourage carpooling of construction workers.

9. Encourage development of diverse housing types in areas well supported by multiple transportation options.

*Consistency Analysis:* The proposed Project would have no effect on housing and transportation networks supporting them (see Section 3.14, Population and Housing).

10. Promote conservation of natural and agricultural lands and restoration of critical habitats.

*Consistency Analysis:* The proposed Project would have no effect on designated critical habitat or active/operational agricultural lands. The Project does affect undeveloped private lands that are disturbed from past agricultural operations and impacts to Agricultural Resources are discussed in Section 3.3. Potential impacts to habitat are discussed in Section 3.4 (Biological Resources).

### County of Riverside Congestion Management Plan

Riverside County's Congestion Management Plan (CMP) is part of the Riverside County Transportation Commission's (RCTC) Long Range Transportation Plan published in 2019. All state highways and principal arterials are CMP roadways. I-10 and SR177 are the only CMP roadways in the Project study area. Under the CMP all CMP roadways operate at a Level of Service (LOS) of "E" or better.

The RCTC CMP's adopted minimum LOS threshold is LOS "E." Therefore, when a CMP street or highway segment falls to "F," a deficiency plan must be required. Preparation of a deficiency plan will be the responsibility of the local agency where the deficiency is located. Other agencies identified as contributors to the deficiency will also be required to coordinate with the development of the plan. The plan must contain mitigation measures, including consideration of Transportation Demand Management (TDM) strategies and transit alternatives, and a schedule for ~~mitigating~~ eliminating the deficiency.

### Riverside County General Plan – Circulation Element & Land Use Element

The Riverside County General Plan is applicable to all unincorporated lands within Riverside County. Countywide policies that address traffic and transportation within the County boundaries are found in the Circulation Element (2020) and Land Use Element (2021) of the County General Plan, and include:

#### **Circulation Element:**

- **Policy C1.8:** Ensure that all development applications comply with the California Complete Streets Act of 2008 as set forth in California Government Code Sections 65040.2 and 65302.
- **Policy C2.1:** The following minimum target levels of service have been designated for the review of development proposals in the unincorporated areas of Riverside County with respect to transportation impacts on roadways designated in the Riverside County Circulation Plan (Figure C-1), which are currently County maintained, or are intended to be accepted into the County maintained roadway system:

LOS C shall apply to all development proposals in any area of the Riverside County not located within the boundaries of an Area Plan, as well those areas located within the following Area Plans: REMAP, Eastern Coachella Valley, Desert Center, Palo Verde Valley, and those non-Community Development areas of the Elsinore, Lake Mathews/Woodcrest, Mead Valley and Temescal Canyon Area Plans

...

Notwithstanding the forgoing minimum LOS targets, the Board of Supervisors may, on occasion by virtue of their discretionary powers, approve a project that fails to meet these LOS targets in order to balance congestion management considerations in relation to benefits, environmental impacts and costs, provided an Environmental Impact Report, or equivalent, has been completed to fully evaluate the impacts of such approval. Any such approval must incorporate all feasible mitigation measures, make specific findings to support the decision, and adopt a statement of overriding considerations.

- **Policy C2.2:** Require that new development prepare a traffic impact analysis as warranted by the Riverside County Traffic Impact Analysis Preparation Guidelines or as approved by the Director of Transportation. Apply level of service targets to new development per the Riverside County Traffic Impact



Analysis Preparation Guidelines to evaluate traffic impacts and identify appropriate mitigation measures for new development.

- **Policy C2.3:** Traffic studies prepared for development entitlements (tracts, plot plans, public use permits, conditional use permits, etc.) shall identify project-related traffic impacts and determine the significance of such impacts in compliance with CEQA and the Riverside County Congestion Management Program Requirements.
- **Policy C2.4:** The direct project-related traffic impacts of new development proposals shall be mitigated via conditions of approval requiring the construction of any improvements identified as necessary to meet level of service targets.
- **Policy C2.8:** Riverside County shall coordinate with Caltrans, RCTC and adjacent local jurisdictions in conformance with the Riverside County Congestion Management Program to determine the appropriate LOS threshold for determining significance when reviewing development proposals that directly impact nearby State Highway facilities or city streets.
- **Policy C3.6:** Require private developers to be primarily responsible for the improvement of streets and highways that serve as access to developing commercial, industrial, and residential areas. These may include road construction or widening, installation of turning lanes and traffic signals, and the improvement of any drainage facility or other auxiliary facility necessary for the safe and efficient movement of traffic or the protection of road facilities.
- **Policy C3.8:** Restrict heavy duty truck through-traffic in residential and community center areas and plan land uses so that trucks do not need to traverse these areas.
- **Policy C3.9:** Design off-street loading facilities for all new commercial and industrial developments so that they do not face surrounding roadways or residential neighborhoods. Truck backing and maneuvering to access loading areas shall not be permitted on the public road system, except when specifically permitted by the Transportation Department.
- **Policy C3.10:** Require private and public land developments to provide all on-site auxiliary facility improvements necessary to mitigate any development-generated circulation impacts. A review of each proposed land development project shall be undertaken to identify project impacts to the circulation system and its auxiliary facilities. The Transportation Department may require developers and/or subdividers to provide traffic impact studies prepared by qualified professionals to identify the impacts of a development.
- **Policy C6.1:** Provide dedicated and recorded public access to all parcels of land, except as provided for under the statutes of the State of California.
- **Policy C6.2:** Require all-weather access to all new development.
- **Policy C7.1:** Work with incorporated cities to mitigate the cumulative impacts of incorporated and unincorporated development on the countywide transportation system.
- **Policy C7.9:** Review development applications in cooperation with RCTC and as appropriate, to identify the precise location of CETAP corridors and act to preserve such areas from any permanent encroachments, pending dedication or acquisition. Coordinate with RCTC to evaluate and update the CETAP corridors periodically as conditions warrant.

***Land Use Element:***

- **Policy LU 29.6:** Require that commercial projects abutting residential properties protect the residential use from the impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards.

**Riverside County Municipal Code Title 10 Vehicles and Traffic, Chapter 10.08, Sections 10.08.010 – 10.08.180**

Chapter 10.08 establishes requirements and permits for oversize and overweight vehicles.

**Riverside County Ordinance No. 460**

This ordinance specifies that all new access roads shall conform to the requirements of the Riverside County Transportation Department Subdivision Regulations.

**Riverside County Ordinance No. 461**

This ordinance specifies that all new access roads shall conform to the requirements of the Riverside County Transportation Department Road Improvement Standards and Specifications.

The proposed Project would be consistent with applicable policies and ordinances of the County related to traffic and transportation. This would be assured through Project design, requirements imposed under a CUP/PUP and Development Agreement, and County review of plans.

**3.18.3. Methodology for Analysis**

This analysis focuses on potential impacts related to the construction, operation and maintenance, and decommissioning of the Project on the surrounding transportation systems and roadways considering vehicle miles traveled (VMT), as required under CEQA. In addition, Riverside County has an additional impact criterion to be considered regarding congestion. However, level of service (LOS) is no longer a metric for determining the significance of traffic impacts under. Construction is a limited duration activity that does not generate vehicle miles over the life of the project. The proposed Project would have a large number of workers arriving and departing the site during the construction period, but thereafter the amount of traffic to the site would be minimal for the operation and maintenance needs. Construction-related traffic is evaluated qualitatively, as is allowed under CEQA. However, because concerns may arise over the level of construction traffic on local roads and how it affects levels of traffic, LOS was used to evaluate traffic in the Project vicinity. The *Transportation Impact Analysis* report (David Evans and Associates, 2023) found in EIR Appendix H- is the basis for also evaluating impacts to local transportation systems based on level of service determinations.

This assessment of transportation-related impacts is based on evaluations and technical analyses designed to compare the existing conditions (pre-Project), construction and operation of the Project, and cumulative impacts that consider the additional effects of other projects in the region. After construction, operation of the Project would not generate a substantial or significant number of trips above those already generated by existing land uses in the Project area. However, the construction phase of the Project would include trips generated by construction workers and supplies delivered by trucks to the Project area. Decommissioning activities are anticipated to be similar to construction, but less intense. This analysis considers the effects of transportation and traffic of the Project in the context of CEQA and Riverside County requirements. Caltrans is the agency responsible for permitting and regulation of the use of state-administered roadways within California, including I-10 and SR-177, and the County is the agency responsible for regulation of the use of roadways within its jurisdictional boundaries.

**3.18.3.1. Trip Generation**

Trip generation for the proposed Easley Project was developed for the construction phase of the Project using information provided by the Applicant. Another project, the Sapphire Solar Project, is proposed adjacent to the Easley Project. If approved, construction of this project could potentially overlap with the Easley Project construction period. Three projects in the vicinity of the Easley site are under construction.

They are the Oberon Renewable Energy Project (operational with site restoration underway), the Victory Pass Solar Project, and the Arica Solar Project. These are anticipated to have completed construction and be in operation prior to the start of Easley Project construction. To be conservative (and thereby identify the “worst case” scenario), traffic on roads in the vicinity during the Easley Renewable Energy Project construction period is assumed to include both Easley Project and Sapphire Solar Project construction traffic as projected at the time of the analysis (See Table 3.18-1), as well as operations-related traffic associated with the Oberon, Victory Pass, and Arica projects.

Average daily trips (ADT) and peak hour trips generated in the Project area during the construction period of the Easley Project are shown in Table 3.181. This includes construction trips associated with both the Easley Project and the proposed Sapphire Project, as well as ~~and~~ the O&M trips associated with operations of the three nearby solar projects.

Overall, the average number of workers on the Easley site during construction is projected to be 320, with a peak of 530. The higher number represents a “worst case” scenario and assumes 530 single occupant worker vehicles arriving and departing the construction site during the peak hours. Based on the distance between the Project and population centers where most workers live, many workers are expected to carpool from near their homes or from remote parking locations rather than drive alone to the Project site. Remote parking and carpooling would reduce the actual number of vehicles on roads in the Project vicinity during peak hours. As well, not all workers are expected to arrive/depart in a single peak AM or PM hour.

**Table 3.18-1. Daily Construction Trip Generation During Construction Period**

Description	Quantity	ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Easley Project Workers	530	1080	530	10	540	10	530	540
Easley Project Delivery Trucks	80**	160	3	3	6	3	3	6
<i>Daily Total Easley Project Trips</i>		1240	533	13	546	13	533	546
Sapphire Project Workers	322***	650	322	3	355	3	322	325
Sapphire Project Delivery Trucks	9	17	1	1	2	1	1	2
<i>Daily Total Sapphire Project Trips</i>		667	323	4	327	4	323	327
Nearby Solar Project O&M Workers*	30	60	30	0	30	0	30	30
Nearby Solar Project O&M Deliveries*	9	18	6	6	12	3	3	6
<i>Daily Total Nearby O&amp;M Trips*</i>		78	36	6	42	3	33	36
Total Construction Period Workers	882	1790	882	13	925	43	852	895
Total Construction Period Trucks	98	195	10	10	20	7	7	14
<i>Daily Total Trips</i>		1985	892	23	915	20	889	909

\* For Arica Solar, Victory Pass Solar, Oberon Renewable Energy Projects

\*\* The assumption of 80 roundtrips per day in the Easley Traffic Impact Analysis Report (EIR Appendix H) is based on a larger Project MW output, and thus conservatively analyzes a worst-case scenario. The number of truck trips has been reduced to 60 roundtrips in EIR Section 2.4.8 to reflect the current up to 400 MW project.

\*\*\* After publication of the DEIR, Sapphire Project advised that its construction worker estimate is 250 employees, 72 less than used in estimating trip generation for the combined projects. No revision has been made to the analysis based on the revised number, thereby retaining the more conservative estimate.

Source: EIR Appendix H.

### 3.18.3.2. Vehicle Miles Traveled

Vehicle miles traveled (VMT) is a measure used in transportation planning for a variety of purposes. It measures the amount of travel for all vehicles in a geographic region over a given period. VMT is calculated by adding up all the miles driven by all the cars and trucks on all the roadways in a region. This metric plays an integral role in the transportation planning, policy-making, and revenue estimation processes due to its ability to indicate travel demand and behavior. Per CEQA Guidelines section 15064.3, subdivision (b), a VMT analysis under CEQA may be based on the following:

- *Qualitative Analysis:* If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.
- *Methodology:* A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgement based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project.

While the proposed Project would generate a substantial number of trips, this would be only during construction, which is anticipated to take approximately 20-months. Therefore, a qualitative analysis for VMT has been conducted.

VMT reduction is needed to achieve State climate goals as travel per capita and passenger vehicle emissions have continued to grow despite improvements in vehicle fuel efficiency and other strategies to reduce emissions. The more that travelers are able to make the same trips by walking, bicycling, using transit, or carpooling, the less VMT increases even as new development occurs.

The proposed Project would generate a large amount of traffic during the 20-month construction period but not thereafter. As the site is developed, workers and trucks would travel to and from the site. The remote location of the site limits the opportunity to improve how efficiently workers reach the site. Living locally or carpooling are two ways to reduce VMT in the region. However, there are few housing opportunities nearby. Workers could (and on other projects currently under construction workers do) carpool. Few if any alternative means to reach the Project site are available. The ability to use public transit is limited by ~~from~~ the distance from the nearest transit stop to the site and the very infrequent service; the same is true for walking and bicycling.

The VMT approach is useful when a project results in facilities or locations that generate trips year-in and year-out, such as office buildings and shopping centers. During construction, these and other projects generate temporary vehicle trips from workers and materials deliveries, which end with the end of construction. The principal concern during construction is the effect of worker and truck traffic on congestion in the Project vicinity. This is the case with the Easley Project. After construction, during operation, the Project would generate few trips – not enough to have a significant impact on congestion, air quality, noise, and similar concerns.

### 3.18.3.3. Level of Service

Level of Service (LOS) is a qualitative method to assess congestion (delay) at intersections and ranges across six levels, from LOS A to LOS F. The level of delay is measured in seconds. At unsignalized intersections, LOS A results in 10 seconds or less delay for a motorist; LOS F results in 50 seconds or greater

delay. In California, LOS is no longer a criterion for assessing project traffic impacts under CEQA. The focus has shifted from congestion, as measured by LOS, to broader traffic impacts on air quality, energy use, climate change, and other factors, as measured by Vehicle Miles Traveled (VMT). However, in addition to VMT, Riverside County planners are concerned about the effects of a project on local roads and the level of congestion that may occur. In situations such as those existing at and around the Easley Project site, LOS remains a useful tool for illustrating the construction-period congestion effects of a project on local roads and intersections. LOS is an indicator of operating conditions on a roadway or at an intersection and is defined in categories ranging from A to F. LOS A represents the best traffic flow conditions with very low delay, and LOS F represents poor conditions. LOS A indicates free-flowing traffic, and LOS F indicates substantial congestion with long delays at intersections.

Once the Easley Project is operational, traffic attributable to the Project would be minimal; therefore, the focus of this impact analysis is on the congestion that may occur on roadways during construction, when there would be a high volume of worker vehicles and delivery trucks accessing the Project site. Based on this consideration, the analysis of traffic and transportation impacts related to the Easley Project is focused on the level of service on local roads, where LOS is measured in terms of delay for motorists that results from the number of vehicles on the roadway and at intersections.

For the proposed Project, field observations of existing intersection turning movements (counts) were completed on Wednesday, February 15, 2023. This was a midweek day with clear weather. Table 3.18-2 presents existing LOS at the five studied intersections. As illustrated in Table 3.18-2, all of the intersections within the study area of the proposed Project are operating at an acceptable level of service (LOS A or LOS B) during both the morning and afternoon peak hours when Project-related traffic would be heaviest.

**Table 3.18-2. Existing Intersection Levels of Service**

Intersection	Peak Period	Existing	
		Delay	LOS
Rice Road (SR-177) / I-10 Eastbound Ramps	AM	9.5	A
	PM	9.4	A
Rice Road (SR-177) / I-10 Westbound Ramps	AM	9.3	A
	PM	9.4	A
Rice Road (SR-177) / Ragsdale Road	AM	9.7	A
	PM	11.5	B
Rice Road (SR-177) / Kaiser Road (County R2)	AM	8.9	A
	PM	9.7	A
Rice Road (SR-177) / Oasis Road	AM	8.8	A
	PM	9.5	A

Source: EIR Appendix H.

The LOS shown in Table 3.18-2 shows current conditions (February 2023), which included traffic associated with projects that under construction in the area on the day traffic counts were taken. If the Easley Renewable Project were not constructed, but the proposed Sapphire Project were built and the three nearby solar projects were in their post-construction O&M stage, the LOS at the intersections would be as shown in Table 3.18-3. All levels would be acceptable.

**Table 3.18-3. Intersection Levels of Service with Sapphire Project Construction and O&M Projects**

Intersection	Peak Period	Existing	
		Delay	LOS
Rice Road (SR-177) / I-10 Eastbound Ramps	AM	10.4	B
	PM	10.4	B
Rice Road (SR-177) / I-10 Westbound Ramps	AM	12.9	B
	PM	9.7	A
Rice Road (SR-177) / Ragsdale Road	AM	13.8	B
	PM	20.3	C
Rice Road (SR-177) / Kaiser Road (County R2)	AM	9.4	A
	PM	15.5	C
Rice Road (SR-177) / Oasis Road	AM	9.3	A
	PM	10.7	B

Source: EIR Appendix H.

When it is assumed that the Easley Project the proposed Sapphire Project have a simultaneous construction period and the three nearby solar projects are in their post-construction O&M stage, the LOS at intersections would be as shown in Table 3.18-4. This table includes the three driveways that are associated only with the Easley Project. Under this scenario, three intersections in the area were identified has potentially having LOS F, highlighted in bold in the table.

**Table 3.18-4. Intersection LOS with Easley and Sapphire Construction and Projects in O&M**

Intersection	Peak Period	Existing	
		Delay	LOS
Rice Road (SR-177) / I-10 Eastbound Ramps	AM	18.5	C
	PM	18.3	C
Rice Road (SR-177) / I-10 Westbound Ramps	<b>AM</b>	<b>114.3</b>	<b>F</b>
	PM	12.2	B
Rice Road (SR-177) / Ragsdale Road	AM	29.5	D
	<b>PM</b>	<b>72.8</b>	<b>F</b>
Rice Road (SR-177) / Kaiser Road (County R2)	AM	14.4	B
	<b>PM</b>	<b>271.6</b>	<b>F</b>
Rice Road (SR-177) / Oasis Road	AM	10.4	B
	PM	13.2	B
Oasis Road / Kaiser Road (County R2)	AM	13.9	B
	PM	12.8	B
Rice Road (SR-177) / Project Driveway #1	AM	17.3	C
	PM	17.5	C
Rice Road (SR-177) / Project Driveway #2	AM	17.3	C
	PM	17.5	C
Kaiser Road (County R2) / Project Driveway #3	AM	11.2	B
	PM	29.3	D

Source: EIR Appendix H.

These tables show the potential temporary effect of construction traffic on LOS at various local intersections. The analysis supporting Table 3.18-4 assumed that the Easley and Sapphire Projects have simultaneous construction periods, that the traffic on a particular day is the maximum for each of the two projects, and that workers arrive/depart during the peak AM/PM hours in single occupant vehicles.

LOS F would occur for AM Peak Hour traffic on the westbound I-10 ramp to Rice Road and PM Peak Hour traffic on Ragsdale Road at Rice Road and on Kaiser Road at Rice Road. Under this scenario, three intersections would be at LOS F. Under County standards intersections with LOS F would be unacceptable.

With the end of construction, the only traffic associated with solar projects would be that required for O&M operations, estimated to involve no more than 10 workers and 3 trucks arriving and departing each day per solar project site.

#### **3.18.3.4. Ambient Growth and Cumulative Traffic**

The ambient growth is a general rate of growth in traffic from overall regional growth (assumed to be 3% annually for the analysis presented in EIR Appendix H). Over 20 projects in Eastern Riverside County were identified that are either operational or are under construction but will be operational prior to construction of the Easley Project. Eight other potential future projects in the vicinity of the Easley are under review but not approved.

The traffic impact analysis presented in EIR Appendix H considered the development of adjacent and nearby large-scale solar energy projects, where the construction of those projects is expected to overlap with construction of the proposed Easley Project. As shown in Table 3-18-4, for the Easley Project this would involve simultaneous development of the proposed adjacent Sapphire Solar Project. Three projects in the vicinity of the Easley Project – Arica Solar, Victory Pass Solar, and Oberon Solar – are expected to be in operation prior to the construction phase of the Easley Project.

During the operations and maintenance of these three projects, each would ~~each~~ contribute daily traffic from an estimated 10 workers and 3 truck deliveries. This would result in an ~~and~~ estimated 42 AM peak hour trips and 36 PM peak hour trips. When operational, the Easley Project would have a similar level of traffic (10 workers, 3 truck deliveries) as the other solar projects in the vicinity.

#### **3.18.4. CEQA Significance Criteria**

The criteria used to determine the significance of potential traffic and transportation impacts are based on Appendix G of the State CEQA Guidelines. Based on the Guidelines, the proposed Project would result in a significant impact under CEQA related to traffic and transportation if the Project would:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

The County of Riverside's Environmental Assessment Form includes additional significance criteria. The additional criteria indicate that a project could have potentially significant impacts related to traffic and transportation if it would:

- Cause an effect, or a need for new or altered maintenance of roads (see Impact TRA-2);
- Cause an effect upon circulation during the project's construction (see Impact TRA-1);
- Result in inadequate emergency access or access to nearby uses (see Impact TRA-1).
- Include the construction of expansion of a bike system or bike lanes (omitted).

The County impact criterion regarding construction or expansion of bike facilities is omitted; the Project would not construct or expand bike facilities. The other Guidelines and County criteria are addressed in Section 3.18.5.

The County of Riverside's Environmental Assessment Form also includes significance criteria regarding airports. These are addressed in Section 3.10, Hazards and Hazardous Materials.

### 3.18.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to traffic and transportation, including concerns about increased disturbance, dust, and noise created by construction vehicles and trucks, as well as the speed and presence of these vehicles impacting the safety of residents. Dust, noise, and similar nuisance impacts are discussed in the relevant resource topic areas in this EIR. It is presumed that vehicles would comply with posted speed limits and obey all traffic laws on public roads. Compliance with traffic laws would reduce any potential safety risk to residents.

A commentor also expressed concerns about coordination with the Department of Defense (DoD), as the Project is in a fly zone, which the military uses for training. The Department of Defense will receive notification of the Project and of the availability of the EIR and will be invited to comment. The height of Project facilities, such as the gen-tie line, would comply with requirements of the FAA to ensure aviation safety and any DoD restrictions that may apply. (See Section 3.18, Hazards and Hazardous Materials, Impact HAZ-1.)

**Impact TRA-1. The Project would conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.**

#### Solar Facility

##### Road Network

**LESS THAN SIGNIFICANT WITH MITIGATION.** The County's Congestion Management Plan (CMP) predates revisions to CEQA, which changed the focus of traffic analysis from congestion (measured as level-of-service (LOS)) to vehicle miles traveled (VMT). The CMP still requires an analysis of congestion. Table 3.18-4 presents the potential level of service (LOS) at each study area intersection where the maximum daily construction trips were to occur for the Easley Project, the proposed Sapphire Project, and the three nearby solar projects in the O&M stage of operation. This represents the "worst case" scenario, with the highest number of workers working at each site and arriving/departing during the same peak hours.

As shown in Table 3.18-4, the addition of Easley Project-related construction trips to the ambient conditions (Sapphire Project plus three projects in O&M) could result in three intersections operating at LOS F, an unacceptable level:

- I-10 westbound ramp at SR-177 – LOS F (AM Peak Hour)
- Rice Road (SR-177) at Ragsdale Road – LOS F (PM Peak Hour)
- Rice Road (SR-177) at Kaiser Road (County Route R2) – LOS F (PM Peak Hour)

To ensure that impacts from temporary construction-related trips are reduced to a less than significant level, Mitigation Measure (MM) TRA-1 (Construction Traffic Control Plan) is proposed and would require the Applicant to prepare a Construction Traffic Control Plan for review and approval by Caltrans and Riverside County. This plan requires the Applicant to reduce construction-related trips during morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 p.m. to 6:00 p.m.) peak hours on I-10, SR-177, and Kaiser Road. If the traffic conditions at the time of Project construction reflect the ambient conditions due to



overlapping construction, the measure requires the Applicant to install a temporary signal or use manual intersection control. The Easley Project in itself is not expected to result in an unacceptable LOS as it would generate fewer vehicle trips than the ambient conditions (which includes simultaneous construction at the Sapphire Project site). Therefore, the measure allows for adaptive management given the uncertain schedule for projects included in the ambient conditions.

Up to 10 permanent staff could be on the site at any one time for ongoing facility maintenance and repairs. Alternatively, approximately 2 permanent staff and 8 Project operators would be located off-site and would be on call to respond to alerts generated by the monitoring equipment at the Project site. The Project site maintenance program would be largely conducted on-site during daytime hours. Equipment repairs could take place in the early morning or evening when the plant would be producing the least amount of energy. Based on these expected operational and maintenance requirements, it is estimated average daily traffic volumes associated with Project operation would be approximately 15 daily round trips (30 total trips), with the majority being passenger vehicles. The addition of 30 daily trips would have a negligible effect on performance of the study area transportation system and less than significant impacts would occur.

### ***Transit, Bicycle, and Pedestrian Use***

***LESS THAN SIGNIFICANT WITH MITIGATION.*** The only public transit stop in the Project vicinity is at Desert Center Post Office. The service is operated by the Palo Verde Valley Transit Agency, which serves the Blythe Area. Bus Route 6 travels along I-10 and serves the Desert Center Post Office once daily westbound and eastbound on Monday, Wednesday, and Friday. The Post Office stop is west of SR-177, south of the Project near I-10 and would not be affected by Project construction. There are no designated pedestrian and bicycle paths in the Project vicinity.

Construction of the solar facility is not expected to require any temporary lane closures that could restrict the movements of vehicles or pedestrians. However, construction of the Project would require large vehicles to travel on local roadways to access the Project site. MM TRA-1 (Construction Traffic Control Plan) requires the Construction Traffic Control Plan be reviewed and approved by Caltrans and Riverside County and includes provisions for ensuring detours or safe movement of traffic through all affected areas. With the implementation of this measure, impacts during construction would be less than significant.

Once constructed, maintenance activities would occur as needed at the solar facility but are not expected to require any temporary travel lane closures that could restrict the local circulation system. Impacts would be less than significant.

### **500 kV Generation-Tie Line**

***LESS THAN SIGNIFICANT WITH MITIGATION.*** The construction trip generation shown in Table 3-18-4 includes trips associated with both construction of the solar energy facility and the gen-tie line. Therefore, the trip analysis presented above for construction of the solar energy facility also evaluated trips associated with gen-tie construction. As discussed, the implementation of MM TRA-1 (Construction Traffic Control Plan) would eliminate any significant impact at the three affected study area intersections.

As presented in Chapter 2 (Description of the Proposed Project and Alternatives) construction of the gen-tie would require overhead conductors be strung across SR-177. Overhead gen-tie construction could require the short-term temporary closure lanes on SR-177. Also, where new poles would be installed adjacent to roads and where conductor would be strung on poles adjacent to roadways, temporary travel lane disruptions may also occur.

Mitigation Measure TRA-1 (Construction Traffic Control Plan) is proposed to provide specificity regarding the means to reduce potential impacts from any temporary travel lane disruptions and requires the Construction Traffic Control Plan be reviewed and approved by Caltrans and Riverside County. With the

incorporation of MM TRA-1 (Construction Traffic Control Plan), impacts to traffic flow resulting from temporary construction-related disruptions to the affected circulation system would be less than significant.

Once constructed, the gen-tie overhead facilities would require routine inspection via ground observation. Maintenance activities would occur as needed. Collector lines would not require routine inspection but may require some periodic maintenance over the life of the Project. Due to the limited duration and extent of these activities, minimal daily trips are necessary and would have a negligible effect on the LOS or other performance standard of the transportation system under existing conditions. Routine inspections and maintenance are not expected to require temporary lane closures. Impacts would be less than significant.

### Mitigation Measures for Impact TRA-1

**MM TRA-1 Construction Traffic Control Plan.** See full text in Section 3.18.79 (Mitigation Measures).

### Significance After Mitigation

With the implementation of MM TRA-1, potential impacts to traffic flows on the affected circulation system resulting from Project-related construction traffic trips and potential disruptions to travel lanes would be less than significant and would be consistent with applicable traffic-related plans and policies.

**Impact TRA-2. Construction of the Project would conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) regarding transportation impacts.**

**LESS THAN SIGNIFICANT WITH MITIGATION.** The proposed Project would result in traffic trips during construction. During construction, an average of 320 workers per day would commute to the Project site with a maximum of 530 workers during peak construction. In addition, an estimated worst-case scenario of 80 round trips per day would be required to deliver materials and equipment to the Project site. Truck trips associated with materials and equipment deliveries would likely come from within the Palm Springs, Blythe, and/or Riverside–San Bernardino area, with some materials trips likely originating from the Ports of Long Beach and Los Angeles. Many temporary workers needed for construction of the gen-tie would reside within a 60 to 90-minute drive time of the Project area. This assumption is based on observations regarding worker commute habits during construction monitoring efforts for recent similar renewable energy and transmission projects in the California desert. However, it is likely that some construction workers would come from outside this anticipated a reasonable commute area and seek temporary housing proximate to the work area.

Per State CEQA Guidelines Section 15064.3(b)(3), a qualitative VMT analysis of construction trips is appropriate, given that the construction-related trips are not ongoing once construction is completed. Due to the remote location of the Project site, many construction truck trips may require high VMT to access the site. However, all construction-related truck trips would be temporary and only in volumes necessary to deliver equipment and materials to the site. Upon completion of construction, all truck trips and construction worker commute trips would cease. At this time, no known there are no applicable VMT thresholds of significance for temporary construction trips that may indicate a significant impact are known. MM TRA-1 (Construction Traffic Control Plan) requires the Applicant to prepare a Construction Traffic Control Plan, with the Plan providing means to encourage or provide ridesharing opportunities for construction workers. Therefore, while the proposed Project would include temporary construction trips that may include high VMT, they would not affect existing transit uses or corridors and are presumed to cause a less than significant transportation impact. Based on construction of other solar projects in the region, workers often carpool because of the distance travelled and the cost savings.

Once constructed, operation and maintenance of the Project would generate very few vehicle trips. It is assumed operational workers would either be located in, or seek permanent residence within, a reasonable commute distance. For example, Blythe is approximately 50 miles east of Desert Center and Indio is a similar distance to the west. This would require a 45-minute commute. The estimated commute time and VMT for operational workers is considered to be within a reasonable range typical of the remote desert communities nearest to the Project. Due to the remote location of the Project site, limited residential and transit opportunities to the site, and low number of daily trips (30 daily trips), Project operation is not considered to result in high VMTs that could adversely affect transit or transportation planning for the area. MM TRA-1 requires the Applicant to prepare a Construction Traffic Control Plan to affected jurisdictions, with the Plan providing means to encourage or provide ridesharing opportunities for operational workers as well. Therefore, operational-related trips would not affect existing transit uses or corridors and are presumed to cause a less-than-significant transportation impact.

### Mitigation Measures for Impact TRA-2

**MM TRA-1 Construction Traffic Control Plan.** See full text in Section 3.18.9-7(Mitigation Measures).

### Significance After Mitigation

This impact would be less than significant with implementation of MM TRA-1.

**Impact TRA-3. Project activities would increase transportation hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

### Solar Facility and 500 kV Generation-Tie Line

**LESS THAN SIGNIFICANT WITH MITIGATION.** Most construction traffic would access the Project area via I-10 and SR-177, accessing private site entrances from SR-177 and Kaiser Road adjacent to the Project site. Due to the flat topography, both the freeway and local roadways accessing the site have a relatively straight horizontal alignment with good visibility in all directions. All access driveways to the site from SR-177 would comply with County and Caltrans requirements to ensure safe site ingress and egress. There would be no sharp curves or dangerous intersections. All new internal roads within the site would be private. During construction, all truck drivers would adhere to California Vehicle Code regulations pertaining to licensing, size, weight, and load of vehicles operated on highways and local roads; safe operation of vehicles; and the transport of any hazardous materials. Traffic on public freeways and roads would be of the same vehicle types (passenger vehicles and heavy trucks) that currently occur and are allowed. Construction-related traffic would be compatible with existing traffic. Therefore, no additional roadway hazards would occur from Project-related vehicle trips on transportation facilities. Additionally, MM TRA-1 (Construction Traffic Control Plan) requires the preparation of a Construction Traffic Control Plan to be reviewed and approved by Caltrans and Riverside County. This Plan includes provisions for ensuring detours or safe movement of local resident vehicles, pedestrians, and bicycles through all affected facilities. With the incorporation of this mitigation, hazard impacts from Project-related vehicle use of public roadways would be less than significant.

The movement of heavy trucks and equipment on public roads to Project work areas could potentially result in damage to road surfaces, shoulders, curbs, sidewalks, signs, and light standards. MM TRA-2 (Repair Roadways and Transportation Facilities Damaged by Construction Activities) is proposed to ensure any damage and deterioration attributed to the Project would be repaired. With the incorporation of this mitigation, hazard impacts from transportation facility damage demonstrable to the Project would be less than significant.

The 500 kV gen-tie line would cross SR-177 overhead, requiring temporary lane closures when the conduit is strung between towers east and west of the highway. Collector lines from the solar arrays located east of SR-177 would be installed under SR-177 using directional drilling. Traffic would not be affected.

During operations and maintenance, it is estimated average daily traffic volumes associated with the Project would be approximately 15 round trips (30 total trips), with the majority being passenger vehicles. This amount of operational daily trips would have a negligible effect on public roadway safety. During public scoping, concern was raised about an increase in traffic resulting in safety hazards on local roads. It is assumed that passenger vehicle and trucks associated with development of the Project would obey traffic laws with regard to speed limits and rights of way for vehicles and pedestrians. Mitigation Measure TRA-1 would reduce the number of vehicles on local roads by encouraging carpooling.

### Mitigation Measures for Impact TRA-3

**MM TRA-1**      **Construction Traffic Control Plan.** See full text in Section 3.18.9-7 (Mitigation Measures).

**MM TRA-2**      **Repair Roadways and Transportation Facilities Damaged by Construction Activities.** See full text in Section 3.18.9-7 (Mitigation Measures).

### Significance After Mitigation

This impact would be less than significant with implementation of MMs TRA-1 and TRA-2.

**Impact TRA-4. Project activities would result in inadequate emergency response access or access to nearby properties.**

### Solar Facility

**LESS THAN SIGNIFICANT WITH MITIGATION.** Construction of the solar facility is not expected to require temporary lane closures that could restrict the movements of emergency vehicles. The Project site would have controlled access points for ingress and egress at the site. These access points would allow for emergency vehicle access into and through the site. The Project would not block access to nearby properties. Therefore, impacts during construction would be less than significant.

Once constructed, maintenance activities would occur as needed at the solar facility but are not expected to require any temporary travel lane closures that could restrict emergency vehicle movements. Emergency responders would have access to any locked gates into the site. Impacts would be less than significant.

### 500 kV Generation-Tie Line

**LESS THAN SIGNIFICANT WITH MITIGATION.** As discussed under Impact TRA-1, construction of the gen-tie line may require temporary closure or disruption to travel lanes during conductor stringing. MM TRA-1 (Construction Traffic Control Plan) is proposed to provide specificity regarding the means to reduce potential impacts from any temporary travel lane disruptions during construction of the gen-tie line. Additionally, MM TRA-1 requires the Construction Traffic Control Plan be reviewed and approved by Caltrans and Riverside County and would include plans to coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. With the incorporation of this mitigation, impacts from temporary construction-related disruptions to the affected circulation system would be less than significant.

Typical inspections and maintenance of the gen-tie line would not require temporary road or lane closures. Therefore, normal maintenance activities are not expected to restrict emergency service access or vehicle movements. Less than significant impacts would occur.

## Mitigation Measures for Impact TRA-4

**MM TRA-1 Construction Traffic Control Plan.** See full text in Section 3.18.97 (Mitigation Measures).

### Significance After Mitigation

This impact would be less than significant with implementation of MM TRA-1.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

## 3.18.6. Cumulative Impacts

### Geographic Scope

The geographic scope of the cumulative analysis for the transportation and traffic vehicle trips analysis are the Project study area intersections identified in Table 3.18-2. This geographic area was selected because cumulative projects would increase impacts only if they used the same intersections and roads at the same time as the proposed Project. Therefore, the cumulative projects considered within the traffic and transportation geographic extent include the ambient projects, i.e., the proposed Sapphire Project and the three nearby solar projects that would be in their O&M phase.

### Cumulative Impact Analysis

As discussed in Section 3.18.5, Project operations and maintenance would result in negligible daily trips to study area roadways. Therefore, the cumulative impact analysis focuses on traffic volumes generated during construction of the proposed Project. Impact TRA-1 and Impact TRA-2 consider the cumulative impacts of the Project by analyzing the effects of the Project plus the ambient conditions. Both impacts conclude that the cumulative impacts would be less than significant with implementation of MM TRA-1 (Construction Traffic Control Plan). Furthermore, Project construction and operation would not introduce trip VMT in excess of projects within the rural desert area and with implementation of MM TRA-1 would require the Applicant to ensure plans for carpooling are incorporated.

Several solar projects and associated gen-tie lines and the Eagle Mountain Project gen-tie line are located within 20,000 feet of the Desert Center Airport. As with the proposed Project, each project would check with the airport sponsor and the FAA to ensure there are no potential safety or navigational problems with a proposed solar facility, especially if it is a large facility (FAA, 2010). Each cumulative development project within 20,000 feet of Desert Center Airport would also have to be evaluated against FAA 7460 regulations pertaining to structures that may affect aviation and airspace safety. Because each project would need to comply with FAA determinations, the FAA will be able to ensure that the cumulative impacts to the Desert Center Airport are not significant.

The number of potential solar projects that could be under development at the same time would result in an increase in trips, VMT, and an increased risk of transportation hazards or damage to the roads. Cumulative impacts due to increased transportation hazards or damaged roads could be significant if simultaneous construction activities resulted in significant volumes of heavy truck trips that affected safe use of a roadway or damaged transportation facility surfaces. The Project's contribution to the potentially significant cumulative impact would be reduced to less than cumulatively considerable because MM TRA-1 (Construction Traffic Control Plan) requires the Applicant to define the methods to maintaining close coordination with Caltrans and Riverside County, prior to and during construction, to minimize cumulative impacts of multiple simultaneous construction projects affecting shared portions of the circulation system. MM TRA-1 also requires the Applicant to reduce temporary motorist hazards in a variety of ways, including ensuring the safe movement of pedestrians and bicycles through work areas. MM TRA-2 (Repair Roadways and Transportation Facilities Damaged by Construction Activities) is proposed to ensure any

damage and deterioration attributed to the Project would be repaired. With the incorporation of these measures, the Project would have a less than significant contribution to cumulative hazard impacts on transportation facilities.

Construction of gen-tie lines could result in a cumulative impact to temporary lane closures. This is because construction of the solar facilities is expected to require temporary lane closures for the stringing of gen-tie conductor across roadways. The Easley Project would only require lane closures on SR-177 during conductor installation. This is a short-term effect. Construction of the gen-tie lines for each cumulative project may require stringing the lines over local roads and the I-10, but each developer would be required to coordinate that work with Caltrans and the County to avoid any cumulative impacts.

Construction of the solar facility is not expected to require any temporary lane closures that could restrict the movements of buses. Similarly, the construction of the cumulative projects would also be unlikely to require temporary land closures because they would be built on public or private lands off of public roads. Construction of the proposed Project would require large vehicles travel on local roadways to access the site and includes MM TRA-1 (Construction Traffic Control Plan) that would include provisions for ensuring detours or safe movement of vehicles through all affected areas. The cumulative projects would also be required to abide by regulations regarding lane closures to reduce any potential impacts. Therefore, the Project would not result in a cumulative significant impact to public transportation.

If adopted, the proposed expansion of Joshua Tree National Park and creation of Chuckwalla National Monument would re-designate existing federal lands in the Project vicinity that could increase traffic from recreational uses and visitors. If this occurs, it would be after the proposed Project is constructed and in operation, when project-related traffic would be minimal. The Project's contribution to local traffic at that time would not be cumulatively considerable.

### **Mitigation Measures for Cumulative Impacts**

Implementation of MM TRA-1 and MM TRA-2 would mitigate potential transportation and traffic impacts for the proposed Project. No additional mitigation is required.

### **Significance After Mitigation**

With implementation of mitigation, the Project's incremental contribution to impacts from an increase in daily trips and transportation hazards would not be cumulatively considerable. There would be no cumulative impact to aviation safety, disruption of emergency response access, or public transportation.

### **3.18.7. Mitigation Measures**

**MM TRA-1 Construction Traffic Control Plan.** Prior to the start of construction, the Project owner shall submit a Construction Traffic Control Plan for review and approval by Caltrans and Riverside County for affected roads and intersections that would be directly affected by the construction activities and/or would require permits and approvals. The Construction Traffic Control Plan shall include, but not be limited to:

- If multiple construction projects occur at the same time and conditions at the intersection warrant, plans for installation of a temporary signal or use of manual intersection control during the construction period at the I-10 westbound ramp at SR-177. Additionally, if conditions warrant, geometry changes shall be considered in coordination with Caltrans and Riverside County, and implemented, if necessary, in addition to signalization at the I-10 westbound ramp and SR-177. These geometry changes could include a turn pocket.

- The locations and use of flaggers, warning signs, barricades, delineators, cones, arrow boards, etc., according to standard guidelines outlined in the Manual on Uniform Traffic Control Devices, the Standard Specifications for Public Works Construction, and/or the California Joint Utility Traffic Control Manual.
- The locations of all road or traffic lane segments that would need to be temporarily closed or disrupted due to construction activities.
- The locations where guard poles, netting, or similar means to protect transportation facilities for any construction or conductor installation work requiring the crossing of a local street highway is proposed.
- The use of continuous traffic breaks operated by the California Highway Patrol on state highways (if necessary).
- Additional methods to reduce temporary traffic delays to the maximum extent feasible during morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 p.m. to 6:00 p.m.) peak traffic periods, or as directed in writing by the affected public agency in encroachment or other permits). This should also include feasible ways to reduce construction-related trips on I-10, SR-177, and Kaiser Road during peak traffic periods.
- Plans to encourage or provide ridesharing/carpooling opportunities for construction and operational workers.
- Incorporation wildlife protection measures, as required in MM BIO-6.
- Plans to provide written notification to property owners and tenants at properties affected by access restrictions to inform them about the timing and duration of obstructions and to arrange for alternative access if necessary. The coordination shall occur at least one week prior to any blockages.
- Plans to coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. Police departments and fire departments shall be notified in advance by the Project owner of the proposed locations, nature, timing, and duration of any roadway disruptions, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies.
- Define the method to maintaining close coordination, prior to and during construction, with Caltrans and Riverside County to minimize cumulative impacts of multiple simultaneous construction projects affecting shared portions of the circulation system. Coordination with adjacent development projects to spread work shifts into multiple hours (instead of peak hour) or the installation of additional temporary traffic signals or manual traffic control officers during peak hours to mitigate the temporary impacts.

**MM TRA-2** **Repair Roadways and Transportation Facilities Damaged by Construction Activities.** If roadways, sidewalks, medians, curbs, shoulders, or other such transportation features are damaged by Project construction activities, as determined by the affected public agency, such damage shall be repaired and restored to their pre-Project condition by the Project owner. Prior to construction, the Project owner shall confer with Caltrans and Riverside County regarding the roads within 500 feet in each direction of Project access points (where heavy vehicles will leave public roads to reach Project sites) and regarding the roads to be crossed by the proposed gen-tie line. At least 30 days prior to construction,

or as requested by Riverside County or Caltrans, the Project owner shall photograph or video record all affected roadway segments and shall provide Riverside County and Caltrans with a copy of these images, if requested.

At the end of major construction, the Project owner shall coordinate with each affected jurisdiction to confirm whether repairs are required. Any damage demonstrable to the Project is to be repaired to the pre-construction condition within 60 days from the end of all construction, or on a schedule mutually agreed to by the Project owner and the affected jurisdiction. If multiple projects are using the transportation features, the Easley Project owner shall pay its fair share of the required repairs. the Project owner shall provide Riverside County and Caltrans (as applicable) proof when any necessary repairs have been completed.



## 3.19. Wildfire

This section evaluates the impacts relating to wildfire hazards resulting from implementation of the Project. It describes applicable regulations, existing conditions that influence risks associated with wildfire, the criteria used to determine the significance of environmental impacts, and the Project's potential impacts relating to wildfire. An impact analysis and comparison of project alternatives is included in Section 5.

### 3.19.1. Environmental Setting

The Project site is located in the central portion of Chuckwalla Valley in the Colorado Desert, east of Joshua Tree National Park. No major urbanized areas are located within 40 miles of this area; the Project site is considered a remote location.

The site and surrounding areas consist of land at varying elevation, ranging from less than 400 feet above mean sea level (amsl) at Ford Dry Lake (approximately 20 miles southeast of the Project) to over 3,000 feet amsl in the mountains that enclose the Chuckwalla Valley. The immediate Project site is relatively flat. Vegetation communities at the Project site are generally limited to scattered creosote brush scrub and desert dry wash woodland. Land uses near the Project include agriculture, the small community of Lake Tamarisk, scattered residences, renewable energy, energy transmission, historical military operations, and recreational development and use. Several solar farms exist in the vicinity of the Project. The existing Desert Sunlight and Desert Harvest solar facilities are located north, Athos Renewable Energy Project is located to the east, and Oberon is located to the southeast of the Project. Nearby solar projects that are under construction include the Arica and Victory Pass Solar Projects to the southeast. The Sapphire Solar Project, proposed by EDF Renewables, is adjacent to the northern area of the Easley Project.

The Riverside County General Plan Safety Element identifies areas with rugged topography and flammable vegetation as being susceptible to fire hazards. According to the California Department of Forestry and Fire Protection (CAL FIRE), the Project is located within both Local Responsibility Areas (LRAs) and Federal Responsibility Areas (FRAs) (CAL FIRE, 2023). According to the Wildfire Susceptibility Map in the Riverside County General Plan Safety Element (2019 version), Very High Fire Hazard Severity Zones (FHSZs) in Local, State, and Federal Responsibility Areas are concentrated in the western portions of Riverside County (Riverside County, 2019). The Project would be located in Moderate FHSZ in LRA and FRA. Since the Project is not located in a State Responsibility Area (SRA), CAL FIRE would not be responsible for fire management or suppression activities in this area. This responsibility falls to the U.S. Bureau of Land Management (BLM), although agencies cooperate in fire incident responses. Agencies that are likely to provide wildfire protection to the Project would be the Riverside County Fire Department (RCFD) and BLM Fire Program.

Climate change will result in a small but general increase in temperature, and higher temperatures, and droughts are likely to increase the severity, frequency, and extent of wildfires during operation, maintenance, and decommissioning of the Project (USEPA, 2023).

**Riverside County Fire Department.** RCFD, in cooperation with CAL FIRE, provides fire and emergency services to residents in Riverside County. There are 101 fire stations located throughout the County that serve unincorporated communities, partner cities, and the State of California under the California Master Mutual Aid Agreement (RCFD, 2023). RCFD Station 49 is the closest fire station to the Project site, located approximately 0.4 mile south at 43880 Tamarisk Drive, Desert Center.

**Bureau of Land Management Fire Program.** The BLM Fire Program is responsible for fire and fuels management and protection of federal lands, identified as Federal Responsibility Areas, within the United States. The Fire and Aviation program includes fire suppression, preparedness, predictive services, fuels

management, fire planning, community assistance and protection, prevention and education, and public safety (BLM, 2023a). BLM establishes fire prevention orders and restrictions to assist with wildland fire prevention efforts throughout the public lands within the California Desert District, which includes portions of Inyo, Imperial, Kern, Mono, Los Angeles, San Bernardino, San Diego, and Riverside Counties (BLM, 2023b).

### 3.19.2. Regulatory Framework

#### 3.19.2.1. Federal Laws, Regulations, and Policies

**Federal Wildland Fire Management Policy.** On BLM-administered lands in the California Desert, the BLM implements Federal Wildland Fire Management policies and objectives in coordination with state and other federal agencies as part of the California Desert Interagency Fire Management Organization. The Federal Wildland Fire Management Policy was developed by a federal multi-agency group that establishes consistent and coordinated fire management policy across multiple federal jurisdictions. The policy acknowledges the essential role of fire in maintaining natural ecosystems, but also prioritizes firefighter and public safety first in every fire management activity and focuses on risk management as a foundation for all fire management activities. The policy promotes basing responses to wildland fires on approved Fire Management Plans and land management plans, regardless of ignition source or the location of the ignition.

**National Electric Safety Code (NESC) and American National Standards Institute (ANSI) Guidelines.** A variety of line and tower clearance standards are used throughout the electric transmission industry. Nationally, most transmission line owners follow the NESC rules or ANSI guidelines, or both, when managing vegetation around transmission system equipment. The NESC deals with electric safety rules, including transmission wire clearance standards, whereas the applicable ANSI code deals with the practice of pruning and removal of vegetation.

#### 3.19.2.2. State Laws, Regulations, and Policies

**California Fire Code.** The California Fire Code governs code requirements to minimize the risk of fire and life safety hazards specific to battery energy storage systems used for standby or emergency power, uninterruptible power supply, and other grid services.

**California Fire Plan.** The Strategic California Fire Plan was finalized in June 2010 and directs each CAL FIRE Unit to prepare a specific Fire Management Plan for their areas of responsibility. These documents assess the fire situation within each of CAL FIRE's 21 units and six contract counties. The plans include stakeholder contributions and priorities and identify strategic areas for pre-fire planning and fuel treatment, as defined by the people who live and work with the local fire problem. The plans are required to be updated annually.

#### 3.19.2.3. Local Laws, Regulations, and Policies

**Riverside County General Plan.** The intent of the Safety Element of the Riverside County General Plan is to reduce death, injuries, property damage, and economic and social impact from hazards. The following policies included in the Safety Element generally relate to the proposed Project with respect to natural hazards (Riverside County, 2021a).

- **Policy S 5.1.** Develop and enforce construction and design standards that ensure that proposed development incorporates fire prevention features through the following:
  - All proposed development and construction within Fire Hazard Severity Zones shall be reviewed by the Riverside County Fire and Building and Safety departments.

- All proposed development and construction shall meet minimum standards for fire safety as defined in the Riverside County Building or County Fire Codes, or by County zoning, or as dictated by the Building Official or the Transportation Land Management Agency based on building type, design, occupancy, and use.
  - In addition to the standards and guidelines of the California Building Code and California Fire Code fire safety provisions, continue to implement additional standards for high-risk, high occupancy, dependent, and essential facilities where appropriate under the Riverside County Fire Code (Ordinance No. 787) Protection Ordinance. These shall include assurance that structural and nonstructural architectural elements of the building will not impede emergency egress for fire safety staffing/personnel, equipment, and apparatus; nor hinder evacuation from fire, including potential blockage of stairways or fire doors.
  - Proposed development and construction in Fire Hazard Severity Zones shall provide secondary public access, in accordance with Riverside County Ordinances.
  - Proposed development and construction in Fire Hazard Severity Zones shall use single loaded roads to enhance fuel modification areas, unless otherwise determined by the Riverside County Fire Chief.
  - Proposed development and construction in Fire Hazard Severity Zones shall provide a defensible space or fuel modification zones to be located, designed, and constructed that provide adequate defensibility from wildfires.
- **Policy S 5.4.** Limit or prohibit development or activities in areas lacking water and access roads.
  - **Policy S 5.6.** Demonstrate that the proposed development can provide fire services that meet the minimum travel times identified in RCFD Fire Protection and EMS Strategic Master Plan.
  - **Policy S 7.14.** Regularly review and clarify emergency evacuation plans for dam failure, inundation, fire and hazardous materials releases.
  - **Policy S 7.15.** Develop a blueprint for managing evacuation plans, including allocation of buses, designation and protection of disaster routes, and creation of traffic control contingencies.

**Desert Center Area Plan.** The intent of the Wildland Fire section of the Hazards section of the Desert Center Area Plan (a part of the General Plan) is to address wildland fire susceptibility for improved public safety in the Desert Center area. The following policy included in the Desert Center Area Plan generally relates to the proposed Project with respect to hazards (Riverside County, 2021b).

- **Policy DCAP 10.1.** All proposed development located within High or Very High Fire Hazard Severity Zones shall protect life and property from wildfire hazards through adherence to policies identified in the Fire Hazards (Building Code and Performance Standards), Wind-Related Hazards and General and Long-Range Fire Safety Planning sections of the General Plan Safety Element.

**Riverside County Fire Department Technical Policy (TP) 15 002.** The RCFD TP 15 002, titled Solar Energy Generating System (SEGS) Fire Apparatus Access Roads, is a standard developed to assist with the design of fire apparatus access roads from public roadways to a SEGS (i.e., solar facility). It addresses secondary access road requirements, which shall be determined by the County Fire Marshal given the specific conditions of any given solar project (RCFD, 2020). Each SEGS project will be reviewed on a case-by-case basis to determine secondary fire apparatus access requirements to facilitate emergency operations and to minimize the possibility of an access point being subject to congestion or obstruction during an emergency incident. This standard states that the secondary access road shall not be less than 20 feet in width and shall have an unobstructed vertical clearance of no less than 13 feet, 6 inches. The grade of the access road shall not exceed 15 percent. The access road shall be designed, constructed, and maintained

to support the imposed load of fire apparatus weighing at least 75,000 pounds and constructed to Riverside County Transportation Standards. A registered engineer shall certify the design and construction of the access road based on the fire apparatus-imposed load of 75,000 pounds.

The proposed Project would be consistent with County policies and regulations related to wildfire through the design and construction of the Project and its subsequent operation, which would comply with the applicable requirements for design review/approval by the agencies having oversight.

### 3.19.3. Methodology for Analysis

Wildfire hazards associated with the Project are evaluated based on landscape characteristics and the Project's ability to start or exacerbate wildfires. Potential existing hazards are based on review of the location of the Project on CAL FIRE maps to determine its location within FHSZs. Although the Project would not be located in a Very High or High FHSZ, the potential for wildfires is still present due to the electrical components of the Project. This analysis identifies design features and compliance with existing safety procedures, standards, and regulations that would be part of the Project.

### 3.19.4. CEQA Significance Criteria

The criteria used to determine the significance of potential wildfire impacts are based on Appendix G of the State CEQA Guidelines. The proposed Project would result in a significant impact under CEQA related to Wildfire if the Project is located in or near State Responsibility Areas or lands classified as very high fire hazards severity zones and would:

- *Substantially impair an adopted emergency response plan or emergency evacuation plan.*
- *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.*
- *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.*

The County of Riverside's Environmental Assessment Form includes additional significance criteria, which were also used in the analysis. The additional criteria indicate that a project could have potentially significant impacts if it would:

- *Expose people or structures either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.*

The following CEQA significance criterion from Appendix G was not included in the analysis and is not discussed further beyond this summary:

- *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.*

The Project would be located in a Moderate FHSZ in a remote desert area. The solar facility would be constructed and operated on nearly level ground and would require minimal grading, and areas with irregular topography would be avoided and be protected in place to preserve important hydrologic functions. Solar panels would not be installed in existing drainages or washes. Because the ground surface at the Project site is nearly level, and nonflammable solar panels would be installed, the Project would not pose a risk of landslides, post-fire slope instability, or drainage changes. As such, impacts regarding downslope or downstream flooding or landslides as a result of post-fire slope instability would be less than significant.

### 3.19.5. Proposed Project Impact Analysis

The scoping effort conducted by the Riverside County Planning Department revealed several public concerns related to wildfire. Public concerns brought up in the scoping process involved concerns about the increased risk of wildfires due to the increased presence of power lines. Although the proposed Project is not located in or near SRAs or lands classified as Very High FHSZ, the potential for wildfires is still present due to the electrical components of the Project.

**Impact FIRE-1. The Project would substantially impair an adopted emergency response plan or emergency evacuation plan.**

**LESS THAN SIGNIFICANT WITH MITIGATION, CONSTRUCTION.** The Easley Project would be constructed in a remote area with existing, approved, and proposed solar projects nearby. SR-177 would be the primary access road to the solar facility site, and several ingress/egress points would be established for construction access. An internal roadway system would be constructed to provide access within the Project site. Construction of the solar facility, battery energy storage system (BESS), and other components would not require any temporary lane closures on public roads. Although construction vehicles would be present on public roads to access the Project site, construction of the solar facility is not expected to restrict the movements of emergency vehicles. The new ingress and egress points at the Project site would allow for emergency vehicles access into and through the site, as well as provide controlled access for construction vehicles.

Construction of the gen-tie line would primarily occur within the 175-foot BLM right-of-way, but this disturbance would not obstruct any public rights-of-way. A small section of the gen-tie line would be strung across SR-177, potentially requiring temporary lane closures during stringing of the wire between towers east and west of SR-177. As discussed in Section 3.18, (Traffic and Transportation), Mitigation Measure (MM) TRA-1 (Construction Traffic Control Plan) is proposed to provide specificity to reduce potential impacts from any temporary travel lane disruptions during construction of the gen-tie line. MM TRA-1 (Construction Traffic Control Plan) requires the Construction Traffic Control Plan be reviewed and approved by Caltrans and Riverside County and would include plans to coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles (see Impact TRA-4 in Section 3.18, Traffic and Transportation, for full text). With the incorporation of this mitigation measure, impacts from temporary construction-related traffic disruptions would be less than significant.

**LESS THAN SIGNIFICANT, OPERATIONS AND MAINTENANCE.** During Project operations, up to 10 permanent staff could be on site at the solar facility at any given time for as-needed maintenance and repairs. Maintenance activities for the solar arrays, BESS, gen-tie line, and other components are not expected to require any temporary lane closures that could restrict emergency vehicle movements due to the small number of employees that may travel to the site. Additionally, approximately two permanent staff, eight project operators, and security personnel would be located off site and would be on call to respond to alerts generated by the monitoring equipment at the Project site. Ingress and egress points established during Project construction would be available for operational and emergency access. All internal access roads and gates would comply with RCFD TP 15 002, California Building Code, and County requirements. Access roads would provide a fire buffer as well as facilitate on-site circulation for emergency vehicles. Impacts during Project operations would be less than significant.

**LESS THAN SIGNIFICANT, DECOMMISSIONING.** Decommissioning the Project would require similar equipment and workforce as Project construction but would be substantially less intense. Workers would travel to the site to dismantle all above-ground equipment (i.e., solar panels, BESS, and associated infrastructure), remove primary roads, break up concrete pads and foundations, remove the septic system and leach field, dismantle the gen-tie line, and scarify compacted areas. Similar to construction, decommissioning would

result in the presence of construction vehicles on public roads to transport workers and equipment and to haul away decommissioned materials. Vehicles used during decommissioning of the solar facility are not expected to restrict the movements of emergency vehicles. The ingress and egress points at the Project site would be maintained during the duration of decommissioning to allow for emergency vehicles access into and through the site, as well as provide controlled access for vehicles. After decommissioning activities are complete, the site would be restored to its pre-solar facility conditions, or such condition as appropriate in accordance with County and BLM policies at the time of decommissioning. Decommissioning activities would result in less-than-significant impacts associated with emergency response plans or evacuation plans.

### Mitigation Measures for Impact FIRE-1

**MM TRA-1 Construction Traffic Control Plan).** See Section 3.18 (Traffic and Transportation) for full text.

### Significance After Mitigation

This impact would be less than significant.

**Impact FIRE-2. The Project would expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.**

*LESS THAN SIGNIFICANT WITH MITIGATION, CONSTRUCTION.* According to the CAL FIRE FHSZ Viewer and the County of Riverside General Plan Safety Element, the Project is not located in a high or very high FHSZ, and thus would not be in an area prone to wildfires. The Project is in a remote, sparsely populated area approximately 40 miles from the nearest major development. The surrounding area includes active and fallow agricultural fields, the community of Lake Tamarisk, electrical transmission lines, and other solar facilities. Wildfires in California typically occur in heavily forested areas and vegetated grassy hillsides, and communities generally at highest risk of wildfire hazards are those located within these areas or in the wildland urban interface. Due to the presence of sparse vegetation, relatively flat topography, the remote location of the Project, and its desert setting, the potential for the Project to exacerbate wildfire risks and expose nearby residences to the hazards of wildfire is low.

The Project design includes fire safety precautions. While vegetation on the Project site is sparse, vegetation management would still be required as needed, particularly for drainage controls, work areas, and solar array areas, and all other areas where permanent structures would be constructed. Prior to construction, vegetation would be mowed, grubbed, rolled, cut, or cleared. The solar array areas would require mowing and rolling of woody vegetation to a height of 12 inches. Woody vegetation adjacent to non-solar array structures would be partially cut. Reduction of vegetation would reduce the availability of flammable fuels around the Project site.

Construction of the proposed solar facility, BESS, gen-tie line, and other components would involve preparation, installation, and testing of electrical components such as cables, inverters, wiring, modules, and a transformer. Wires would be buried at a minimum of 18 inches below grade, minimizing the potential for faulty wiring to ignite a fire. All electric inverters and the transformer would be constructed on concrete foundation structures or steel skids and tested prior to use to ensure safe operations and to minimize fire risks. Prior to wire setup, work areas would be cleared of vegetation to reduce the risk of ignition from any vehicles or equipment. Small quantities of hazardous chemicals such as fuels and greases would be stored at the site during construction. They would be stored in appropriate containers in an enclosed and secured location with secondary containment to prevent leakages and accidental fires.

During construction, a fire suppression system would be placed in service if required by the County or BLM Fire. Fire extinguishers and other portable firefighting equipment would be available on site, as well

as additional water for use at the operations and maintenance (O&M) facility. Fire extinguishers would be maintained in accordance with State and federal Occupational Safety and Health Administration (OSHA) requirements.

Furthermore, as described in Section 2.5.13 (Fire Safety During Construction), fire safety measures would be implemented as part of the Project to limit risk of personnel injury, property loss, and potential disruption of electrical generation. ~~Further, pursuant to MM FIRE-1, Additional measures would be added to the Project's Fire Management and Prevention Plan would be prepared for the Project and would include standards for construction. The plan would address fire-safe construction measures, including welding, reduction of ignition sources, control of fuel sources, availability of water, and property maintenance of firefighting systems. The plan would comply with applicable BLM and Riverside County regulations and would be developed in coordination with the BLM and the RCFD. To further reduce the risk of fire, Mitigation Measure FIRE 1 (Fire Safety) is recommended to specify what elements would need to be included in the Fire Management and Prevention Plan.~~ Implementation of MM FIRE-1 would ensure the impact is less than significant.

The following measures would be taken to identify and control fires and similar emergencies, and are specified in greater detail in MM FIRE-1:

- Electrical equipment that is part of the Project would be energized only after the necessary inspection and approval to minimize risk of any electrical fire during construction.
- Project staff would monitor fire risks during construction and operation to ensure that prompt measures are taken to mitigate identified risks.
- Transformers located on site would be equipped with coolant that is non-biodegradable and contains no polychlorinated biphenyls or other toxic compounds.

The Project's location, components, and safety measures would ensure the safe construction of the solar facility. Any fire hazards during construction of the solar facility would be minimal and further reduced with the Fire Management and Prevention Plan (MM FIRE-1). Security at the Easley solar facility, including solar arrays, substation, and BESS, would be provided by a 6-foot-tall chain-link fence topped with one-foot barbed wire to prevent vandalism, damage, or theft of Project components. As such, the proposed Project would not exacerbate wildfire risks or expose workers and residents to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Construction of the solar facility and BESS would result in less-than-significant impacts with mitigation.

The gen-tie transmission structures would be constructed with either monopoles, lattice steel structures, or wooden H-frame poles and would not exacerbate fire risks, as foundations would be constructed with concrete foundations. Construction of the gen-tie transmission line and structures would use existing access roads where feasible. During construction, vegetation within the gen-tie corridor would be reduced or cleared as part of fire safety measures to reduce the likelihood of ignition from vehicles or equipment. As described previously, fire safety measures would be implemented to ensure that construction of the Project components, including the gen-tie line, are implemented in accordance with applicable fire protection and environmental, health, and safety requirements. As such, construction of the Project's gen-tie line would result in less-than-significant impacts.

**LESS THAN SIGNIFICANT WITH MITIGATION, OPERATIONS AND MAINTENANCE.** Once operational, up to 10 workers are anticipated to perform daily visual inspections and minor repairs to ensure all Project components are in good working condition. No heavy equipment would be used during normal operations. Due to the lower level of activity during operations, fewer vehicles would travel to the solar facility. The reduction in vehicle trips and workers would reduce the risk of on-site accidental fires caused by human activities such as smoking, hot work (i.e., welding), and improper vehicle operation. O&M would be limited to inspections and repairs and would not involve the handling, usage, or production of flammable materials. The Project

facility would be monitored by both on-site and remote O&M personnel. On-site vegetation would be trimmed approximately once every three years, as needed. Vegetation maintenance would ensure that flammable vegetation would not grow within access roads or electrical components. This would prevent ignition of vegetation from hot tailpipes of maintenance vehicles or sparks from faulty electrical components. Fire hazards during operation of the solar facility would be minimal and further reduced with the Fire Management and Prevention Plan ~~and~~ (MM FIRE-1 (Fire Safety)). MM FIRE-1 would include ~~additional~~ specific elements in the Fire Management and Prevention Plan to address fire safety during Project operations. Implementation of MM FIRE-1 would ensure the impact from operation of the solar facility is less than significant.

Solar arrays and photovoltaic modules are fire-resistant and would not be susceptible to ignition from fires. In a potential wildfire situation, the panels would be rotated and stowed in a panel-up position that could slow the spread of a fire. Security at the Easley solar facility would continue to be provided by a 6-foot-tall chain-link fence and barbed wire to prevent vandalism, damage, or theft of Project components during operations.

The Project includes operation of an up to 650-MW BESS. The BESS would be housed in electrical enclosures that would be installed on concrete foundations designed for secondary containment. Potential electrical fires would be contained within the enclosures and would not spread beyond them. The BESS would be installed following all applicable design, safety, and fires standard for the installation of energy storage systems, including, but not limited to, National Fire Protection Association (NFPA) 855 (Standard for the Installation of Stationary Energy Storage Systems) and the current California Fire Code (CFC). NFPA 855 includes criteria for fire prevention and suppression associated with BESS installations, and Section 1206 of the CFC includes requirements to minimize the risk of fire and life safety hazards specific to BESSs used for load shedding, load sharing, and other grid services (Chapter 12 Section 1206 of the ~~2019-2022~~ CFC). In accordance with the CFC, the battery enclosure and the site installation design are all required to be approved by the ~~State~~ County Fire Marshal. Furthermore, MM FIRE-1 includes a measure to include information about the type of BESS technology on site, potential hazards, and procedures for disconnecting or shutting down the BESS in case of an accidental fire. Compliance with these design and safety regulations and implementation of MM FIRE-1 would reduce the likelihood of battery fires starting and spreading. The BESS's impact of exposure of people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire to less than significant with mitigation.

Wildfire risk along the gen-tie corridor would be minimal due to the lack of substantial vegetation, and concrete foundations would further reduce the spread of fire. Portions of the gen-tie line could also be installed underground based on design constraints, existing utilities, and resources. Undergrounding portions of the gen-tie line would reduce the risk of fire. As described previously, fire safety measures would be implemented to ensure that operation of the Project components, including the gen-tie line, are implemented in accordance with applicable fire protection and environmental, health, and safety requirements, which require vegetation clearance, regular inspections and maintenance, and monitoring weather conditions such as high-wind conditions. As such, operation of the Project's gen-tie line would result in less-than-significant impacts.

**LESS THAN SIGNIFICANT WITH MITIGATION, DECOMMISSIONING.** Decommissioning of the solar facility, BESS, gen-tie line, and other Project components would require a similar workforce and equipment as Project construction, but at a lower intensity. The risk of fire during decommissioning would be lower than that of construction, as the site would have been maintained during its life, and vegetation would be appropriately managed. Decommissioning activities would follow the same fire safety measures as construction, including adherence to the Fire Management and Prevention Plan. Flammable chemicals such as fuels and greases stored on site would be in proper enclosed containers and secured throughout the duration of decommissioning. Fire extinguishers and other portable firefighting equipment would be on site and maintained in accordance with OSHA requirements. Implementation of MM FIRE-1 would include



additional measures to the Fire Management and Prevention Plan, such as fire prevention procedures and emergency response that would minimize the likelihood of a wildfire from starting or spreading. Impacts would be less than significant with mitigation.

### Mitigation Measures for Impact FIRE-2

**MM FIRE-1 Fire Safety.** See Section 3.19.79 (Mitigation Measure) for full text.

#### Significance After Mitigation

This impact would be less than significant following implementation of mitigation.

**Impact FIRE-3. The Project would require the installation and maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines, or other utilities that may exacerbate the risk of fire.**

**LESS THAN SIGNIFICANT, CONSTRUCTION.** The Project would construct a utility-scale solar photovoltaic electrical generation and storage facility that would deliver electricity to the statewide transmission grid. Construction of the solar facility would result in the installation of infrastructure to support the generation, delivery, and storage of electricity. Prior to construction, vegetation would be mowed, grubbed, rolled, cut, or cleared. The reduced amount of already-sparse vegetation would minimize the potential ignition of vegetation. Construction of all internal access roads and gates would comply with RCFD TP 15 002, California Building Code, and County requirements.

Construction activities would involve the use of heavy construction equipment and vehicles to install the solar facility's components over the course of approximately 20 months. If on-site fuel tanks are stored at the site for construction vehicles and equipment, they would be no larger than 1,000 gallons each and would comply with all applicable regulations. Flammable substances would be stored in appropriate containers in an enclosed and secured location with secondary containment to prevent leakages and accidental fires.

Although the solar facility is in a remote desert setting and is not within a High or Very High FHSZ, the electrical components could pose a small risk of fire if they become damaged or are tampered with. Electrical components that may pose a risk of fire include the electrical distribution line, transformers, batteries, substations, gen-tie line, and the switchyard. Because these components are located in a sparsely vegetated and remote location away from densely populated areas, the potential for faulty electrical equipment to exacerbate fire risks for populated areas is minimal. Additionally, assembly and installation of the electrical equipment would meet existing electrical and safety standards. Certified electricians and utility journeymen would be part of the construction workforce to ensure that all electrical equipment is assembled properly. Up to two substation yards would be secured with a barbed wire chain-link fence to comply with electrical codes and would include communication systems to comply with California Independent System Operator and SCE's monitoring and control requirements to ensure safe operation. Construction of the electrical components, including the BESS, would include preparation, installation, and testing. Wires would be buried at a minimum of 18 inches below grade, minimizing the potential for faulty wiring to ignite a fire. The majority of the solar facility's equipment would consist of solar PV panels and their mounting systems, which would be assembled from noncombustible, nonflammable materials. The solar PV panels would not ignite a potential wildfire or exacerbate the spread of wildfires.

Construction of the gen-tie line and structures would occur within an approximately 175-foot-wide corridor. Wire setup sites within this corridor would be cleared and graded to ensure enough clearance for large equipment used for the wire stringing operation. Removing potentially flammable materials and vegetation within the construction corridor would reduce the risk of wildfire during construction. The gen-

tie transmission structures would be composed of monopoles, lattice steel structures, or wooden H-frame poles and would not exacerbate fire risks due to the nonflammable nature of their concrete foundations. Construction of the gen-tie transmission line and structures would use existing access roads where feasible. The lack of substantial vegetation within the gen-tie corridor would create a minimal wildfire risk during construction of the gen-tie line. As described previously, fire safety measures would be implemented to ensure that construction of the Project components are implemented in accordance with applicable fire protection and environmental, health, and safety requirements. As such, construction of the Project's gen-tie line would result in less-than-significant impacts.

***LESS THAN SIGNIFICANT WITH MITIGATION, OPERATIONS AND MAINTENANCE.*** Regular O&M of the solar facility would involve daily visual inspections and maintenance when needed to address damage or deterioration of equipment. O&M activities would ensure that all equipment is in good working order, thereby minimizing accidents and potential fires. Additionally, fire safety measures would be implemented during operations, including having portable firefighting equipment and extinguishers, sprinkler systems, and a fire suppression system on site as well as additional water for use at the O&M facility. These safety measures, along with the Fire Management and Prevention Plan, would provide safe operating conditions and fire response protocols to minimize the risk of wildfire. As such, operation of the solar facility would have a less-than-significant impact regarding the installation of utilities that may exacerbate fire risk and result in temporary impacts.

The BESS would be housed in enclosed storage containers constructed on level concrete foundations. The enclosures would contain potential accidental fires and prevent them from spreading and causing further damage. The BESS area would also be cleared of vegetation to further minimize the risk of fire spreading. Furthermore, to minimize the risk of batteries overheating within the enclosures, air conditioners or heat exchangers and inverters would be installed for temperature control. The enclosures would also have remote communication systems that monitor for internal conditions such as temperature and smoke ~~and have automatic fire suppression systems.~~ The BESS system would include live monitoring that would automatically start an emergency notification and response procedure if a fire were to occur. As described in Section 2.7.3 (Fire Safety During Operation), the BESS would be certified to UL 9540 (standard for control, detection, and suppression of fires in BESSs). Each battery would be tested to this standard, and results would support first responders by indicating that internal fires are contained and not spread to other parts of the facility. Additionally, a ~~150,000-gallon water tank would also be available for each BESS unit as a backup to the~~ to provide as-needed fire suppression systems. The BESS would comply with all requirements of the current CFC and would require approval by the State Fire Marshal. To further improve fire safety, MM FIRE-1 is recommended, which includes specific measures to be added to the Fire Management and Prevention Plan to include information about the type of BESS technology on site, potential hazards, and procedures for disconnecting or shutting down the BESS in case of an accidental fire. It also includes a training component for emergency first responders to prepare for incidents such as fire or explosion at or with the BESS. Therefore, impacts would be less than significant with mitigation.

Operation of the gen-tie transmission line has a low likelihood of causing or exacerbating a wildfire due to the sparsely vegetated areas immediately surrounding the gen-tie structures. However, sparks and resulting fires have historically occurred along transmission lines due to foreign objects (e.g., falling trees, birds, mylar balloons, flammable debris carried by wind, etc.) contacting conductors or insulators. This risk would be reduced by regular inspections and maintenance of electrical components as well as trimming vegetation as needed to reduce fuel load. No trees are located in the vicinity of the gen-tie lines that could ignite from contact with the gen-tie line structures. Due to the gen-tie line's remote location away from densely populated areas, foreign objects such as balloons or ~~bullets~~ flammable debris are unlikely to come into contact with conductors or insulators. Drones would be used to perform annual thermal and visual inspections of the gen-tie line in compliance with North American Electric Reliability Corporation (NERC) FAC-003-4 Transmission Vegetation Management to reduce risk of equipment malfunction or

failure. The use of drones would minimize the need for larger vehicles such that ground disturbance and potential tailpipe-ignited fires would be avoided. Therefore, gen-tie line inspections would ensure that gen-tie lines and structures are not damaged and would minimize the risk of electrical fires. Implementation of MM FIRE-1 would ensure activities such as vegetation clearing, idling restrictions, and worker training would further reduce the risk of fire associated with operation of the gen-tie line to a level of less than significant.

**LESS THAN SIGNIFICANT, DECOMMISSIONING.** The solar facility, BESS, gen-tie line, and other electrical infrastructure would be dismantled and removed from the Project site. As described previously, fire safety measures would be implemented to ensure that decommissioning of the Project components is implemented in accordance with applicable fire protection and environmental, health, and safety requirements. As such, decommissioning of the Project would result in less-than-significant impacts.

Once the Project is decommissioned, the solar facility would no longer generate electricity, and the BESS, gen-tie line, distribution lines, and other electrical components would not store or conduct electricity. The removal of solar panels, BESS, gen-tie line, power lines, and other electrical components during decommissioning would essentially eliminate fire risk associated with the electrical infrastructure. After the Project is decommissioned, no power lines, BESS, or other components with a fire risk would exist at the site and no impact would occur once the Project is decommissioned.

### Mitigation Measures for Impact FIRE-3

**MM FIRE-1 Fire Safety.** See full text in Section 3.19.79 (Mitigation Measures).

#### Significance After Mitigation

This impact would be less than significant.

**Impact FIRE-4. The Project would expose people and structures to risks of loss, injury, or death involving wildfires.**

**LESS THAN SIGNIFICANT WITH MITIGATION, CONSTRUCTION.** As discussed under Impact FIRE-2, the proposed Project is not located in a high or very high FHSZ, and thus would not be in an area prone to wildfires. The Project is located in a moderate zone, which typically are wildland supporting areas of low fire frequency and relatively modest fire behavior. The Project site is surrounded by remote desert lands, active and fallow agricultural fields, and other solar facilities. Lake Tamarisk is the closest community to the Project, located adjacent to the southwest corner of the Project site. Due to the presence of sparse vegetation, relatively flat topography, the remote location of the Project, and its desert setting, the potential for the Project to expose people and structures to wildfire risks is low.

During construction of the solar facility, BESS, and gen-tie line, vegetation would be managed on site to reduce the risk of fire. Work areas would be cleared of vegetation so that construction activities such as welding would not ignite nearby vegetation. Woody vegetation would be trimmed to reduce the availability of dry fuels and slow down potential fires. All electrical components such as the gen-tie line, power lines, inverters, transformers, and BESS would be constructed on nonflammable concrete foundation structures or steel skids and tested prior to use for safe operations.

During construction, a fire suppression system would be placed in service if required by the County or BLM Fire. Fire extinguishers and other portable firefighting equipment would be available on site, as well as water for use at the O&M facility. Fire extinguishers would be maintained in accordance with State and federal OSHA requirements. Well-maintained firefighting equipment would increase the likelihood that any accidental fires that occur during construction would be effectively extinguished. MM FIRE-1 would include measures requiring fire prevention, emergency response, and evacuation to ensure the safety of

construction workers. All construction workers would receive training on fire prevention procedures, proper use of firefighting equipment, and procedures following the event of a fire. Fire prevention procedures would be included in the Project's Worker Environmental Awareness Program.

The Project is located in both LRAs and FRAs, and as such, RCFD and BLM Fire would be responsible for fighting fires at the Project site. RCFD Station 49 is located approximately 0.4 mile south of the Project site and would be the first responder for the Project in the event of a fire. As required in MM FIRE-1, the Project owner would coordinate with both BLM and RCFD to train emergency first responders to prepare for specialized emergency incidents at the site, including fire or explosion at or within the BESS area. Additionally, worker training records on fire prevention and firefighting procedures would be made available for BLM and RCFD to review. Coordination with the local fire department would ensure timely emergency response that would minimize the risk of loss, injury, or death during construction. Due to the Project's desert setting, scarce vegetation, fire safety measures, and coordination with RCFD and BLM FIRE, impacts would be less than significant with mitigation.

**LESS THAN SIGNIFICANT WITH MITIGATION, OPERATIONS AND MAINTENANCE.** Project operations would consist of a minimal number of on-site workers for daily inspections and as-needed repairs. No hazardous activities would be performed during operations that could spark a fire, as no heavy equipment would be used, and fewer vehicles would travel to the solar facility. O&M would be limited to inspections and repairs and would not involve the handling, usage, or production of flammable materials. The Project facility would be monitored by both on-site and remote O&M personnel. Inspections, repairs, and remote monitoring of the Project components would reduce the likelihood of electrical failures or faulty equipment that could spark a fire. Fire hazards during operation of the solar facility would be minimal and further reduced with the Fire Management and Prevention Plan (MM FIRE-1). MM FIRE-1 would include additional specific elements in the Fire Management and Prevention Plan to address fire safety during Project operations. Implementation of MM FIRE-1 would ensure the impact from operation of the solar facility is less than significant.

Solar arrays and photovoltaic modules are fire-resistant and would not be susceptible to ignition from fires. In a potential wildfire situation, the panels would be rotated and stowed in a panel-up position that could slow the spread of a fire. Therefore, during a potential wildfire event, operation of the solar facility would not exacerbate a fire or expose workers or nearby residents to fire hazards.

The BESS would be housed in electrical enclosures on concrete foundations designed for secondary containment. Potential electrical fires would be contained within the enclosures and would not spread beyond them. The BESS would be installed following all applicable design, safety, and fire standards for BESSs, including NFPA and CFC requirements. Furthermore, MM FIRE-1 includes a measure to include information about the type of BESS technology on site, potential hazards, and procedures for disconnecting or shutting down the BESS in case of an accidental fire. The enclosures would have air conditioners or heat exchangers and inverters. A 150,000-gallon water tank may also be required for each BESS area. Compliance with these design and safety regulations and implementation of MM FIRE-1 would reduce the danger of fires spreading uncontrollably and causing loss, injury, or death. Furthermore, MM FIRE-1 also includes training and coordination requirements so that emergency first responders are prepared to address battery fires or explosions at the BESS area and are knowledgeable of appropriate firefighting methods for BESS fires. The impact would be less than significant with mitigation.

The gen-tie line, like the solar facility and BESS, would be located in a desert setting with scattered low-growing vegetation. The gen-tie structures would be constructed on concrete foundations such that the areas immediately surrounding the poles would not be flammable. Portions of the gen-tie line may also be placed underground, which would further reduce the risk of fire. As discussed in Impact FIRE-3, regular inspections and maintenance of electrical components and trimming of vegetation would ensure all components are in good working order and that vegetation fuel load is minimal. Drone inspections in

compliance with NERC Transmission Vegetation Management requirements would ensure that gen-tie lines and structures are not damaged and would minimize the risk of electrical fires. Implementation of MM FIRE-1 would ensure that workers and emergency first responders are trained to properly handle accidental fires, and would further reduce the risks associated with fires to a level of less than significant.

**LESS THAN SIGNIFICANT, DECOMMISSIONING.** As discussed in Impact FIRE-3, the solar facility, BESS, gen-tie line, and other electrical infrastructure would be dismantled and removed from the Project site. Once the Project is decommissioned, the solar facility would no longer generate electricity, and the BESS, gen-tie line, distribution lines, and other electrical components would not store or conduct electricity. The removal of solar panels, BESS, gen-tie line, power lines, and other electrical components during decommissioning would essentially eliminate fire risk associated with the electrical infrastructure. After the Project is decommissioned, no power lines, BESS, or other components with a fire risk would exist at the site. The site would not pose a risk of loss, injury, or death involving wildfires. Therefore, no impact would occur once the Project is decommissioned.

#### **Mitigation Measures for Impact FIRE-4**

**MM FIRE-1 Fire Safety.** See full text in Section 3.19.79 (Mitigation Measures).

#### **Significance After Mitigation**

This impact would be less than significant.

**\*\*\* The impact analyses for all Project alternatives have been moved to EIR Section 5. \*\*\***

### **3.19.6. Cumulative Impacts**

#### **Geographic Scope**

The area of Desert Center is the geographic scope for the cumulative impact analysis of wildfire impacts. This area has a sparsely vegetated landscape and a low potential to ignite and facilitate wildfires, therefore, the greatest potential for cumulative impacts relating to wildfire impacts would primarily be during the construction phase of projects in close vicinity to the proposed Project. Tables 3.1-1 and 3.1-2 list existing and reasonably foreseeable projects in the region. These projects include the Desert Sunlight Solar Project, SCE Red Bluff Substation, Devers-Palo Verde No. 1 Transmission Line, Blythe Energy Project Transmission line, Desert Harvest Solar Project, Athos Renewable Energy Project, Oberon Renewable Energy Project, Arica and Victory Pass Solar Projects, Eagle Mountain Pumped Storage Project, Sapphire Solar Project, and Skybridge Eagle Mountain Hydrogen Project, Colorado River-Red Bluff 500 kV #1 Line Upgrade and Devers-Red Bluff 500 kV #1 and #2 Lines Upgrade in Riverside County. Recent CAL FIRE Incident Data from 2015 through 2022 was reviewed for the Desert Center region, and no incidents occurred in the span of five years (CAL FIRE, 2022). As such, this area does not have a high risk of wildfires.

#### **Cumulative Impact Analysis**

Cumulative impacts regarding wildfire hazards generally occur if multiple projects were to be constructed and operated in overlapping schedules in a High or Very High FHSZ. Additionally, cumulative wildfire impacts are more likely to occur if the projects involve construction of flammable structures, such as houses or other buildings. Combined with a geographic area prone to wildfires, such as a densely forested area or chaparral-dominated landscape, the wildfire effects of multiple developments could combine to be cumulatively considerable. None of these factors is present here.

If adopted, the proposed expansion of Joshua Tree National Park and creation of Chuckwalla National Monument would re-designate existing federal lands in the Project vicinity, which would reduce the opportunity for new development in the region that could contribute to cumulative impacts related to wildfire.

Short-term cumulative impacts would occur during construction and decommissioning if the Project schedule overlaps with multiple other nearby projects. However, projects in the cumulative scenario would be required to comply with local, State, and federal fire hazard policies, the CFC, and include their own fire management plans and best management practices. Furthermore, the proposed Project, as well as the surrounding projects, would all occur in a Moderate FHSZ with no dense vegetation to spread a potential fire. Therefore, there would not be a significant cumulative impact related to wildfire, and the Project, in combination with the nearby projects, would not make a cumulatively considerable contribution to impacts related to fire hazards.

### Mitigation Measures for Cumulative Impacts

Mitigation Measures MM TRA-1 and MM FIRE-1 would reduce the Project's contribution to the already less-than-significant cumulative wildfire impacts be implemented to address potential wildfire impacts for the proposed Project. No additional mitigation would be required.

### Significance After Mitigation

Cumulative impacts would be less than significant. The Project's incremental contribution to wildfire impacts would not be cumulatively considerable.

### 3.19.7. Mitigation Measures

**MM TRA-1**     **Construction Traffic Control Plan.** See full text in Section 3.18.9-7 (Traffic and Transportation).

**MM FIRE-1**     **Fire Safety.** The Fire Management and Prevention Plan prepared by the Project owner to ensure the safety of workers and the public and minimize fire risk during construction, operation and maintenance, and decommissioning for the Project shall include, but not be limited to, the following elements:

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions.
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors. Spark arrestors shall be in good working order.
- Once new access roads have been cut and initial fencing completed, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.
- Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees.
- Equipment parking areas and small stationary engine sites shall be cleared of all flammable materials.
- Smoking shall be prohibited in all vegetated areas and within 50 feet of combustible materials storage and shall be limited to paved areas or areas cleared of all vegetation.

- Each construction site (if construction occurs simultaneously at various locations) shall be equipped with fire extinguishers and fire-fighting equipment sufficient to extinguish small fires.
- The Project owner shall coordinate with BLM and RCFD to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site, including incidents such as fire or explosion at or with the BESS.
- The plan shall include information about the type of BESS technology on site, potential hazards, and procedures for disconnecting or shutting down the BESS in case of fire or to reduce the chance of fire.
- All construction workers, plant personnel, and maintenance workers visiting the plant and/or transmission lines to perform maintenance activities shall receive training on fire prevention procedures, the proper use of firefighting equipment, and procedures to be followed in the event of a fire. Training records shall be maintained and be available for review by BLM and RCFD. Fire prevention procedures shall be included in the Project's Worker Environmental Awareness Program.
- Vegetation near all solar panel arrays, ancillary equipment, and access roads shall be controlled through periodic cutting and spraying of weeds, in accordance with the Weed Management Plan.
- BLM and RCFD shall be consulted during plan preparation and fire safety measures recommended by these agencies included in the plan.
- The plan shall list fire prevention procedures and specific emergency response and evacuation measures that shall be required to be followed during emergency situations.
- All on-site employees shall participate in annual fire prevention and response training exercises with the BLM and RCFD.
- The plan shall list all applicable wildland fire management plans and policies established by state and local agencies and demonstrate how the Project will comply with these requirements.
- The Project owner shall designate an emergency services coordinator from among the full-time on-site employees who shall perform routine patrols of the site during the fire season equipped with a portable fire extinguisher and communications equipment. The Project owner shall notify BLM and RCFD of the name and contact information of the current emergency services coordinator in the event of any change.
- Remote monitoring of all major electrical equipment (transformers and inverters) will screen for unusual operating conditions. Higher than nominal temperatures, for example, can be compared with other operational factors to indicate the potential for overheating which under certain conditions could precipitate a fire. Units could then be shut down or generation curtailed remotely until corrective actions are taken.
- Fires ignited on site shall be immediately reported to BLM and RCFD.
- The engineering, procurement, and construction contract(s) for the Project shall provide reference to or clearly state the requirements of this mitigation measure.
- The Project owner must provide the Fire Management and Prevention Plan to BLM for review and approval and to RCFD for review and comment before construction.

## 4. OTHER CEQA CONSIDERATIONS

Chapter 4 includes discussions of various topics required by CEQA. These topics include Section 4.1, significant and unavoidable impacts, which summarizes the conclusions presented in Chapter 3; Section 4.2, significant irreversible and irretrievable changes; Section 4.3, growth-inducing effects; Section 4.4, energy consumption; Section 4.5, Other Public Concerns; and Section 4.6, Caltrans CEQA Summary.

### 4.1. Significant and Unavoidable Environmental Impacts

#### 4.1.1. Significant Direct Effects of the Solar Facility

As required by the CEQA Guidelines Section 15126.2(b), an EIR must describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less-than-significant level. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications, and the reasons the Project is being proposed, notwithstanding their effect, should be described. Chapter 3 of this EIR describes the proposed Project's potential environmental impacts and recommends mitigation measures to reduce impacts, where feasible. Impacts to the following resources would be significant and unavoidable with construction and operation of the proposed Project, even with the incorporation of feasible mitigation measures that attempt to reduce impacts to the extent feasible.

Note that these conclusions apply to the Project as proposed, the No Project Alternative (A3: Other Renewable Energy Development within Existing Land Designations), and the Lake Tamarisk Alternative (Alternative B2), and the Further Reduced Footprint Alternative with Berms (Alternative C) (except for views from Lake Tamarisk Desert Resort), described in Chapter 2, but not to the No Project Alternative (A1 and A2), Offsite Alternative (Alternative D), or Distributed Commercial and Industrial Rooftop Solar Alternative (Alternative E), which would eliminate the significant and unavoidable visual impacts. However, the Offsite Alternative (Alternative D) would likely create new significant and unavoidable impacts to biological resources.

#### Aesthetics

- ~~Impact AES-1~~***AES-3. In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?***

The Project could substantially degrade the existing visual character or quality of the site and its surroundings. The resulting visual change would be adverse and unavoidable even with implementation of mitigation, when viewed from all Key Observation Points (KOPs).

- ***Impact AES-3. Would the Project result in the creation of an aesthetically offensive site open to public view?***

The Project's high visual change discussed under Impact AES-1 would result in a significant aesthetics impact under Impact AES-3 as well. Additionally, the O&M impacts would remain significant and unavoidable.

#### Agriculture and Forestry

- ~~***Impact AG-1. The Project would conflict with existing zoning for agricultural use, a Williamson Act contract, or land within an agricultural preserve.***~~

There are seven parcels within the Project site that are subject to a Williamson Act contract and related agricultural preserve program. The proposed solar Project is not an allowable use under the Williamson



~~Act program and, therefore, its construction and operation on lands would be a significant and unavoidable impact with lands in an agricultural preserve and related Williamson Act contract. Cancellation of the Williamson Act contract must occur prior to approval of the conditional use permit for the Project. If the Williamson Act contracts are cancelled at the time of the EIR certification, this impact would be avoided.~~

■ ~~**Impact AG-3. The Project would conflict with land within a Riverside County Agricultural Preserve.**~~

~~There are seven parcels within the Project site that are subject to a Williamson Act contract and related agricultural preserve program, which is incompatible with the Project; therefore, this conflict with an agricultural preserve would be significant and unavoidable. However, if the Williamson Act contracts are canceled prior to EIR certification, this impact would be avoided.~~

#### 4.1.2. Significant Cumulative Effects

According to section 15355 of the State CEQA Guidelines, the term *cumulative impacts* “refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Individual effects that may contribute to a cumulative impact may be from a single project or several separate projects. Individually, the impacts of a project may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively considerable.

The cumulative scenario and analysis methodology is included in Section 3.1 of this EIR. This EIR has considered the potential cumulative effects of the Project for each issue area in Chapter 3 and for alternatives in Chapter 5. Impacts of these projects are cumulatively ~~considerable~~ when they are combined with impacts from past, present, and reasonable future projects. Impacts would be considered cumulatively significant for the following issue areas:

- **Aesthetics:** The cumulative scenario includes many large-scale solar plants and transmission lines whose scale and pervasiveness would have adverse cumulative effects to aesthetics. If all the projects were implemented, they would introduce substantial visual contrast associated with discordant geometric patterns in the landscape and large-scale, built facilities with prominent industrial character; create unnatural lines of demarcation in the valley floor landscape and inconsistent color contrasts; and add visible night lighting within the broader Chuckwalla Valley. As a result, the proposed Project, in combination with the 13 local energy projects, would contribute to significant cumulative visual impacts when viewed by sensitive viewing populations along Interstate 10 and SR-177/Rice Road, from nearby residences, from portions of JTNP, and in the surrounding mountains and wilderness. Effective implementation of Mitigation Measures AES-1 (Surface Treatment of Project Structures and Buildings), MM AES-2 (Project Design), MM AES-3 (Night Lighting Management), and MM BIO-5 (Vegetation Resources Management Plan) would reduce the severity of the Project’s contribution to the cumulative visual effects, though the Project’s contribution would still be considerable.
- **Cultural and Tribal Cultural Resources:** While the visual changes resulting from the Project would be in kind with the current nature and scale of existing visible developments, the addition of more industrial components to the Chuckwalla Valley, as a result of the Project in combination with past projects, other current projects, and probable future projects, would contribute to adverse visual impacts to the Prehistoric Trails Network Cultural Landscape (PTNCL), particularly from character defining features within the PTNCL. The Project would implement Mitigation Measures CUL-1 through MM CUL-6, MM TCR-1, MM TCR-2, AES-1 and AES-2, which would avoid and minimize impacts to archaeological resources and employ design elements that reduce the Project’s visual contrast to characteristics of the landscape, reducing project-level impacts to less than significant. Cumulative projects would likely be required to implement similar measures. However, cumulative visual impacts to the

PTNCL would remain significant, and the Project's incremental contribution would be cumulatively considerable.

## 4.2. Irreversible and Irrecoverable Commitments of Resources

CEQA Guidelines Section 15126.2 requires a discussion of any irreversible or irretrievable commitments of resources that implementation of a proposed project or alternative would cause. CEQA Guidelines Section 15126.2(c) states “[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.” Both primary and secondary impacts of a project generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with a project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified. Therefore, the purpose of this discussion is to identify any significant irreversible environmental changes brought about by the Project.

Resources irreversibly or irretrievably committed to a proposed Project are those used on a long-term or permanent basis. This includes the use of nonrenewable resources such as petroleum fossil fuel resources, petrochemical products, metals such as raw material for steel, aggregate minerals including sand and gravel, and other natural resources. These resources are considered irretrievable in that they would be used for a proposed project when they could have been conserved or used for other purposes. Another irreversible or irretrievable commitment of resources is the unavoidable destruction of natural resources that could limit the range of potential uses of that environment.

Construction of the proposed Project or alternative would commit nonrenewable resources during construction and ongoing utility services during operations. Recycling would be in accordance with application California state requirements.<sup>39</sup> The proposed Project would install solar PV panels manufactured from metals, such as thin-film panels (including cadmium telluride [CdTe or “cad tel”] and copper indium gallium diselenide [CIGS] technologies), crystalline silicon panels, bifacial panels, or any other commercially available PV technology. Some of these materials would consist of earthen minerals. During operation, oil, gas, and other nonrenewable resources would be consumed for maintenance purposes, although on a limited basis. See Section 3.7 (Energy) for more information.

At the end of its useful life, the Project would be decommissioned, and the land would be available for restoration to open space or other compatible uses. The Applicant would restore the site to the pre-solar facility conditions, or such condition as appropriate in accordance with project approvals and decommissioning plan.

Upon ultimate decommissioning, most components would be suitable for recycling or reuse, and decommissioning would be designed to optimize such salvage as circumstances allow and in compliance with all local, state, and federal laws and regulations as they exist at the time of decommissioning (see Section 2.6, Decommissioning and Repowering). If the Project is decommissioned and dismantled, some of the natural resources on site could be retrieved.

The Project is a renewable energy project intended to generate solar energy to reduce reliance on fossil fuels. Over the life of the Project, the renewable energy project would contribute incrementally to the reduction in demand for fossil fuel used to generate electricity, thereby resulting in a positive effect counteracting the commitment of nonrenewable resources to the Project. A full discussion on the Project's impacts related to energy consumption is provided in Section 3.6 (Energy).

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<sup>39</sup> As of January 1, 2020, CALGreen requires covered projects to recycle and/or salvage for reuse a minimum 65% of the nonhazardous construction and demolition waste or meet a local construction and demolition waste management ordinance, whichever is more stringent.

### 4.3. Growth Inducing Impacts

CEQA Guidelines Section 15126.2(d) requires analysis of the growth-inducing impact of the project. The discussion should identify the ways in which a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. This includes projects that remove obstacles to population growth, such as by extending public services into areas not previously served. Growth inducement can also result from actions that encourage development or encroachment into surrounding areas or encourage adjacent development. According to State CEQA Guidelines Section 15126.2(d), growth should not be assumed to be beneficial, detrimental, or of little significance to the environment.

This growth inducing impact analysis considers the following four criteria, and whether the Project would result in:

- Removal of an obstacle to growth, e.g., establishment of an essential public service or the provisions of new access to an area;
- Economic expansion or growth, e.g., changes in revenue base or employment expansion, that would require construction of new facilities that could cause significant environmental effects;
- Establishment of a precedent-setting action, e.g., a change in zoning, or general plan amendment approval; or
- Encouraging development or encroachment into an isolated area or open space.

Should a project meet any one of the criteria listed above, it can be considered growth-inducing.

**Removal of an obstacle to growth.** The proposed Project would result in the conversion of substantial open space to a developed land use. The Project would be located on private and BLM-administered lands designated as a DFA to allow for development of solar energy generation and appurtenant facilities on public lands in this specific area. The Project would not result in the establishment of an essential public service to lands not currently served by public services nor would it provide new access to previously inaccessible areas. As a result, the Project would not cause significant growth inducement under this criterion.

**Economic expansion or growth.** Short-term economic growth could occur during the construction and decommissioning periods because the proposed Project could create a demand for workers that may not be met by the local labor force, thereby inducing in-migration of non-local labor and their households. Given the number of solar projects proposed in the Desert Center area, workers may temporarily stay in the area. However, construction of the proposed Project alone, nor cumulatively with any of the proposed nearby projects which are also primarily solar projects, would create a significant number of long-term construction jobs that could result in significant population growth. Therefore, the construction phase of the Project is not considered to permanently result in economic expansion or growth, as it would be temporary by definition.

Following construction, up to 10 permanent staff could be on the site at any one time for ongoing solar facility maintenance and repairs. Alternatively, approximately 2 permanent staff and 8 Project operators would be located off site and would be on call to respond to alerts generated by the monitoring equipment at the Project site. The Project's workforce could contribute to an increase in tax revenues for the State of California and Riverside County; however, the limited permanent employment expansion would not result in the need for new or physically altered community-serving facilities. As a result, the proposed Project would not be growth-inducing for its effects on economic expansion or growth.

**Establishment of a precedent-setting action.** The Project would result in the development of a solar and energy storage facility and a gen-tie line in the vicinity of other existing and approved solar projects and

in an area identified by planning documents as appropriate for renewable development. The Project would be similar to the other cumulative projects in eastern Riverside County, many of which are identified as past and present projects or probable future projects (EIR Section 3.1.2, Cumulative Impact Scenario). The Project would not establish a precedent-setting action such as a change in zoning or general plan amendment. Therefore, the Project would not be growth inducing under this criterion.

**Development or encroachment into an isolated area or open space.** The proposed Project would result in a change to undeveloped land in an area surrounded by proposed, existing or under-construction solar projects. The proposed Project, as with a number of adjacent solar projects, would be located on private lands and BLM-administered lands designated as a DFA to allow for development of solar energy generation and appurtenant facilities on public lands in this specific area. The Project would not encroach into lands planned for future residential development. The Project is located approximately 750 feet from a residential development. Although the Project is within close proximity to a community, the Project is not considered to have the potential to encourage or push residential development into other open space areas, because the Project would not induce population growth or development. The Project site is remote and existing/planned land use patterns do not indicate that residential development was planned in the area. Therefore, the proposed Project would not result in growth inducement through development or encroachment into an isolated area or open space.

#### 4.4. Energy Consumption

In order to assure that energy implications are considered in project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing the “wasteful, inefficient, and unnecessary consumption of energy” (see Public Resources Code section 21100(b)(3)). According to Appendix F: Energy Conservation, within the State CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy including:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas and oil; and
- Increasing reliance on renewable energy sources.

Lead agency actions that are consistent with these goals would not be likely to cause an energy-related impact. For this analysis, an impact related to energy conservation would be considered potentially significant if the Project would cause inefficient, wasteful, and unnecessary consumption of energy.

**Energy Implications of the Proposed Project.** The proposed Easley Renewable Energy Project itself would develop a renewable source of power, which would help to offset the use of nonrenewable resources and contribute to an overall reduction of nonrenewable resources currently used to generate electricity.

The Project would produce up to nearly 860,000 megawatt-hours (MWh) of electricity annually, based on the generating capacity of 400 MW at a capacity factor of 26 percent, which would be achievable by a typical solar PV system in eastern Riverside County, minus transmission line losses.

Solar-powered production of electricity would further the energy goal of the State CEQA Guidelines by decreasing reliance on fossil fuel-fired electric generating facilities, primarily by decreasing use of natural gas in California, and by increasing reliance on renewable energy sources.

This EIR in Section 3.9 (Greenhouse Gas Emissions) describes additional effects on climate change/greenhouse gas (GHG) emissions that would be caused by implementation of the Easley Renewable Energy Project, such as the GHG emissions avoided by producing electricity from solar power.

**Discussion of Potential Energy Impacts.** This analysis addresses the following types of potential energy-related impacts, which are outlined in Appendix F of the State CEQA Guidelines:

- ***Would the Project result in substantial new energy requirements or significant energy use inefficiencies for any stage of Project construction, operation, maintenance, and/or removal?*** The proposed Project would produce electricity adding to California's supply of renewable energy resources. Each stage of proposed Project construction, operation, maintenance, and removal, including decommissioning, would require direct energy use through the consumption of fossil fuels in the form of petroleum products that fuel equipment and vehicles, and the use of electricity for powering onsite equipment and facilities. Indirect energy use would include the energy required to refine raw materials and manufacture the components used in construction of the Project. This would include energy used for extraction of raw materials, manufacturing, and transportation associated with manufacturing. Energy used during construction, operation, maintenance, and removal, including decommissioning would be necessary in the implementation of the proposed Project, which would become an electricity producer upon its operation. Accordingly, the proposed Project would not result in an inefficient, wasteful, or unnecessary consumption of energy, and the proposed Project energy requirements would not be substantial or result in significant energy use inefficiencies during any stage.
- ***Would the Project cause a significant adverse effect on local and regional energy supplies and on requirements for additional capacity?*** The development activities and O&M of the proposed Project would consume fossil fuels and some electricity for powering onsite equipment and facilities. Providing diesel and gasoline for Project-related consumption of transportation fuels would not require any additional capacity in the eastern Riverside County regional supply or distribution network. Upon entering commercial service, the proposed Project would become an electricity producer adding to California's supply of renewable energy resources. Because the proposed gen-tie line would provide the capacity to interconnect and ultimately deliver the electrical output of the solar facility, the proposed Project would not exceed local capacity to meet the demand for electricity.
- ***Would the Project cause a significant adverse effect on peak and base period demands for electricity and other forms of energy?*** Overall per capita energy consumption would not be expected to change as a result of the proposed Project. The proposed Project would involve no change in how retail electric service is provided and no change in energy efficiency or energy conservation programs implemented by the utilities serving the peak and base period demands for electricity. The proposed Project would result in no notable change in demand for peak-period or base period electricity from the grid.
- ***Would the Project disrupt compliance with existing energy standards?*** Development activities and O&M of the proposed Project would consume fossil fuels and some electricity for powering onsite equipment and facilities. Vehicles and equipment, and onsite buildings, would need to conform with fuel efficiency standards and building energy efficiency standards established by California's existing programs promoting energy conservation. Similarly, the end-users of electricity that is produced by the proposed Project would be subject to California's existing energy conservation programs. The proposed Project would not disrupt compliance with existing energy standards or have any adverse effect on potential compliance with energy conservation standards.
- ***Would the Project cause a significant adverse effect on energy resources?*** The proposed Project would add to California's supply of renewable energy resources by increasing the production of renewable energy for end-users of electricity in California. The proposed Project would not cause an adverse effect due to inefficient, wasteful, or unnecessary energy use.
- ***Would the Project result in significant adverse effects related to transportation energy use?*** Development activities and O&M of the proposed Project would use transportation fuels and providing diesel and gasoline for Project-related consumption of transportation fuels would not require any additional

capacity in the eastern Riverside County regional supply or distribution network. Due to the small permanent workforce and the limited need for deliveries or waste hauling during O&M of the solar facility, the transportation energy use would be minimal in comparison with the electricity produced. The proposed Project would not cause an adverse effect due to inefficient, wasteful, or unnecessary transportation fuel use.

## 4.5. Other Public Concerns

This section discusses issues raised in the scoping effort conducted by the Riverside County Planning Department, that are not discussed in Section 3 because the issues raised are outside of the scope of CEQA.

### 4.5.1. Property Values

A frequent scoping comment related to land use was concern over the potential loss of property value as a result of solar projects being developed nearby.

The Lake Tamarisk Desert Resort (LTDR) is a 55-plus, member-owned community 2 miles north of I-10 in Desert Center. In 1984, the property was acquired and an abandoned 1960s era manmade lake, golf course, and swimming pool on the property were restored. In addition to its community facilities and amenities, the Lake Tamarisk community includes individual homes and RV lots. The vicinity around LTDR has been identified as highly suitable for development of renewable energy projects, particularly solar projects. Several large-scale solar projects are now in operation in eastern Riverside County where LTDR is situated, and additional solar projects are under construction or planned.

LTDR and Desert Center residents have expressed their concerns about the potential effect of large solar projects on property values. A large study from Lawrence Berkeley National Laboratory (LBNL) found that houses within 0.5 mile of a utility-scale solar farm have resale prices that are, on average, less than houses that are a little farther away (Elmallah, 2023). In particular, homes within 0.5 mile of large-scale photovoltaic projects experienced an average home price reduction of 1.5 percent compared to homes 2 to 4 miles away; statistically significant effects were not measurable over 1 mile from a large-scale solar project.

The study's authors analyzed 1.8 million home sales between 2003 and 2020 near solar farms in six states. The study found diminished property values in three states: Minnesota (4 percent), North Carolina (5.8 percent) and New Jersey (5.6 percent). However, the three other states—California, Connecticut, and Massachusetts—had price changes that were within the margins of error for the study,<sup>40</sup> which means the price effects were too close to zero to be meaningful. The study reports that while large-scale photovoltaic projects have an average adverse effect on home prices, impacts are not uniform across geographies, land uses, or solar project size. The study concludes that the effect of renewable energy projects on property values is small on average, but it is not zero. The authors' research focused on property values and did not consider positive or off-setting impacts of solar development, such as local tax revenue and employment.

Overall, the LBNL study results suggest that for homes very close to a project and those predominantly in rural agricultural settings around larger projects, there are adverse property value impacts of large-scale photovoltaic solar project construction. However, most impacts fade at distances greater than 1 mile from a project. The study notes that although the authors found adverse impacts from large-scale solar projects on property values overall, they notably found no statistically significant evidence of impacts in three

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<sup>40</sup> The LBNL study reports that the states where the authors observed no statistically significant difference in sales price (in CA, CT, and MA) are also the states with lower proportions of large-scale photovoltaic project development on agricultural land. In addition, California has very few transactions in rural areas.

states in their study area – including in California, which alone accounts for over half of the transactions in their dataset.

A smaller 2020 study by researchers at the University of Rhode Island looked at about 400,000 real-estate transaction in Rhode Island and Massachusetts within 3 miles of solar sites and found that the value of houses within 1 mile of a solar project decreased by an average of 1.7 percent following construction of the solar project (Gaur and Lang, 2020). The study sample consisted of 208 solar installations, 71,337 housing transactions within 1 mile, and 347,921 transactions between 1 and 3 miles distant.

Based on limited studies, it appears that there could be a small adverse effect on property values at Lake Tamarisk attributable to a solar project being located within 0.5 mile. The LBNL study found that for California property transactions any effect was within the margin of error of the study.

Economic effects, including effects on property value, are not a topic included in CEQA assessments of proposed projects. However, State CEQA Guidelines §15131 notes that “[e]conomic or social information may be included in an EIR or may be presented in whatever form the agency desires.” The Guidelines also note that “[e]conomic or social effects of a project are not to be treated as significant effects on the environment” (§15131(a)), although “[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project” (§15131(b)). The Guidelines also note that “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.” (§15093(a))

Although it is conceivable that there could be some reduction in property value owing to the proximity of a large-scale solar project, based on the LBNL study the effect on properties in California appears to be small, if any. Given the CEQA guidance, this would not be considered a significant effect on the environment.

#### **4.5.2. Solar Moratorium**

Commenters during scoping expressed a desire for a moratorium on permitting of solar projects with 5 miles of Lake Tamarisk Desert Resort until the 2012 BLM Western Solar Plan is revised and defines setbacks and exclusion zones around communities and that these are agreed upon by the Lake Tamarisk Community.

Establishing a moratorium or buffer is beyond the scope of the CEQA review for the proposed Project. That would require specific actions by the County for lands under its jurisdiction, and by BLM for lands under its jurisdiction. Since the 2012 Western Solar Plan was issued, the BLM has recognized that updating and expanding the Solar Energy Program would be appropriate to advance current and future renewable energy goals and to support conservation and climate priorities. On December 8, 2022, BLM issued a Notice of Intent (NOI) to prepare a Programmatic EIS to evaluate utility-scale solar energy planning and amend Resource Management Plans for renewable energy development. The comment period on the NOI closed on March 1, 2023.

After consideration, the BLM has chosen not to include the area under the DRECP (which includes BLM lands in eastern Riverside County) in the current effort as the BLM believes the DRECP supports an acceptable balance between conservation and renewable energy opportunities within its planning area boundary. The BLM has noted that the Solar Programmatic EIS will not interrupt the processing of existing or new solar energy development applications. BLM decisions to authorize solar energy development projects will continue to conform to the BLM’s approved resource management plans, including as those plans might be amended following the completion of the Solar Programmatic EIS.

Note that an alternative that incorporates a 1-mile buffer around the Lake Tamarisk community is described in Section 2.8 and has been analyzed in Chapter 3 the EIR under Alternative C, Further Reduced Footprint Alternative with Berms.

### **4.5.3. Nuisance Animal Encounters**

The scoping effort revealed that several commentors were concerned about an increase in occurrence of termites and rattlesnakes. The commentors stated that residents of the nearby Lake Tamarisk Desert Resort have reported an increase in the amount of termite swarms and rattlesnake encounters and have attributed this to the increase in disturbance due to solar development in Desert Center.

#### **4.5.3.1. Termites**

Subterranean termites, the type of termite found in Desert Center, lives underground in family groups called colonies. During daylight hours of the spring months, large numbers of winged termites will emerge from soils to leave their parent colonies in order to mate and establish new colonies of their own. These are king and queen termites called swarmers, who will pair up and fly together to search for a place to begin a new nest. Once they land, their wings break off and they start their colony by excavating a small chamber where they mate, reproduce, and grow the colony. Mating continues by the king and queen termite, and the offspring begin creating exploratory tunnels to find wood, which they eat for food. These tubes used to travel underground can range from a few yards to the size of a football field (120 yards). Termites can travel above ground in tubes they build with mud and fecal material to protect themselves from predators and to retain their moisture (Miller, 2010).

Climate change increases the opportunities for the introduction, spread, and persistence of invasive species, such as termites. Termite ranges are expected to significantly increase globally in the following years, partly attributed to climate change and warming temperatures. Economic and ecological damage caused by termites will also increase as a result of this (Buczowski and Bertelsmeier, 2017). The EPA determines that increasing temperatures and wetter or drier climates will favor increased populations in species such as termites, as they can flourish or expand in the changing climate (EPA, 2010).

The potential increase in termites at the Lake Tamarisk Desert Resort could be driven by climate change and warming temperatures, as described above. As stated above, a termite can travel up to 120 yards, or 360 feet underground. The Easley Project would be at least 750 feet from the Lake Tamarisk Desert Resort.

Methods for controlling subterranean termites include insecticides applied to the soil adjacent to the structure, directly to nests, or through bait stations. Termites can infest wood that is in contact with soil, so maintaining a barrier of inorganic material between the soil surface and structural wood is one recommendation. Other management strategies include using termite resistant wood or other materials, keeping wood away from structures, providing ventilation to substructures to keep them dry, and repairing foundation cracks and exterior defects. To facilitate control of subterranean termites, destroy their shelter tubes whenever possible to interrupt access to wooden substructures (Lewis, 2014).

#### **4.5.3.2. Rattlesnakes**

Scoping comments revealed that, along with termites, residents of Desert Center are experiencing an increase in rattlesnake sightings compared to the past. Some explanations include disturbance due to solar developments, or temperature changes due to climate change.

According to one study (Lomas et al. 2019), rattlesnakes in undisturbed areas had larger home ranges and longer home range lengths compared to individuals in disturbed areas. The study also found that rattlesnakes in highly disturbed areas did not move greater total distances or have higher movement rates.



Rattlesnakes are highly sensitive to temperature changes, due to their ectothermy which requires that they rely on ambient environmental temperatures to maintain critical physiological processes. Due to this sensitivity, rattlesnakes may have smaller ranges due to climate change (Olson and Saenz, 2013). One study by Putman and Clark (2017) showed that as climate change continues and mean daily air temperature rises, rattlesnakes decreased hunting activity at night, and increased movement and distance moved during the day.

Rattlesnake translocation is a method used to remove rattlesnakes from populated areas where they are a “nuisance” which is typically public and residential areas. This is an increasingly common management practice in the southwestern United States (Nowak, 2018). The Nowak study concluded that the survival rate of translocated rattlesnakes is low, however, the Brown study on short distance translocation found no evidence that translocation affected the mortality of rattlesnakes. Translocating rattlesnakes is not a successful long-term strategy, as the rattlesnakes have been shown to return to the location they were removed from (Brown et al. 2010). Both studies showed that rattlesnakes translocated at any distance increased their movement distances and the frequency at which they move. This phenomenon could potentially increase the activity range for snakes in the Desert Center area.

The increase in development in Desert Center contributes to a greater amount of ground disturbance. However, the Lomas study found that rattlesnakes in highly disturbed areas did not move greater total distances or have higher movement rates. Climate change may contribute to this issue by causing the rattlesnakes to be more active during the daytime, although climate change may contribute to smaller ranges. Translocation is a management strategy used during construction (and operation?) of solar projects in the Desert Center area, which could contribute to an increase in distance the snakes travel in this area, however, studies show that rattlesnakes generally return to where they were translocated from. Therefore, the increase in disturbance in Desert Center is likely not the cause of an increase in rattlesnake sightings in residential areas, but this cannot be confirmed. The increase in sightings of rattlesnakes could be a result of the snakes being more active during the daytime hours.

## 4.6. California Department of Transportation CEQA Summary

### 4.6.1. Introduction

The purpose of this section is to address Caltrans permit requirements and to aid in their environmental review with regards to biological resources, cultural and paleontological resources, and soil contamination. The improvements described herein are evaluated throughout the EIR as part of the Project. This analysis highlights the relevant analysis to assist Caltrans. Proposed Project access points and crossings of State Route (SR)-177/Rice Road are subject to Caltrans requirements including ingress/egress driveways or installation of any overhead/underground lines in or across the Caltrans right-of-way (ROW). Caltrans will require permitting for four features of the Easley Renewable Energy Project that would be located within the Caltrans’ ROW for SR-177/Rice Road. These include:

- Temporary Construction Access;
- Overhead or Underground Medium Voltage Line Crossing;
- 500 kV Overhead Crossing; and
- Permanent Operations Access.

SR-177/Rice Road is a two-lane north/south highway between Desert Center/I-10 and SR-62, approximately 25 miles northeast of Desert Center (Figure 3.18-1 in Appendix A). The posted speed limit is 65 mph. In 2020, at its junction with I-10, SR-177/Rice Road carried had approximately 2,900 Average Daily Travel (ADT) with a peak hour ADT of 470.

At this stage, the Project does not have final engineering completed, and therefore, the locations where encroachment permits from Caltrans are not finalized. Additionally, the locations may be different based on which alternative is approved by Riverside County and BLM. Therefore, this analysis considers all potential locations where improvements are proposed for the proposed Project and alternatives. This area covers approximately 5 miles of Rice Road, with a 500 feet buffer on either side of the ROW, as shown on Figure 3.18-1 and Figures 4-1A/B through 4-4A/B in EIR Appendix A.

## **4.6.2. Description of Project Features within Caltrans ROW**

### **4.6.2.1. Temporary Construction Access**

Access off of SR-177/Rice Road to the Project site would include two new construction access roads from SR-177/Rice Road. At each location, access roads would enter the project site from both sides of SR-177/Rice Road. Driveway approaches would conform to current and applicable Caltrans' specifications. Figure 4-1A in Appendix A provides the conceptual location of a Project construction access temporary roads. Construction of the access road segments would include compacting subsurface soils and placing a four-inch-thick layer of asphalt concrete over a 6-inch-thick layer of compacted aggregate base to prevent track-out onto public roads.

Flagging operations at site access points may be implemented during construction if/when traffic control needs are indicated through either monitoring traffic operations during construction or determined to be required during construction stage planning.

For Alternative B<sub>2</sub>, the onsite substation and BESS locations would be moved at least 0.7 miles to the northeast (farther from the community of Lake Tamarisk), on either BLM-administered land (Substation Alternative A) or private land adjacent to SR-177/Rice Road (Substation Alternative B) (see EIR Section 2.8.3 and Figure 4-1B in Appendix A). For Alternative C, the onsite substation and BESS locations would also be located on private land adjacent to SR-177/Rice Road (see EIR Section 2.8.4 and Figure 2-15 in Appendix A). Under Alternative D (Offsite Alternative), the substation and BESS would be located on BLM-administered land to the east of SR-177/Rice Road, approximately 1 mile north of the Oberon Substation.

### **4.6.2.2. Overhead or Underground Medium Voltage Line Crossing**

As described in Section 2.3.2, panels would be electrically connected into panel strings using wiring secured to the panel racking system. Underground cables would be installed to convey the direct current (DC) electricity from the panels via combiner boxes located throughout the PV arrays, to inverters located at the Power Conversion Station that would convert the DC to alternating current (AC) electricity. The output voltage of the inverters would be stepped up to the required collection system voltage at pad mount transformers located near the inverters within the Power Conversion Station and combined into 34.5 kV collection cables.

The 34.5 kV collection cables would be buried underground and/or installed overhead on wood poles to connect all of the solar facility development areas to the onsite substation, which would involve an overhead or underground crossing of SR-177/Rice Road to connect the solar panels located to the east of SR-177/Rice Road to the onsite substation. Underground collector lines from the solar arrays would be installed under SR-177 using directional drilling which would not affect traffic on the highway. If the collection system is installed overhead, wood poles would be located on either side of SR-177/Rice Road. The typical height of the poles would be approximately 30 to 60 feet, with diameters varying from 12 to 20 inches (see Figure 2-9, Typical 34.5 kV Medium Voltage Line Structures, in Appendix A). For overhead crossings, temporary guard structures would be installed during conductor wire stringing to prevent the conductor from falling on the roadway. These guard structures would be located outside of the Caltrans

ROW. Figures 4-2A and Figure 4-2B in Appendix A provide conceptual underground and overhead crossings of SR-177/Rice Road for the proposed Project and Alternative 2, respectively.

#### **4.6.2.3. Gen-tie Overhead Crossing**

The Project 500 kV gen-tie line would be located within a 175-foot ROW and start at the onsite substation on the west side of SR-177/Rice Road. The gen-tie line would exit the substation and travel approximately 0.2-mile to cross SR-177/Rice Road, where it would turn southwest to parallel the eastern side of SR-177/Rice Road for 1.1 miles before turning east (see EIR Section 2.3.4 and Figure 3.18-1 in Appendix A).

The Project gen-tie line would be constructed with either monopoles, lattice steel structures, or wooden H-frame poles. At the crossing of SR-177/Rice Road, one gen-tie support structure would be located on either side of SR-177/Rice Road outside of the Caltrans ROW. Conductor, pull and tensioning and temporary work areas required for stringing would also be located outside of the Caltrans ROW on either side of SR-177/Rice Road. For the gen-tie overhead crossing, temporary guard structures would be installed during conductor wire stringing to prevent the conductor from falling on the roadway. These guard structures would be located outside of the Caltrans ROW. Figure 4-3A in Appendix A provides the conceptual design of the gen-tie overhead crossing of SR-177/Rice Road.

Overhead gen-tie construction, including stringing conductor across Highway-177/Rice Road, could require the short-term temporary closure lanes on SR-177/Rice Road (see EIR Section 3.18). Helicopters would likely be used for wire stringing activities including hanging travelers, pulling conductor and optical ground wire (OPGW), dead-end activities, and the installation of bird diverters for the gen-tie line (see EIR Section 2.4.6.1). All helicopter operations would be in accordance with Riverside County and BLM approved Helicopter Use Plan, and all aircraft, pilots, linemen, and mechanics would be in full compliance with applicable FAA requirements and standards.

For Alternative 2, the 500 kV gen-tie line from the Alternative substation location would exit the substation to the south and would cross SR-177/Rice Road before turning to the southwest to parallel the roadway on BLM land within the Easley site to rejoin the proposed route where it would cross SR-177/Rice Road onto the Oberon Project (see EIR Section 2.7.3 and Figure 4-3B in Appendix A).

#### **4.6.2.4. Permanent Operations Access**

Upon commissioning, the Project would enter the operations phase. The solar modules at the site would operate during daylight 7 days a week, 365 days a year. Permanent operations access would be via locked gates located at two primary access points (see Figures 4-4A and Figure 4-4B in Appendix A for the proposed Project and Alternative 2, respectively). The Project access points off of SR-177/Rice Road would be turning lanes (or as dictated by Caltrans) to ensure safety. Turning lanes and driveways would be paved to prevent trackout.

### **4.6.3. Environmental Review**

#### **4.6.3.1. Biological Resources**

The Biological Resources Technical Report (BRTR) discusses biological information that was used as the baseline for impact assessments for the Project, including those in the vicinity of SR-177/Rice Road (see Appendix C). The descriptions of the biological resources in the BRTR were the basis of the environmental analysis in the EIR (see EIR Section 3.5).

**Vegetation.** Vegetation communities in the Project site were mapped and classified by botanists, using Holland 1986 and cross-referencing with A Manual of California Vegetation, 2nd edition (Sawyer et al. 2009) and the National Vegetation Classification System (NVCS) referenced in the DRECP (CDFW and AIS 2022). Vegetation was mapped by drawing vegetation polygons on aerial images in the field. These field

maps were then digitized into GIS shapefiles using ArcGIS Pro and one-foot pixel aerial imagery on a diagonal flat screen monitor at the office. Most mapped vegetation boundaries are accurate to within approximately 10 feet (3 meters). Vegetation communities in the vicinity of the SR-177/Rice Road improvements include creosote bush scrub and man-made features that include deciduous orchard/fallow agriculture and urban/developed land (see Figures 4-5A and 4-5B in Appendix A). Vegetation types tend to be patchy. Small patches of one named type are often included within mapped polygons of another type. The size of these patches varies, depending on the minimum mapping units and scale of available aerial imagery.

Focused plant surveys were performed in spring 2020 and 2022 and included visual coverage across the entire Project site. Surveyors employed belt transects spaced at approximately 20 meters apart. Transects were spaced at 10-meters apart in areas not previously surveyed in the preceding fall season. Surveys along the gen-tie line within the Oberon Project site were conducted between fall 2019 and Spring 2020. Special-status plants observed in the vicinity of SR-177/Rice Road include *Proboscidea althaeifolia* (desert unicorn plant) and *Funastrum utahense* (Utah vine milkweed) (see Figures 4-5A and 4-5Bb). Desert unicorn plant was found throughout the Project area, primarily in desert dry wash woodland in the southern half of the site and in fallow agricultural lands directly along the western boundary of SR-177/Rice Road along the western boundary of the road. One individual Utah vine milkweed was observed in fallow agricultural lands on the east side of the Project, west of along the SR-177/Rice Road. Other special-status plants that were not observed, but that have potential to occur on the Project site based on the presence of suitable habitat are described in the BRTR (Appendix C, Section 4.2). One barrel cactus, protected by the CDNPA, was observed within 800 feet east of SR-177/Rice Road.

**Wildlife.** Ironwood Consulting conducted full-coverage wildlife surveys in the Project area between fall 2019 and summer 2022. Surveys of the Oberon Project site, where the gen-tie line is located, were performed between fall 2019 and summer 2020. Surveys were performed focusing on protocols for desert tortoise and burrowing owl. Wildlife surveys conducted in 2019-2022 conformed to full coverage desert tortoise protocol surveys with 10-meter transects on the Project site (Ironwood, 2023a; Ironwood, 2021a). Wildlife surveys were repeated for each site at 20-meter belt transects, consistent with 2012 CDFW burrowing owl protocol surveys. The surveys identified all burrows and all evidence of wildlife use, including use by desert tortoise, burrowing owl, and desert kit fox. During all wildlife surveys, biologists recorded all wildlife species observed, regardless of status. The BRTR provides a compilation of special-status wildlife with potential to occur in the Project vicinity and evaluates probability of occurrence for each species based on habitat, elevational and geographic ranges, and field survey results. The complete methods and results of the surveys are provided in the BRTR (see EIR Appendix C).

Special-status wildlife observed in the vicinity of the SR-177/Rice Road include black-tailed gnatcatcher, burrowing owl (candidate for State listing), loggerhead shrike, and desert kit fox (see Figures 4-6A and 4-6B, and BRTR, Figures 10 through 12 in Appendix C). There was one observation of an individual black-tailed gnatcatcher on the southern edge eastern side of the Project and one observation south of the Project, south of SR-177/Rice Road, although suitable foraging and potential nesting habitat for this species is provided throughout the Project site. One burrowing owl burrow was observed south of the Project site approximately 500 feet west of SR-177/Rice Road. One burrowing owl burrow with whitewash was observed along the northern portion of the gen-tie line on the Oberon Project site. Five loggerhead shrikes were observed in the Project site within 0.25 miles of SR-177/Rice Road. Many desert kit fox burrows observed within the Project site are part of a complex with multiple entrances. During surveys, twenty-one active desert kit fox burrows or complexes with dig marks, tracks, and/or scat were observed within the Easley Project site (Figure 3.5-8 in Appendix A). The closest burrows, whether inactive or active, are approximately 500 feet either east or west of SR-177/Rice Road (see Figures 4-6A and 4-6B).

Other special-status wildlife that were not observed, but that have potential to occur on the Project site based on the presence of suitable habitat are described in the BRTR (Appendix C, Section 4.1). No live individuals or active sign of desert tortoise, a federally and State threatened species, were observed; however, class 4 and 5 carcasses were observed in the southwest portion of the Project site over 0.5 mile from SR-177/Rice Road. Along the gen-tie line in the eastern portion of the Oberon Project site, desert tortoise tracks, burrows, and carcasses were observed in desert dry wash woodland approximately 2.5 miles southeast of SR-177/Rice Road. The gen-tie line overlaps with critical habitat for desert tortoise, located in the southern portion of the Oberon Project site. Suitable habitat for Crotch bumble bee, a candidate for State listing, is present, however they are unlikely to occur due to the presence of nearby anthropogenic uses. Other state listed species that have potential to occur are Gila woodpecker, Swainson's hawk, and elf owl. Federally listed migratory birds may briefly use the Project site as stopover habitat, including Yuma Ridgway's rail, yellow-billed cuckoo, and least Bell's vireo.

Construction and O&M activities may result in direct and indirect impacts to special-status plants and wildlife, including loss of individuals and their habitat, along SR-177/Rice Road. ~~No listed threatened or endangered plant species were observed or have the potential to occur on the Project site or in the vicinity. The gen-tie line overlaps with critical habitat for desert tortoise, located in the southern portion of the Oberon Project site, although no live tortoises were observed.~~ Impacts would be avoided, minimized, and mitigated with implementation of mitigation measures specified in EIR Section 3.5.9 for biological resources. Compliance with applicable CMAs on BLM lands would further minimize impacts of the proposed Project and alternatives.

#### **4.6.3.2. Cultural and Paleontological Resources**

The cultural resources impact analysis in this EIR was based on records of previously recorded cultural resources in the area (Dyste et al., 2023) and the Riverside County Phase I and BLM Class III survey reports completed by Chronicle Heritage (formerly PaleoWest) (Clark et al., 2023; Hinojosa et al., 2023). Three historic-era cultural resources were identified within the vicinity of the proposed permanent improvements to State Route 177 (SR-177)/Rice Road as part of the current Project. These include the road itself, SR-177/Rice Road (P-33-025150), a series of linear earthen berms (P-33-022247) and a mobile home park (HL-BE-004H). SR-177/Rice Road was previously determined eligible for the CRHR in 2019 for the Athos Renewable Energy Project (Riverside County, 2019). Portions of the resource were analyzed by Caltrans for the Athos and the Oberon renewable energy projects for a similar need, and it was determined the turnouts would not diminish the integrity of the resource (Tennyson, 2023). Additionally, any possible impacts to the resource would be avoided, minimized, and mitigated with implementation of mitigation measures specified in EIR Section 3.6.9 for cultural and tribal cultural resources. Compliance with applicable CMAs on BLM lands would further minimize impacts of the proposed Project and alternatives.

P-33-022247 and HL-BE-004H both abut the SR-177/Rice Road permanent improvements work areas. Resource P-33-022247, consisting of a series of linear earthen berms, was previously determined not eligible for the NRHP by the BLM in 2021 with SHPO concurrence (SHPO, 2021). The Phase I study completed for the current Project recommended the resource not eligible for listing on the CRHR. Resource HL-BE-004H, a mobile home park, was recommended not eligible for either the CRHR or NRHP during Phase I and Class III surveys for the current Project.

No paleontological resources were found on the surface during surveys on the Easley site. Paleontological monitoring will occur during construction and no resources have been identified in the vicinity of SR-177/Rice Road. Impacts would be avoided, minimized, and mitigated with implementation of mitigation measures specified in EIR Section 3.14.9 for paleontological resources.

### 4.6.3.3. Soil Contamination

The soil contamination impact analysis in this EIR was based on a desktop study of the State Water Resources Control Board (SWRCB) GeoTracker and Department of Toxic Substance Control (DTSC) EnviroStor websites. No known listed hazardous material or contaminated sites were found at the Project site or immediately adjacent to the site. Impacts would be avoided, minimized, and mitigated with implementation of mitigation measures specified in EIR Section 3.10.9 for hazards and hazardous materials.

### 4.6.3.4. Transportation and Traffic

EIR Section 3.18 (Transportation and Traffic) discusses potential impacts from construction with respect to traffic and transportation for the proposed Project. The analysis concludes that while SR-177/Rice Road would not be affected by underground directional drilling for the collection lines, overhead gen-tie construction would require the temporary installation of guard structures during conductor wire stringing to prevent the conductor from falling on the roadway. To reduce or avoid potential impacts from Project vehicle trips and gen-tie construction, Mitigation Measures MM TRA-1 (Construction Traffic Carpool and Trip Reduction Plan) and TRA-2 (Repair Roadways and Transportation Facilities Damaged by Construction Activities) are included as part of the Project. These measures include:

**MM TRA-1 Construction Traffic Control Plan.** Prior to the start of construction, the Project owner shall submit a Construction Traffic Control Plan for review and approval by Caltrans and Riverside County for affected roads and intersections that would be directly affected by the construction activities and/or would require permits and approvals. The Construction Traffic Control Plan shall include, but not be limited to:

- If multiple construction projects occur at the same time and conditions at the intersection warrant, plans for installation of a temporary signal or use of manual intersection control during the construction period at the I-10 westbound ramp at SR-177. Additionally, if conditions warrant, geometry changes shall be considered in coordination with Caltrans and Riverside County, and implemented, if necessary, in addition to signalization at the I-10 westbound ramp and SR-177. These geometry changes could include a turn pocket.
- The locations and use of flaggers, warning signs, barricades, delineators, cones, arrow boards, etc., according to standard guidelines outlined in the Manual on Uniform Traffic Control Devices, the Standard Specifications for Public Works Construction, and/or the California Joint Utility Traffic Control Manual.
- The locations of all road or traffic lane segments that would need to be temporarily closed or disrupted due to construction activities.
- The locations where guard poles, netting, or similar means to protect transportation facilities for any construction or conductor installation work requiring the crossing of a local street highway is proposed.
- The use of continuous traffic breaks operated by the California Highway Patrol on state highways (if necessary).
- Additional methods to reduce temporary traffic delays to the maximum extent feasible during morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 p.m. to 6:00 p.m.) peak traffic periods, or as directed in writing by the affected public agency in encroachment or other permits). This should also include feasible ways to reduce construction-related trips on I-10, SR-177, and Kaiser Road during peak traffic periods.

- Plans to encourage or provide ridesharing/carpooling opportunities for construction and operational workers.
- Incorporation wildlife protection measures, as required in MM BIO-6.

Plans to provide written notification to property owners and tenants at properties affected by access restrictions to inform them about the timing and duration of obstructions and to arrange for alternative access if necessary. The coordination shall occur at least one week prior to any blockages.

Plans to coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. Police departments and fire departments shall be notified in advance by the Project owner of the proposed locations, nature, timing, and duration of any roadway disruptions, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies.

Define the method to maintaining close coordination, prior to and during construction, with Caltrans and Riverside County to minimize cumulative impacts of multiple simultaneous construction projects affecting shared portions of the circulation system. Coordination with adjacent development projects to spread work shifts into multiple hours (instead of peak hour) or the installation of additional temporary traffic signals or manual traffic control officers during peak hours to mitigate the temporary impacts.

**MM TRA-2 Repair Roadways and Transportation Facilities Damaged by Construction Activities.** If roadways, sidewalks, medians, curbs, shoulders, or other such transportation features are damaged by Project construction activities, as determined by the affected public agency, such damage shall be repaired and restored to their pre-Project condition by the Project owner. Prior to construction, the Project owner shall confer with Caltrans and Riverside County regarding the roads within 500 feet in each direction of Project access points (where heavy vehicles will leave public roads to reach Project sites) and regarding the roads to be crossed by the proposed gen-tie line. At least 30 days prior to construction, or as requested by Riverside County or Caltrans, the Project owner shall photograph or video record all affected roadway segments and shall provide Riverside County and Caltrans with a copy of these images, if requested.

At the end of major construction, the Project owner shall coordinate with each affected jurisdiction to confirm whether repairs are required. Any damage demonstrable to the Project is to be repaired to the pre-construction condition within 60 days from the end of all construction, or on a schedule mutually agreed to by the Project owner and the affected jurisdiction. If multiple projects are using the transportation features, the Easley Project owner shall pay its fair share of the required repairs. the Project owner shall provide Riverside County and Caltrans (as applicable) proof when any necessary repairs have been completed.

With the incorporation of Mitigation Measures TRA-1 (Construction Traffic Control Plan) and MM TRA-2 (Repair Roadways and Transportation Facilities Damaged by Construction Activities), impacts resulting from temporary construction-related disruptions to the affected circulation system were determined to be less than significant.

While the addition of temporary construction worker commute trips on SR-177/Rice Road would significantly increase the amount of average daily trips compared to existing conditions (without the Project), they would not affect existing transit uses or corridors and are presumed to cause a less than significant transportation impact.

## 5. ANALYSIS AND COMPARISON OF ALTERNATIVES

### 5.1. CEQA Requirements for Alternatives

Section 15126.6(a) of the State California Environmental Quality Act (CEQA) Guidelines states that an Environmental Impact Report (EIR) “shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Further, an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The CEQA Guidelines state that factors that may be considered when determining the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context) and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent)” [CEQA Guidelines Section 15126.6(f)(1)].

Additionally, the No Project Alternative must be analyzed. The EIR must explain the rationale for selecting the alternatives to be discussed, identify those that were not carried forward because they were infeasible, and briefly explain why these were not carried forward. The “environmentally superior” alternative to the Project must be identified and discussed (see Section 5, Comparison of Alternatives). If the environmentally superior alternative is the No Project Alternative, the EIR must identify an additional “environmentally superior” choice among the other Project alternatives.

As presented below, a variety of alternatives to the Project were considered to determine potential alternatives which might produce fewer significant impacts, or reduce the severity of those significant impacts, than the proposed Project, including the No Project Alternative. Possible alternatives were assessed as to whether they would satisfy the following:

- The alternative is technically feasible;
- The alternative would avoid or substantially lessen any of the significant impacts of the proposed Project; and
- The alternative would attain most of the basic proposed Project objectives defined in Section 1.3.

Alternatives considered included the No Project Alternative and those associated with a revised configuration of the solar and BESS facility. The No Project Alternative and other alternatives carried forward for evaluation in Section 5.1 are presented in Section 2.8. An alternative comparison is provided in Section 5.2. Alternatives considered, but not carried forward for further analysis are presented in Section 2.9.

### 5.2. Alternatives Analyzed in Detail

#### 5.2.1. Summary of Alternatives

This section includes detailed evaluations of the following action alternatives and an evaluation of a No Project Alternative, as required under CEQA.

- **No Project Alternatives A1, A2, and A3.** Under the No Project Alternative, the construction of a solar generating facility and associated infrastructure would not occur. This alternative discusses existing conditions as well as what would be reasonably expected to occur in the foreseeable future if the Project was not approved and does not take place. Three scenarios are considered: a no build alternative



(A1) and development of uses allowed by right within the existing zoning and land designations (A2), and development of other renewable energy within the existing zoning and land designations (A3).

- **Alternative B: Reduced Footprint Alternative.** Under the Reduced Footprint Alternative, the Project would be similar to the proposed Project but would move the onsite substation and BESS and would remove approximately 50 acres of solar panels closest to the community of Lake Tamarisk, such that the solar panels, substation, and BESS would be farther from the community of Lake Tamarisk compared to the proposed Project. The electrical output and energy storage capacity would be reduced by up to 10 MW compared to the proposed Project.
- **Alternative C: Further Reduced Footprint Alternative with Berms.** Alternative C would include a greater than one-mile buffer around the community of Lake Tamarisk, installation of 2 earthen berms, and relocation of the substation, BESS, and O&M building.
- **Alternative D: Offsite Alternative.** Under the Offsite Alternative, the Project would be constructed on BLM-administered lands located east of State Route 177/Rice Road. These alternative parcels were included in the Applicant's original development application to BLM.
- **Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative.** A Distributed Solar Alternative would consist of PV panels that would absorb solar radiation and convert it directly to electricity. The PV panels could be installed on residential, commercial, or industrial building rooftops, parking lots or areas adjacent to existing structures such as substations. To create a viable alternative to the proposed Project, there would have to be sufficient newly installed panels to generate up to 400 MW of capacity, which would be similar in size to the proposed Project.

## **5.2.2. No Project Alternative A1: No Build Alternative – Impact Analysis**

### **5.2.2.1. Aesthetics**

The ~~No Project-Build~~ Alternative would not develop the solar facility and gen-tie line or require new construction and/or operational activities. It would not conflict with any existing or future land use plans or zoning, nor would it conflict with the applicable VRM Class IV management objective, which allows for a high level of visual change. The ~~No Project-Build~~ Alternative would avoid the significant visual impacts that would occur along I-10 and SR-177, at Alligator Rock ACEC, and at Lake Tamarisk Desert Resort as documented in the analyses for KOPs 1 through 6. Therefore, the ~~No Project-Build~~ Alternative would not cause direct, indirect, or cumulative impacts to aesthetics.

### **5.2.2.2. Agriculture and Forestry**

The ~~No Project-Build~~ Alternative would not result in any new construction and/or operational activities or any new associated ground-disturbing activities. The ~~No Project-Build~~ Alternative would not conflict with any agricultural activities or agricultural land. Therefore, the ~~No Project-Build~~ Alternative would not have direct, indirect, or cumulative impacts on agriculture and forestry resources. ~~Under the No Project Alternative, it is probable that other solar energy related projects would be implemented within the site in lieu of the proposed Project in the near or distant future. A different solar energy project would potentially result in similar impacts to those identified for the proposed Project. Under the No Project-Build Alternative, cancellation of the Williamson Act contract would not be required and the lands would no longer be under contract in 9 years from non-renewal due to recent filing of non-renewal notices. They could be available for solar development in the future, and they would be allowed within the current A-1 zoning for the subject parcels.~~

### 5.2.2.3. Air Quality

The No ~~Project-Build~~ Alternative would not result in any new construction and/or operational activities or any new associated ground-disturbing activities (solar panel installation, substation and O&M building, and construction of access roads and gen-tie line). The No ~~Project-Build~~ Alternative would cause no sources of air pollutant emissions from development activities. Accordingly, the No ~~Project-Build~~ Alternative would represent no change to the environmental setting. Because no new air pollutant emissions would occur with the No ~~Project-Build~~ Alternative, this alternative would have no direct, indirect, or cumulative impact related to air quality.

~~Under the No Project Alternative, it is probable that other solar energy-related projects would be implemented within the site in lieu of the proposed Project. A different solar energy project would potentially result in similar air quality impacts as those identified for the proposed Project.~~

### 5.2.2.4. Biological Resources

Under the No ~~Project-Build~~ Alternative, no construction or O&M would occur and there would be no Project-related impacts to biological resources. Vegetation, including special-status plants and sensitive communities, would not be removed, existing habitat areas would persist, and wildlife would not be displaced. Special-status species would not be impacted. Disturbance, injury, and mortality of wildlife would not occur as a result of Project activities. Wildlife movement within the Project area would not be limited; however, solar development in the vicinity of the Project area would continue through other projects and wildlife movement may still be affected within the DFA (see Tables 3.1-1 and 3.1-2, as well as Figure 2-4 in Appendix A).

### 5.2.2.5. Cultural and Tribal Cultural Resources

Under the No ~~Project-Build~~ Alternative, the Project would not be constructed so there would be no impact to historical or tribal cultural resources. ~~Other projects or linear facilities could potentially be developed at this location, because it is located on land designated as a DRECP Development Focus Area (DFA), but any future project(s) would be evaluated under separate CEQA and/or NEPA analyses.~~

### 5.2.2.6. Energy

The No ~~Project-Build~~ Alternative would not result in any new construction or new operational activities. Therefore, the No ~~Project-Build~~ Alternative would not affect energy resources in the Project area. However, the No ~~Project-Build~~ Alternative would also not contribute to meeting California's renewable energy goals and would not provide the renewable benefits of the Project. The No ~~Project-Build~~ Alternative would have no direct, indirect, or cumulative effect on energy resources, while the proposed Project would have adverse impacts related to energy that are less than significant, while generating beneficial renewable energy.

~~Under the No Project Alternative, it is probable that other solar energy-related projects would be implemented within the site in lieu of the proposed Project in order to fulfill State mandates for renewable energy. A different solar energy project would potentially result in similar impacts to energy resources as those identified for the proposed Project, although those impacts would vary based on location and the specific characteristics of another solar project proposal.~~

### 5.2.2.7. Geology, Soils, and Mineral Resources

The No ~~Project-Build~~ Alternative would not result in the development of the solar facility and gen-tie line nor require new construction and/or operational activities, as described in Section 2.8. As such, the envi-

ronmental impacts associated with the proposed Project, as described in Section 3.8.5, would not occur. The No ~~Project-Build~~ Alternative would not result in any ~~direct, or indirect, or cumulative~~ impacts to or related to geologic and seismic hazards, soils, or mineral resources. Therefore, the No ~~Project-Build~~ Alternative would not have impacts related to geology, soils, or mineral resources.

#### **5.2.2.8. Greenhouse Gas Emissions**

The No ~~Project-Build~~ Alternative would not result in any new construction and/or operational activities or any new associated ground-disturbing activities (solar panel installation, substation and O&M building, and construction of access roads and gen-tie line). The No ~~Project-Build~~ Alternative would cause no ~~direct, or indirect, or cumulative~~ emissions of GHG from development activities. No additional production of renewable power would occur, and there would be no new potential to displace fuel-burning by California's fossil fueled generating resources or electricity otherwise imported to California. Accordingly, the No ~~Project-Build~~ Alternative would also not contribute to meeting California's renewable energy goals. Because no new GHG emissions would occur with the No ~~Project-Build~~ Alternative, this alternative would have no impact related to GHG emissions.

#### **5.2.2.9. Hazards and Hazardous Materials**

The No ~~Project-Build~~ Alternative would not result in the development of the solar facility and gen-tie line nor require new construction and/or operational activities, as described in Section 2.8. As such, the direct, indirect, or cumulative environmental impacts associated with the proposed Project, as described in Section 3.10.5, would not occur. The No ~~Project-Build~~ Alternative would not result in any direct or indirect impacts related to hazardous materials, environmental contamination, triggering wildland fires, or aviation hazards. Therefore, the No ~~Project-Build~~ Alternative would not have impacts related to hazards and hazardous materials.

#### **5.2.2.10. Hydrology and Water Quality**

There would be no construction under the No ~~Project-Build~~ alternative. Therefore, no direct, indirect, or cumulative impacts to hydrology and water quality would result. The area's water quality would remain in the existing condition, as would flood patterns. There would be no potential for increasing flood potential either on-site or off-site. By comparison, the proposed Project would result in impacts that would be less than significant with mitigation.

#### **5.2.2.11. Land Use and Planning**

Under the No ~~Project-Build~~ Alternative, the Applicant would not develop the solar facility and gen-tie line nor require new construction and/or operational activities associated with such a facility. This alternative would not conflict with any existing or known future land use plans or zoning. Therefore, ~~as with the proposed Project,~~ the No ~~Project-Build~~ Alternative would not have direct, indirect, or cumulative significant impacts related to land use.

#### **5.2.2.12. Noise and Vibration**

The No ~~Project-Build~~ Alternative would not result in any new construction and/or operational activities or any new associated ground-disturbing activities (solar panel installation, substation and O&M building, and construction of access roads and gen-tie line). The No ~~Project-Build~~ Alternative would cause no new noise sources or noise-generating activities. Accordingly, the No ~~Project-Build~~ Alternative would represent no change to the environmental setting. Because no new sources of noise or vibration would occur with

the No ~~Project-Build~~ Alternative, this alternative would have no direct, indirect, or cumulative impact related to noise and vibration.

#### **5.2.2.13. Paleontological Resources**

The No ~~Project-Build~~ Alternative would not result in the development of the solar facility and gen-tie line nor require new construction and/or operational activities, as described in Section 2.8. As such, the environmental impacts associated with the proposed Project, as described in Section 3.14, would not occur. The No ~~Project-Build~~ Alternative would not result in any direct or indirect impacts to paleontological resources. Therefore, the No ~~Project-Build~~ Alternative would not have direct, indirect, or cumulative impacts related to paleontological resources.

#### **5.2.2.14. Population and Housing**

The No ~~Project-Build~~ Alternative would not result in any new construction and/or operational activities or any new associated ground-disturbing activities (solar panel installation, substation and O&M building, and construction of access roads and gen-tie line). The No ~~Project-Build~~ Alternative would not affect population growth or demand for additional housing in the Project area. Therefore, the No ~~Project-Build~~ Alternative would not have direct, indirect, or cumulative impacts to population and housing, while the proposed Project would have impacts that are less than significant to these resources.

#### **5.2.2.15. Public Services and Utilities**

The No ~~Project-Build~~ Alternative would not result in any new construction and/or operational activities or any new associated ground-disturbing activities (solar panel installation, BESS, and O&M building, and construction of access roads and gen-tie line). The No ~~Project-Build~~ Alternative would not ~~impact population growth or demand~~ require additional for additional housing in the Project area and therefore would not put any strain on the availability and performance of government facilities, including fire protection, police protection, schools, parks, medical facilities, and libraries. In addition, the No ~~Project-Build~~ Alternative would not require new storm water drainage facilities or expansion of existing facilities. The No ~~Project-Build~~ Alternative would not result in direct, indirect, or cumulative impacts to public services and utilities, while the proposed Project would have impacts to these resources that are less than significant.

#### **5.2.2.16. Recreation**

The No ~~Project-Build~~ Alternative would not result in the development of the solar facility and gen-tie line nor require new construction and/or operational activities. It would not result in any direct or indirect impacts to recreation and would not result in the closure or isolation of designated Open Routes on BLM-administered land. Therefore, the No ~~Project-Build~~ Alternative would not have direct, indirect, or cumulative impacts to recreation.

#### **5.2.2.17. Traffic and Transportation**

The transportation and traffic impacts associated with the proposed Project would not occur under the No ~~Project-Build~~ Alternative A1. Under this alternative there would be no direct, or indirect, or cumulative impacts associated with temporary vehicle trip generation, VMT, or temporary travel lane disruptions. There would be no physical features that could cause impacts to air navigation.

#### **5.2.2.18. Wildfire**

Under the No ~~Project-Build~~ Alternative, construction, operation, maintenance, and decommissioning of the proposed Project would not occur. Because construction would not occur, activities that could cause

a fire such as vehicles driving near vegetation, hot work, and storage and use of flammable materials would not occur at the Project site. The BESS, gen-tie line, power lines, and other electrical components would not be installed or operated, and thus, no potential electrical fires associated with such components could occur. The site would remain undeveloped, and public land within the site would remain an allocated DFA.

### **5.2.3. No Project Alternative A2: Uses Allowed by Right within Existing Land Designations – Impact Analysis**

#### **5.2.3.1. Aesthetics**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of scattered rural residences. In the context of the Lake Tamarisk community, existing rural residences, and existing solar facilities, the addition of one or more scattered rural residences would have less than significant direct, indirect, and cumulative impacts on aesthetics.

#### **5.2.3.2. Agriculture and Forestry**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence. An agricultural related use on the parcels under Williamson Act contracts would resolve any Williamson Act or agricultural preserve-related conflicts. Agriculture is also compatible with a family dwelling, so direct, indirect, and cumulative impacts to agriculture would be less than significant. There are no forestry resources on the proposed site or the surrounding area, so no impacts to forestry would occur.

#### **5.2.3.3. Air Quality**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence. The level of construction activities and ground disturbance, which could cause fugitive dust, would be much reduced compared to the proposed Project. Therefore, Alternative A2 would cause minor sources of air pollutant emissions from agriculture and/or residential development activities. Direct, indirect, and cumulative potential impacts to air quality would be less than significant.

#### **5.2.3.4. Biological Resources**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence. Agricultural use and residential development would not be subject to the Project mitigation measures designed to protect biological resources, but would be subject to laws designed to protect listed species. Because the private land parcels within the Project area are previously disturbed (low value habitat) and residential development would be subject to grading and building permit codes and regulations, impacts to biological resources under Alternative A2 would be less than significant.

#### **5.2.3.5. Cultural and Tribal Cultural Resources**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence.

While the level of ground disturbance on the private parcels would be reduced compared to the proposed Project, the Project site has the potential to contain previously unknown archaeological deposits that may underlie the ground surface. Agricultural use and residential development would not be subject to tribal consultation under Assembly Bill 52 nor the Project mitigation measures designed to protect cultural and Tribal Cultural Resources. Should buried archaeological deposits be uncovered during agricultural use or residential development, and should such resources qualify as historical resources under CEQA, they could be subject to significant impacts.

#### **5.2.3.6. Energy**

Alternative A2 would result in minimal new construction or new operational activities. Therefore, Alternative A2 would not significantly affect energy resources in the Project area. However, Alternative A2 would also not contribute to meeting California's renewable energy goals and would not provide the renewable benefits of the Project. Depending on the type and intensity of agricultural operations, Alternative A2 is expected to have minimal direct, indirect, or cumulative effect on energy resources, while the proposed Project would have adverse impacts related to energy that are less than significant, while generating beneficial renewable energy.

#### **5.2.3.7. Geology, Soils, and Mineral Resources**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of rural residence(s). The level of ground disturbance compared to the Project would be much reduced under Alternative A2. Also, residential development is subject to County building codes and regulations as part of building and grading permits, which are designed to minimize impacts related to geology and soils. Direct, indirect, and cumulative impacts would be less than significant.

### **5.2.3.8. Greenhouse Gas Emissions**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of scattered rural residences, which would result in a much-reduced level of GHG emissions compared to construction of the Project. GHG emissions impacts under Alternative A2 would be less than significant.

However, no additional production of renewable power would occur, and there would be no new potential to displace fuel-burning by California's fossil fueled generating resources or electricity otherwise imported to California. Accordingly, the Alternative A2 would also not contribute to meeting California's renewable energy goals.

### **5.2.3.9. Hazards and Hazardous Materials**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence. Residential construction would be permitted through compliance with local ordinances and permit requirements, no additional mitigation is assumed to be required. Permits would likely require some level of control of hazardous materials and post-installation inspections to ensure that site clean-up is completed. Potential impacts associated with soil contamination would increase compared to the proposed Project if herbicides and/or pesticides are used during agricultural operations.

### **5.2.3.10. Hydrology and Water Quality**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of rural residence(s). The level of groundwater usage and surface disturbance compared to construction of the Project would be much reduced under Alternative A2. Depending on the type and intensity of agricultural uses, operational water usage could be higher than with the proposed Project. Also, residential development is subject to County building codes and regulations as part of building and grading permits as well as California Drainage Law, which are designed to minimize impacts related to hydrology and water quality. Direct, Indirect, and cumulative potential impacts would be less than significant.

### **5.2.3.11. Land Use and Planning**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural

residence. Agricultural use and residential development are allowed uses and thus consistent with current zoning as well as existing land use plans, policies, and regulations. Alternative A2 would not cause a significant direct, indirect, or cumulative impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

#### **5.2.3.12. Noise and Vibration**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence.

While noise related to agricultural use and scattered residential construction activities could impact sensitive receptors like residences, it is more likely that construction noise would not be noticeable as it would be required to comply with the County Noise Ordinance. The operational noise and vibration generated from these uses would be less than significant as well.

#### **5.2.3.13. Paleontological Resources**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of rural residence(s). Agricultural use and residential development would not be subject to the Project mitigation measures designed to protect unknown paleontological resources and dictate fossil recovery. However, given past disturbance of the private parcels, it is unlikely that paleontological resources would be present onsite.

#### **5.2.3.14. Population and Housing**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of rural residence(s). Construction of a few scatter rural residences under Alternative A2 would not affect population growth or demand for additional housing in the Project area. Therefore, Alternative A2 would not have direct, indirect, or cumulative impacts to population and housing.

#### **5.2.3.15. Public Services and Utilities**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of scattered rural residence(s). Scattered development of single-family dwellings would not require additional govern-



ment facilities, including fire protection, police protection, schools, parks, medical facilities, and libraries. In addition, Alternative A2 would not require new storm water drainage facilities or expansion of existing facilities, and would not result in direct, indirect, or cumulative impacts to public services and utilities.

#### **5.2.3.16. Recreation**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence, which would not impact public recreational facilities or access.

#### **5.2.3.17. Traffic and Transportation**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence, which would have minimal direct, indirect, or cumulative impacts to traffic and transportation.

#### **5.2.3.18. Wildfire**

Under No Project Alternative A2, construction, operation, maintenance, and decommissioning of the proposed project would not occur and the BLM-administered lands within the Project area would remain undeveloped and impacts would be as described under No Project Alternative A1 (No Build).

In the absence of the proposed Project and under the existing County zoning regulations, the private parcels in the Project area may be subject to an agricultural-related use and/or construction of a rural residence. The potential risks associated with residential development are generally addressed in building codes and ordinances specific to fire safety and prevention, and the residual risk would be less than significant. The BESS, gen-tie line, power lines, and other electrical components would not be installed or operated, and thus, no potential electrical fires associated with such components could occur.

### **5.2.4. No Project Alternative A3: Other Renewable Energy Development within Existing Land Designations – Impact Analysis**

#### **5.2.4.1. Aesthetics**

In Riverside County, BLM has designated some land under its jurisdiction at Desert Center and west and northwest of Blythe as DFA suitable for development of renewable energy projects. Under the No Project Alternative, the proposed Easley Project would not be developed. However, the DFA-designated land would remain available for development of other renewable energy projects, including a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project. Impacts to aesthetics from development of a different solar project would be similar to those identified for the Easley Project.

Visual impacts associated with a wind project would include the visual dominance of large wind turbine generators (towers and turbines) in excess of 400 feet tall, potential glint from turbine blades, required Federal Aviation Administration (FAA) obstruction lighting, and presence of on-site project facilities such

as a gen-tie line, a substation, a battery storage facility, access roads network between turbines, and an operations building.

Visual impacts related to a geothermal project include the presence of buildings and tanks, holding ponds, above ground pipe network, injection well heads, cooling towers or banks, and visible plumes.

The cumulative impacts would be significant when viewed by sensitive viewing populations along I-10 and SR-177, from nearby residences, from portions of Joshua Tree National Park, and in the surrounding mountains and wilderness. The alternative would make a considerable contribution to these visual impacts.

#### **5.2.4.2. Agriculture and Forestry**

In Riverside County, BLM has designated some land under its jurisdiction at Desert Center and west and northwest of Blythe as Development Focus Areas (DFAs) suitable for development of renewable energy projects, including solar, geothermal, or wind energy. The DFA lands are not currently used for agriculture or forestry and are not anticipated to be used for these uses. While development of facilities required for solar, wind, or geothermal projects may be primarily located on BLM-administered lands, development on the adjacent agricultural lands may also be required. If the Williamson Act parcels are developed for renewable energy, the cancellation of contracts would be required as it would be for the proposed Project, thereby resolving any Williamson Act or agricultural preserve-related conflicts. This would result in a less than significant impact, similar to the direct, indirect, and cumulative impact of the proposed Project.

#### **5.2.4.3. Air Quality**

In Riverside County, BLM has designated some land around Desert Center and west and northwest of Blythe as Development Focus Areas (DFAs) suitable for development of renewable energy projects. Under the No Project Alternative, the proposed Easley Project would not be developed. However, the DFA-designated land would remain available for development of other allowable renewable energy projects, including a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project. Impacts to air quality from development of a different solar project would be similar to those identified for the Easley Project.

Impacts to air quality associated with a wind project would include fugitive dust from development of turbine sites and access roads, and earthwork and grading need for installation of a gen-tie line, battery storage facility, and substation. Emissions would result from equipment operating during construction and from worker vehicles and material delivery vehicles.

Impacts related to construction of a geothermal project would be similar impacts to those of a wind or solar energy project. However, operational impacts of a geothermal project would be more severe due to continuous well drilling emissions, visible steam plumes from cooling towers, and from any vented or accidentally released gases from wells, piping, tanks, or ponds.

The cumulative air quality impacts of other renewable energy development would depend on the technology. Cumulative construction-phase emissions would not cause substantial long-term impacts, similar to those identified for the cumulative impacts of the Easley Project. Cumulative effects of operational emissions of other renewable energy development would also be similar to those identified for the Easley Project, except where the renewable technology could introduce new stationary sources of emissions. For example, geothermal project well drilling and vented emissions would be subject to SCAQMD permitting requirements, and these emissions sources would contribute to cumulative air quality impacts that would be worse than those identified for the Easley Project.

#### **5.2.4.4. Biological Resources**

In Riverside County, BLM has designated some land under its jurisdiction at Desert Center and west and northwest of Blythe as DFA suitable for development of renewable energy projects using solar, wind, or geothermal technology. Under the No Project Alternative, the proposed Easley Project would not be developed. However, the DFA-designated land would remain available for development of other renewable energy projects, including a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project. Impacts to biological resources from development of a different solar project would be similar to those identified for the Easley Project.

Biological resources impacts associated with a wind project would include the potential for significant impacts on birds and bats from striking the turbine blades. Similar to the proposed Project, there would be, loss of habitat and potential direct mortality from construction activities including grading and earthwork needed to install wind turbine generators, a gen-tie line, a substation, a battery storage facility, access roads network between turbines, and an operations building.

Biological impacts resulting from a geothermal project include construction of buildings and tanks, holding ponds, an above ground pipe network, injection well heads, and cooling towers or banks replacing existing habitat and vegetation. Above ground pipelines could disrupt the movement of wildlife species. Vibration and noise from operations may also disturb or displace species sensitive to these effects.

#### **5.2.4.5. Cultural and Tribal Cultural Resources**

BLM has designated some land around Desert Center and west and northwest of Blythe as Development Focus Areas (DFAs) suitable for development of renewable energy projects. Under the No Project Alternative, the proposed Easley Project would not be developed. However, the DFA-designated land would remain available for development of other renewable energy projects, including a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project. Impacts to cultural resources from development of a different solar project would be similar to those identified for the proposed Easley Project.

Cultural resource impacts resulting from a wind project would result from grading and earth work to install wind turbine generators, a gen-tie line, a substation, a battery storage facility, access roads network between turbines, and an operations building. These activities have the potential to affect known and unknown resources, and would be generally similar to those of the proposed Project.

Cultural resources impacts resulting from construction of a geothermal project would result from grading and earthwork to develop buildings and tanks, holding ponds, the above ground pipe network, injection well heads, and cooling towers or banks. These activities have the potential to affect known and unknown resources, and would be generally similar to those of the proposed Project.

#### **5.2.4.6. Energy**

BLM has designated some land around Desert Center and west and northwest of Blythe as Development Focus Areas (DFAs) suitable for development of renewable energy projects. Under the No Project Alternative A3, the proposed Easley Project would not be developed. However, the DFA-designated land would remain available for development of other renewable energy projects, including a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project. Impacts to energy use from development of a different solar project would be similar to those identified for the Easley Project.

Any renewable energy project developed on the DFA lands would provide power to the regional grid, thereby reducing the need for power to be generated using fossil fuels. Once in operation, a wind energy

project with associated storage and transmission facilities would be similar to a solar facility in terms of energy use by maintenance and operations staff. A geothermal facility is likely to have a large operating staff. No renewable energy facility is expected to be wasteful or inefficient in its consumption of energy and any energy required would be more than offset by the power generated by the facility.

#### **5.2.4.7. Geology, Soils, and Mineral Resources**

The proposed Project includes lands designated by BLM as DFAs, which are defined as being suitable for renewable energy development. In the absence of the proposed Project, another renewable energy generation project could be constructed on the Project site to meet the federal and state renewable energy generation goals. This could include a different solar project or, if conditions are favorable, a wind project or a geothermal project. Such a project would create construction and operational direct, indirect, and cumulative impacts related to geologic and seismic hazards, soils, and mineral resources similar to those of the proposed Project.

#### **5.2.4.8. Greenhouse Gas Emissions**

Under the No Project Alternative A3, it is probable that other solar-renewable energy-related projects would be implemented within the site in lieu of the proposed Project. A different solar energy project or a wind energy project would potentially likely result in similar direct, indirect, and cumulative impacts to GHG emissions as those identified for the proposed Project.

A geothermal energy project would likely have greater GHG emissions during operations because of the ongoing operational well drilling and venting of gases that may contain CO<sub>2</sub>, which would increase GHG emissions. This impact would be offset by the amount GHG avoided by not relying on fossil-fuel generation to produce an amount of power equal to that generated by the geothermal project.

#### **5.2.4.9. Hazards and Hazardous Materials**

However, the BLM-administered lands in the Desert Center area are designated as Development Focus Areas (DFAs) in which solar, wind, or geothermal generation could be permitted. In the absence of the proposed Project or an alternative to the Project, the purposes and goals for renewable energy generation that would be met by the proposed Project (or an alternative) would not be achieved. As a result, it is possible that another, similar solar energy generation project would be constructed at the same site in the future to meet the state and federal renewable energy generation goals in the Desert Center area. Such a project would likely introduce similar impacts related to hazards and hazardous materials that would be introduced through the proposed Project or an alternative.

In the proposed Project is not approved or constructed, the land would could also be developed for other renewable energy projects. If conditions are suitable, a wind energy project or a geothermal energy project could be developed. Hazards and hazardous materials impacts from development of a wind energy project- would include use of solvents and other chemicals, as well as fuels, during construction and operation. Wind turbines would also pose a hazard to aircraft, such as those using the private Desert Center airport near SR-177, and military aircraft that follow training routes through the Desert Center area. In addition to creating physical obstructions, wind turbines can adversely affect radar.

The potential hazards and hazardous materials impacts associated with a geothermal energy project are more severe than those of the proposed Project. Geothermal processes include use of chemicals and fuels during construction and operation, potential release of hazardous materials and gases from pipe or tank leaks or venting, and land subsidence due to fluid withdrawals. Geothermal processes may use a closed-loop system that reinjects fluids and their contents into groundwater, or an open-loop system in which potential gas emissions can result, including hydrogen sulfide, carbon dioxide, ammonia, boron, and

methane. As a result, geothermal projects would have more severe direct, indirect, and cumulative impacts related to hazards and hazardous materials than the proposed Project.

#### **5.2.4.10. Hydrology and Water Quality**

BLM has designated some land under its jurisdiction at Desert Center as a Development Focus Area (DFA), suitable for development of renewable energy projects using solar, wind, or geothermal technologies. Under the No Project Alternative A3, the proposed Easley Project would not be developed, but the DFA-designated land would remain available for development of other renewable energy projects, including a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project. Impacts to hydrology from development of a different solar project would be similar to those identified for the Easley Project.

Impacts on hydrology and water quality associated with a wind project would be similar or less than for a solar project because less ground disturbance would be required and less water would be required for dust control.

Hydrology and water quality impacts from a geothermal project can include use of large quantities of water for well drilling and by cooling towers. Water consumption during operation of a geothermal facility depends on its technology and design but could be an ongoing high demand, much greater than that of the proposed Project. Impacts from geothermal generation would likely be significant and cumulatively considerable.

#### **5.2.4.11. Land Use and Planning**

Under this alternative, the proposed Easley Project would not be developed. However, the BLM land is designated for renewable energy development and it would remain available for use by other renewable energy projects. These projects may include a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project.

Impacts to land use and planning from development of a different solar project would be similar to those identified for the Easley Project.

A wind energy or geothermal energy project would have many components like those needed for a solar project, including a gen-tie line, a substation, a battery storage facility, access roads turbines, and an operations building. A wind project would disturb less land surface due to the spacing of wind generator towers. A geothermal project would create a major industrial presence in the Desert Center area, including the construction and use of steam turbines, tanks, cooling towers, and ponds. Both wind and geothermal generation facilities would be much more highly visible in the landscape, creating potential conflict with county policies relating to protection of scenic areas and vistas. Each of these facilities would have aspects that would affect land use and planning, such as the height and bulk of structures, the availability of water, and potential exposure of residents to disturbances like noise and pollutants, which may result in greater impacts than the proposed Project.

#### **5.2.4.12. Noise and Vibration**

Under the No Project Alternative A3, if the proposed Project is not approved or constructed, the BLM designation of a Development Focus Area may result in the development of other solar project or of wind or geothermal generation projects. ~~it is probable that other solar energy-related projects would be implemented within the site in lieu of the proposed Project.~~ A different solar energy project would potentially likely result in similar noise and vibration impacts as those identified for the proposed Project.

The DFA designation also allows development of wind energy or geothermal energy projects if developers determined that the resources are present for these technologies. Construction impacts of these technologies would be similar to those of the proposed Project, but operational impacts could be more severe. Wind turbine operation creates noise from the mechanical operations of the turbines as well as aerodynamic factors. These can be a nuisance or they may affect sleep. Geothermal projects are substantially noisier due to their industrial operation requirements. They would generate noise and vibration during well drilling, venting, and from the operation of facilities and equipment, such as fans in cooling towers and the use of pumps.

The cumulative noise impacts of other renewable energy development would depend on the technology. Cumulative construction-phase noise would not cause substantial long-term impacts, similar to those identified for the cumulative impacts of the Easley Project. Cumulative effects of operational noise from other renewable energy development would also be similar to those identified for the Easley Project, except where the renewable technology could introduce new industrial equipment such as geothermal project well drilling and venting. These noise sources would be subject to Riverside County noise limitations, but these additional sources would contribute to cumulative noise impacts that would be worse than those identified for the Easley Project.

#### **5.2.4.13. Paleontological Resources**

However, in the absence of the proposed Project or an alternative to the Project, the purposes and goals for renewable energy generation that would be met by the proposed Project (or an alternative) would not be achieved. As a result, Due to the BLM designation of much of its land in the Desert Center area as a Development Focus Area, the construction of solar, wind, or geothermal generation projects would be consistent with the land designation. Therefore, it is possible that another, similar energy generation project would be constructed in the future to meet the renewable energy generation goals in the Desert Center area. A solar project Such a project would likely introduce create similar impacts related to paleontological resources that as those of would be introduced through the proposed Project or an alternative.

Wind and geothermal renewable energy projects could also be located on the land now covered by the proposed Project if developers found resources to be available. Construction of these large-scale projects would have similar direct, indirect, and cumulative impacts to paleontological resources through ground disturbance as a solar project, as they would need foundations for structures (e.g., turbines, wells, cooling towers, etc.) and would require access roads, a gen-tie line, a BESS, and a substation.

#### **5.2.4.14. Population and Housing**

Under the No Project Alternative, the BLM's Development Focus Area (DFA) designation would allow it is probable that other solar energy-related projects would be implemented within the site in lieu of the proposed Project. A different solar energy project would potentially result in similar impacts to population and housing as those identified for the proposed Project.

The DFA would also allow development of wind or geothermal generation projects. These project types would likely have similar construction workforce needs as a solar project. Because of their mechanical needs, a geothermal projects would have a somewhat larger permanent workforce than a solar project, but not large enough to induce population growth. The direct, indirect, and cumulative impact would be less than significant.

#### **5.2.4.15. Public Services and Utilities**

Under the No Project Alternative, The existing BLM Development Focus Area (DFA) would allow solar, wind or geothermal generation in the Desert Center area. Therefore, it is probable that another solar

~~renewable energy-related project could be implemented within the site in lieu of the proposed Project. These generation technologies would result in direct, indirect, and cumulative impacts similar to those of the proposed Project to public services and utilities, and they would be less than significant. A different solar energy project would potentially result in similar impacts to public services and utilities as those identified for the proposed Project.~~

#### **5.2.4.16. Recreation**

~~BLM has designated much of the land under its jurisdiction at Desert Center as Development Focus Areas (DFAs) suitable for development of renewable energy projects using solar, wind, or geothermal technologies. Under the No Project Alternative A3, the proposed Easley Project would not be constructed. However, the land would remain available for other renewable energy projects, including a different solar project or, if conditions are suitable, a wind energy project or a geothermal energy project. Direct, indirect, and cumulative impacts to recreation from development of a different solar project would be similar to those identified for the Easley Project.~~

~~Recreation impacts associated with a wind project would include loss of access to lands required for project facilities and the wind generator turbines, with access limited for safety and security. These impacts would be similar to those of the proposed Project. For a geothermal project, similar access limitations would apply because of above ground pipelines and the need to secure facilities. However, the indirect effects of a geothermal generation facility, due to its industrial nature large mass, and operational noise and emissions, would have an increased level of impact compared with the proposed solar project.~~

#### **5.2.4.17. Traffic and Transportation**

~~Much of the proposed Project site is designated as a DFA and is suitable for solar-renewable energy generation, including solar, wind, or geothermal technologies. Under the No Project Alternative A3, it is probable possible that other solar energy-related projects would be implemented within the site in lieu of the proposed Project, because the demand for solar energy continues to increase for compliance with state and federal climate change goals, and the site offers excellent solar potential. A different solar energy project would potentially result in similar impacts to transportation and traffic as those identified for the proposed Project.~~

~~If a wind or geothermal energy project were to be constructed on the land, these would have similar direct, indirect, and cumulative impacts on traffic and transportation as the proposed Project, owing to the large workforce required for construction of facilities.~~

#### **5.2.4.18. Wildfire**

~~As such, if the~~The No Project Alternative A3 considers the potential for solar, wind, or geothermal generation projects to be constructed, because these technologies are consistent with the BLM Development Focus Area (DFA) designation.

~~Were selected,~~another solar project could be proposed in the same location and result in similar impacts. If a wind or geothermal project were to be developed on the DFA lands, they ~~it~~ would require similar ~~facilities~~ industrial components as a solar project, including a BESS, a gen-tie line, a substation, and other electrical components. The construction of these components ~~is~~ would pose similar wildfire risks as a solar project.

## 5.2.5. Alternative B: Reduced Footprint Alternative – Impact Analysis

### 5.2.5.1. Aesthetics

The ~~Lake Tamarisk~~ Reduced Footprint Alternative would remove approximately ~~30-50~~ acres of solar panels closest to the Lake Tamarisk Desert Resort (LTDR) such that the nearest panels would be approximately 0.45 mile (2,350 feet) from the closest LTDR mobile home residence compared to approximately 750 feet under the proposed Project. In addition, the on-site substation and BESS would be moved approximately 0.7 mile to the northeast (farther away from the LTDR community). Also, with the relocation of the substation, the associated gen-tie line would extend approximately 0.8 mile farther northeast along the east side of SR-177 before spanning SR-177 to connect with the alternative substation location.

As a result of these changes in the Project layout under Alternative B2, the visual impacts on the resort would be reduced. Specifically, and as illustrated in the visual simulations presented in Figures 3.2-4C (KOP 3), 3.2-5C (KOP 4) and 3.2-8C (KOP 7), the closest arrays (to the immediate north and northeast of the resort) would be removed, and the remaining more distant arrays would be less visually prominent. The absence of ~~those~~ the northeast arrays is illustrated in the far-left portion of the Figure 3.2-5C (KOP 4) simulation. The absence of the north arrays is illustrated in the Figure 3.2-4C simulation and also in the Figure 3.2-8C (KOP 7) simulation, which shows that the remaining more distant arrays become even less noticeable given the presence of foreground to middleground vegetative screening. Also, the BESS, which previously appeared as a noticeable white, intermittent, linear feature along the valley floor to the east of the resort (see Figure 3.2-5B), but which was substantially screened by intervening vegetation, would now be relocated to the northeast away from the resort. Relocation of the BESS would eliminate visibility from KOP 4 and would result in minimal visibility from other viewing locations in the resort and would no longer be visible from KOP 4 and would have minimal visibility from other viewing locations in the resort due to screening by intervening vegetation and array panels. The BESS would still be visible from Alligator Rock (KOP 3) and SR-177 (no KOP in close enough proximity to view the relocated BESS).

The relocation of the substation to the northeast away from the resort would also reduce its visibility from the resort due to screening by intervening vegetation and solar panels as well as greater viewing distances (depending on viewing location within the resort). The relocation of the BESS (white in color) is apparent in a comparison of the KOP 3 Figures 3.2-4B (Project) and 3.2-4C (Alternative B). With the relocation of the substation, the gen-tie line would extend farther northeast along SR-177 resulting in the potential visibility of approximately seven additional structures that would not otherwise be visible with the ~~proposed~~ Project. However, the additional structures would: (a) be partially or completely screened from view by intervening vegetation; (b) be backdropped by the distant mountains such that they would not extend above the horizon (and thus, be less visually prominent); or (c) be seen at greater distance in the context of other utility poles along SR-177. Therefore, the additional gen-tie poles would not constitute visually significant features in the landscape as viewed from the Lake Tamarisk Desert Resort.

Although the visual impact on the resort would be reduced under Alternative B2, the overall Project visual impact would not be reduced to level that would be less than significant when viewed from the eastern portion of the resort (as illustrated in the KOP 4 simulation). Further, the visual impacts experienced at KOPs 1, 2, 3, 5, and 6, the other five representative KOPs, would also remain significant and unavoidable under Alternative B2. The line contrast that would be viewed from KOP 7 would be slightly reduced under Alternative B, and the resulting visual impact would remain less than significant.

In addition to the KOP 4 Figures 3.2-5A (Existing View) and 3.2-5C (Alternative 2 B Simulation), both of which were based on imagery from December 2022 that was obtained with a 5.5-foot camera elevation (above the ground), an additional series of figures (Figures 3.2-5D and 3.2-5F in EIR Appendix I) was captured in October 2023 but with an 8-foot camera elevation (above the ground). As for the proposed Project, this slightly elevated view was obtained and evaluated because it was thought to be more



representative of the “porch-height” views that some of the private residences along the eastern resort perimeter experience. The Existing View image presented in Figure 3.2-5D captures essentially the same landscape features that are shown in the same frame of view presented in the original existing view presented in Figure 3.2-5A at a 5.5-foot camera elevation. However, the new Figure 3.2-5D was captured almost a year later following substantial rain events. As a result, some vegetation is noticeably greener, and some vegetation growth has occurred providing a very slight increase in screening in some portions of the image. Also, additional solar facilities have been installed in the landscape since the December 2022 set of images, which adds to the existing structural context.

~~Figure 3.2-5F presents a panoramic visual simulation of Alternative B2 as viewed with a camera height of 8 feet (i.e., approximate porch-height view). As with the proposed Project simulation, the Alternative B2 simulation illustrates an very slight increase in visibility of some project features due to the ability to “see over” some of the intervening screening vegetation with the elevated viewing perspective. However, in other cases, the increased camera (viewing) height has been offset somewhat by additional vegetation growth that has occurred over the past year. Similar to the proposed Project findings, the Alternative’s overall visual change captured by the two different camera (viewing) heights is similar to and the 8-foot-high viewing perspective would not change the overall impact conclusion. Although the KOP 4 viewpoint is considered reasonably the Project’s, and the 8-foot high viewing perspective would not change the overall impact conclusion. Although the KOP 4 viewpoint is considered representative of publicly available project views from the eastern portion of the resort, it is acknowledged that some public views and private residential views within the resort may be more or less visually affected by Alternative B2 due to the presence of lesser or greater vegetative screening.~~

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3 and would be significant when viewed by sensitive viewing populations along I-10 and SR-177, from nearby residences, from portions of JTNP, and in the surrounding mountains and wilderness. Like the proposed Project, the alternative would make a considerable contribution to these visual impacts.

#### **5.2.5.2. Agriculture and Forestry**

The Lake Tamarisk Reduced Footprint Alternative (Alternative B2) would be located within the proposed Project application area. This alternative would be similar to the proposed Project but would remove approximately 30-50 acres of solar panels closest to the community of Lake Tamarisk. Under this alternative, the substation and BESS would be moved farther from Lake Tamarisk on either BLM-administered land or private land adjacent to SR-177/Rice Road. The location of the substation, portion of gen-tie line, and BESS under Alternative B2 would no longer be on land zoned as Agriculture or a parcel under a Williamson Act contract. The remaining Williamson Act lands of the proposed Project remain as part of Alternative 2B and would need to be canceled and removed from agricultural preserves prior to Project development. Alternative B2 would have similar construction and operation activities as the proposed Project; therefore, Alternative B2 would have similar impacts to agriculture and forestry, which would remain less than significant and unavoidable. CEQA Appendix G places agriculture and forestry in one resource impact category. Since there are no forestry resources on the proposed site or the surrounding area, Alternative B would only affect agriculture as noted above.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative’s contribution would not be cumulatively considerable.

#### **5.2.5.3. Air Quality**

Alternative B2 would remove approximately 30-50 acres of solar panels closest to the community of Lake Tamarisk. The reduction in acreage would increase the distances to sensitive receptors from the proposed Project sources of air pollutant emissions. The decrease in solar panel area would result in a slight decrease

in the potential for sensitive receptors to be exposed to emissions and pollutant concentrations near the existing community of LTDR when compared with the impacts of the proposed Project.

Alternative B2 would reduce the emissions and pollutant concentrations levels experienced by sensitive receptors and reduce air quality impacts when compared to the proposed Project. Overall, the effects of Alternative B2 would be slightly reduced from the proposed Project, and mitigation identified for the proposed Project would be the same ~~for~~ under this alternative.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's incremental contribution would not be cumulatively considerable.

#### **5.2.5.4. Biological Resources**

The ~~Lake Tamarisk~~Reduced Footprint Alternative would remove approximately ~~30-50~~ acres of solar panels closest to the community of Lake Tamarisk. The onsite substation and BESS would be moved at least 0.7 miles to the northeast. The length of the 500 kV gen-tie line under the ~~Lake Tamarisk~~Reduced Footprint Alternative would be approximately 0.8 miles longer than the proposed 500 kV gen-tie line. All other Project features would be the same as the proposed Project.

Impacts to biological resources would be qualitatively similar to the proposed Project, with ~~slightly~~approximately 36 fewer acres of native habitat disturbance in desert scrub habitat near the Lake Tamarisk community. ~~Approximately 9 acres~~33.5 acres of desert pavement, 728.7 acres of desert dry wash woodland, and 962.8 of Sonoran creosote bush scrub, and a few occurrences of desert unicorn plant would be avoided on undeveloped lands by removing the solar panels closest to the community implementing the Reduced Footprint Alternative. The area where panels would be removed for this Alternative is also within relatively higher quality modeled desert tortoise habitat (see Figure 3.5-5 in EIR Appendix A). By avoiding an additional 36 acres of native habitat, the Reduced Footprint Alternative would result in slightly less impact to desert scrub communities and provide slightly greater opportunities for wildlife movement through the Project site than the proposed Project. A longer gen-tie line may result in relatively greater impact to birds due to collision and electrocution.

Mitigation Measures, as listed in Section 3.5.9, would be implemented and impact conclusions would be the same as for the proposed Project.

#### **5.2.5.5. Cultural and Tribal Cultural Resources**

Under this alternative, approximately ~~30-50~~ acres of land would be removed from development footprint in the area closest to the community of Lake Tamarisk and the length of the 500 kV gen-tie line would be extended 0.8 miles longer than the proposed Project. However, under the ~~Lake Tamarisk~~Reduced Footprint Alternative, the number of CRHR eligible resources within the direct impact area would be the same as for the proposed Project, consisting of 3 archaeological resources, including P-33-023675 and the PTNCL and DTCCL historic districts. Results of the Phase I survey found no evidence of archaeological remains associated with any of these resources within the Project's direct impact area. As such, the direct impacts to cultural resources for this alternative would be the same as for the proposed Project.

Portions of the PTNCL, DTCCL, P-33-023675, and P-33-025150 are located within Alternative ~~2's~~B's indirect impact area, similar to the proposed Project. Overall, the direct and indirect impacts of this alternative would be the same as the proposed Project and would be less than significant with mitigation implemented, as defined in Section 3.6. Therefore, the direct and indirect impacts of this alternative would be the same as the proposed Project, less than significant with mitigation implemented as defined above.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would be cumulatively considerable.

### 5.2.5.6. Energy

Alternative B2 would not result in any significant changes to the construction or operational activities as they relate to energy resources. Alternative B2 would remove approximately 30-50 acres of solar panels closest to the community of Lake Tamarisk. With this relatively small reduction in acreage, neither the electrical output, nor consumption of energy resources, would not be appreciably reduced compared to the proposed Project. However, the renewable energy generation capacity of the solar array field electrical output of in the Reduced Footprint Alternative would be up to 10 MW less than the proposed Project. The impacts of Alternative B2 would be similar to the proposed Project except for an up to 10 MW reduction of renewable energy generation.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### 5.2.5.7. Geology, Soils, and Mineral Resources

Alternative 2-B would remove approximately 30-50 acres of solar panels closest to the Lake Tamarisk Desert Resort (LTDR) and relocate the onsite substation and BESS to a location 0.7 miles further north of the LTDR. This relocation of the onsite substation would result in the 500 kV gen-tie line for this alternative being approximately 0.8 miles longer than the proposed 500 kV gen-tie line. Despite the increased length of the gen-tie line, this alternative would lead to an overall decrease in ground disturbance due to the removal of solar panels. Operation of the project under Alternative 2B would be the same as for the proposed Project. Impacts related to slope stability, seismic hazards, expansive soils, mineral resources, topography, subsidence, and sand migration would be the same as for the proposed Project. Impacts related to disturbance of desert pavement would be approximately 9-6 fewer acres under Alternative 2B due to the decrease in ground disturbance northeast of the Lake Tamarisk Desert Resort. Impacts related to erosion would also be slightly decreased. Implementation of MM AQ-1, MM BIO-1, MM BIO-3, MM BIO-5, MM HWQ-1, and MM HWQ-5 would reduce any impacts to less than significant.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### 5.2.5.8. Greenhouse Gas Emissions

Alternative B2 would not result in any significant changes to the construction or operational activities as they relate to GHG emissions. Alternative B2 would remove approximately 30-50 acres of solar panels closest to the community of Lake Tamarisk. With this relatively small reduction in acreage, the overall quantity of GHG emissions caused by construction activities would be slightly reduced. The renewable energy generation capacity of the solar array field under Alternative B during lifetime operations would be up to 10 MW less than the proposed Project, resulting in a lesser quantity of electricity produced by the solar PV component. Because Alternative B would not change the capacity of the proposed BESS, the potential avoidance of GHG emissions would be the same as with the proposed Project. Other effects of the proposed Project on GHG emissions would not be appreciably changed compared to the proposed Project. The impacts of Alternative B2 would be similar to the proposed Project.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### 5.2.5.9. Hazards and Hazardous Materials

Alternative B2 would remove approximately 30-50 acres of solar panels closest to the Lake Tamarisk Desert Resort and relocate the onsite substation and BESS to a location 0.7 miles further north of the

LTDR. This relocation of the onsite substation would result in the 500 kV gen-tie line for this alternative being approximately 0.8 miles longer than the proposed 500 kV gen-tie line. Construction and operation activities for Alternative ~~2B~~ would be the same as for the proposed Project. Impacts related to use and storage of hazardous materials, potential for spills or leaks of hazardous materials, and aviation hazards, would be the same as for the proposed Project and would be reduced to less than significant through compliance with local, State, and federal regulations.

The decrease in solar panel area would result in a slight decrease in construction activities and ground disturbance near the existing community of LTDR, resulting in a slight decrease in potential for wildland fires to impact the public, slightly decreased potential for exposure of the public to contracting Valley Fever, slightly decreased potential for workers and the public to be exposed to pesticides or herbicides, and slightly decreased potential for workers to encounter unexploded ordnance. These decreases would be slight and would be reduced to less than significant by implementing of the same mitigation measures as for the proposed Project (MM AQ-1, MM FIRE-1, MM HAZ-1, MM HAZ-2, MM HAZ-3), as appropriate, and compliance with applicable local, State, and federal regulations.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.5.10. Hydrology and Water Quality**

The ~~Lake Tamarisk~~ Reduced Footprint Alternative would remove approximately ~~50~~ 30 acres of solar panels closest to the community of Lake Tamarisk. In addition, the onsite substation and BESS would be moved at least 0.7 miles to the northeast. The length of the 500 kV gen-tie line under the Reduced Footprint ~~Lake Tamarisk~~ Alternative would be approximately 0.8 miles longer than the proposed 500 kV gen-tie line. -All other Project features would be the same as the proposed Project. Surface water impacts would remain the same as for the proposed Project, but ~~slightly~~ reduced in magnitude due to the reduced Project footprint. The Reduced Footprint ~~Lake Tamarisk~~ Alternative would require the same mitigation measures to be implemented as would be required for the proposed Project, with the same impact significance. Therefore, because both the proposed Project and the Reduced Footprint Alternative ~~2~~ would result in less than significant impacts with adherence to all applicable regulations and mitigation measures, impacts related to hydrology and water quality from the Reduced Footprint Alternative ~~2~~ would be similar to those of the proposed Project.

~~The footprint of the proposed Project would be reduced by approximately 30 acres under the Lake Tamarisk Alternative; however, the corresponding reduction in estimated water demand for Project construction and operation is anticipated to be de minimis.~~

In June 2023, BLM issued a Proposed Rule to amend its existing ROW regulations, issued under authority of the Federal Land Policy and Management Act (FLPMA), and is considering issuing Right-of-Way (ROW) grants for durations of up to 50 years (BLM, 2023). To prepare for potential issuance of a 50-year ROW Grant by the BLM (outside of CEQA) and to determine whether there are sufficient supplies to sustain the Project, the Easley WSA conservatively extends the total projected period of the Project- to 52-years. For the purpose of the CVGB water budget (see GSI, 2024 Section 6) and predictive Project water demand impacts analysis (see GSI, 2024 Sections 5.4 and 7) presented herein, 52 years is equivalent to the projected total duration of the Project, including construction (20 months), operations (48 years), and decommissioning (20 months).<sup>41</sup>

<sup>41</sup> Although the estimated Project construction period and decommissioning period described in the EIR Chapter 2 (Project Description) is 20 months, the water budgets (see GSI, 2024 Section 6) and Cone of Depression and Cumulative Drawdown Analysis (see GSI, 2024 Section 7), were developed in 1-year time steps, and therefore, assume the same overall water usage but over Project construction and decommissioning periods of 2 years.

The Project would use up to 1,000 AF during the planned 20-month construction period and up to 50 AFY during the Project's operational and decommissioning periods. The Project would use a total of approximately 3,500 AF over the assumed 52-year life of the Project. If the estimated water demand for the Project was used equally per acre (the Project is proposed on approximately 3,735 acres for the solar and BESS facility, plus 139-acre gen-tie line corridor), the Project would use approximately 0.27 AF per acre during construction and 0.01 AF per acre per year during the operational phase of the Project. Using the same AF per acre water use assumptions, the Reduced Footprint Alternative would require approximately 987 AF during the construction phase and 49 AFY during the operational phase of the Project. Therefore, due to the minimal reduction of groundwater use under the Reduced Footprint Alternative, the potential impacts on groundwater would be consistent with those discussed in Section 3.11 for the proposed Project. Assuming the equal water use per acre, the Lake Tamarisk Alternative would also require approximately 0.27 AF per acre during the construction phase and 0.01 AF per acre per year during the operational phase of the Project. Therefore, the potential impacts on groundwater under the Lake Tamarisk Alternative would be consistent with those discussed in Section 3.11.5 for the proposed Project.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.5.11. Land Use and Planning**

The ~~Lake Tamarisk~~ Reduced Footprint Alternative would be developed within the proposed Project site and was developed in response to concerns expressed by the Lake Tamarisk community during scoping. The Alternative would be similar to the proposed Project but would remove approximately ~~350~~ 50 acres of solar panels closest to the community of Lake Tamarisk, such that the closest solar panels to residential parcels would be 0.45 miles (2,350 feet) away. This would reduce land-use related impacts that might arise, such as loss of open space proximate to the community and moving construction disturbances farther from residences. ~~With this relatively small reduction in acreage, the electrical output would not be appreciably reduced compared to the proposed Project.~~ In addition, the onsite substation and BESS would be moved at least 0.7 mile to the northeast, on either BLM-administered land (Substation Alternative A) or private land (Substation Alternative B) closer to SR-177. The Applicant is in negotiations with all existing ROW holders, such as Metropolitan Water District and EDF Renewables, to ensure that there would be no conflicts with existing or proposed easements across the Easley Project site and gen-tie line ROW. At 7.5 miles, the length of the 500 kV gen-tie line under the ~~Lake Tamarisk~~ Reduced Footprint Alternative would be approximately 0.8 miles longer than the proposed 500 kV gen-tie line (6.7 miles).

As with the proposed Project, the ~~Lake Tamarisk~~ Reduced Footprint Alternative would not cause a significant impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.5.12. Noise and Vibration**

The ~~Lake Tamarisk~~ Reduced Footprint Alternative (Alternative B2) would remove approximately ~~5030~~ 30 acres of solar panels closest to the community of Lake Tamarisk. The reduction in acreage would increase the distances to sensitive receptors from the proposed Project sources of noise and vibration. The decrease in solar panel area would result in a slight decrease in the potential for sensitive receptors to be exposed to noise and vibration near the existing community of LTDR when compared with the impacts of the proposed Project.

Alternative ~~2-B~~ would reduce the noise and vibration levels experienced by sensitive receptors and reduce the noise and vibration impacts when compared to the proposed Project. Overall, the effects of Alternative ~~2-B~~ would be slightly reduced from the proposed Project, and mitigation identified for the proposed Project would be the same for under this alternative.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.5.13. Paleontological Resources**

Alternative ~~B2~~ would remove approximately ~~30-50~~ acres of solar panels closest to the Lake Tamarisk Desert Resort (LTDR) and relocate the onsite substation and BESS to a location 0.7 miles further north of the LTDR. This relocation of the onsite substation would result in the 500 kV gen-tie line for this alternative being approximately 0.8 miles longer than the proposed 500 kV gen-tie line. Despite the increased length of the gen-tie line, this alternative would lead to an overall decrease in ground disturbance due to the removal of solar panels. Operation of the project under Alternative ~~2-B~~ would be the same as for the proposed Project. Due to the decrease in ground disturbance, impacts related to damage or destruction of paleontological resources would be minimally less than for the proposed Project. Implementation of Mitigation Measures PR-1 through PR-4 would reduce potential adverse impacts on paleontological resources to a less-than-significant level.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.5.14. Population and Housing**

The ~~Lake Tamarisk~~ Reduced Footprint Alternative would be similar to the proposed Project, but would remove approximately ~~30-50~~ acres of solar panels closest to the community of Lake Tamarisk, such that the Project solar panels would be approximately 0.45 miles (2,350 feet) from the closest residence compared to 750 feet under the proposed Project. The electrical output of the Alternative ~~B2~~ would not be appreciably reduced compared to the proposed Project. Alternative ~~B2~~ would have similar construction and operational activities as the proposed Project, and therefore, Alternative ~~B2~~ would have similar impacts to population and housing and impacts would be less than significant.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.5.15. Public Services and Utilities**

The ~~Lake Tamarisk~~ Reduced Footprint Alternative would be similar to the proposed Project but would remove approximately ~~30-50~~ acres of solar panels closest to the community of Lake Tamarisk, such that the Project solar panels would be approximately 0.45 miles (2,350 feet) from the closest residence compared to 750 feet under the proposed Project. ~~The electrical output of the Alternative 2 would not be appreciably reduced compared to the proposed Project.~~ Alternative ~~B2~~ would have similar construction and operational activities as the proposed Project, and therefore, Alternative ~~B2~~ would have similar impacts to public services and utilities and impacts would be less than significant.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### 5.2.5.16. Recreation

The ~~Lake Tamarisk~~ Reduced Footprint Alternative would be similar to the proposed Project but would remove approximately ~~30-50~~ acres of solar panels closest to the community of Lake Tamarisk and move the substation and BESS to the northeast, on either BLM-administered land (Substation ~~Alternative Option A~~) or private land (Substation ~~Alternative Option B~~) closer to SR-177. The impact on BLM Open Routes would be the same as under the proposed Project and Alternative B2 (~~Lake Tamarisk Reduced Footprint~~ Alternative). Approximately ~~30-50~~ acres of solar panels closest to the community of Lake Tamarisk would be fenced under the proposed Project, but would be removed from development under Alternative B2, and thus, would remain open and available for informal recreational use. As with the proposed Project, the ~~Lake Tamarisk Reduced Footprint~~ Alternative would cause a less than significant impact to designated recreation areas or recreation facilities. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### 5.2.5.17. Traffic and Transportation

Under this alternative, approximately ~~30-50~~ acres of solar panels closest to the community of Lake Tamarisk would be removed from the Project and the location of some facilities moved farther from Lake Tamarisk. However, there would be no substantial change to the size of the solar facility proposed to be constructed and operated. Under the Reduced Footprint ~~Lake Tamarisk~~ Alternative, construction- and operations-related traffic would be similar to that anticipated for the Project as proposed. Therefore, the traffic and transportation impacts for Alternative B2 would be virtually identical to those attributable to the proposed Project and require identical mitigation measures to ensure impacts to transportation and traffic would be reduced to less-than-significant levels. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### 5.2.5.18. Wildfire

Under the ~~Lake Tamarisk~~ Reduced Footprint Alternative, approximately ~~30-50~~ acres of solar panels closest to the community of Lake Tamarisk would not be installed, and the onsite substation and proposed BESS would be moved at least 0.7 mile to the northeast farther away from the community of Lake Tamarisk. The slight reduction in solar panel area would result in a nominal decrease in construction activity, as construction would not occur in the approximately ~~30-50~~-acre area near the community of Lake Tamarisk. Thus, there would be a small decrease in fire hazards associated with installation of fewer solar panels, as construction duration and number of workers may be slightly reduced. ~~Although the solar panels would continue to be made of fire-resistant materials, the risk of fire spreading to the community of Lake Tamarisk would further decrease due to the increased distance from the community.~~

Likewise, the alternative substation and BESS options would be farther from the community of Lake Tamarisk but would result in similar construction impacts as the proposed Project, as the same construction activities and associated fire risks would still occur. During operations, the risk of a fire igniting at the substation or BESS and spreading to the community of Lake Tamarisk would decrease due to the increased distance from the community. Although a portion of the 500 kV gen-tie line would be slightly farther away from the community of Lake Tamarisk, the overall length would be approximately 0.8 mile longer than the gen-tie line under the proposed Project and would result in similar impacts as the proposed Project.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

## 5.2.6. Alternative C: Further Reduced Footprint Alternative with Berms– Impact Analysis

### 5.2.6.1. Aesthetics

Alternative C (see Figure 2-15) would reduce the Project developable footprint by 530 acres compared to the proposed Project, which is located immediately north and east of Lake Tamarisk Desert Resort and is intended to establish a greater than one-mile buffer around the resort. A second key element of this alternative would be the construction of two 10-foot-tall screening berms made of sand with a 1:1 slope and 20-feet across. The north berm would be positioned in an east-west direction north of the Resort and would generally parallel the existing drainage pattern in the area. The east berm would be positioned in a north-south direction at the east end of the one-mile buffer (see Figure 2-15).

Elimination of the arrays on BLM land immediately north and northeast of the Resort (affecting a greater than one-mile buffer) would substantially mitigate the significant aesthetics impacts that the northeast and east portions of the Lake Tamarisk Desert Resort would otherwise experience to a less than significant level, though the aesthetics impacts resulting from the gen-tie line would remain. The visual impact experienced along the northern perimeter of the resort (KOP 7) would be further reduced and would remain less than significant.

Elimination of those same solar arrays would reduce the aesthetics impacts on views from Alligator Rock ACEC, though not to a level that would be less than significant. However, the Further Reduced Footprint Alternative with Berms would not substantially mitigate the significant aesthetics impacts that would be experienced at other public viewing locations such as along SR-177.

Shifting the substation, BESS, and O&M building to a new location immediately adjacent to SR-177 (Rice Road) under this alternative would lessen the visual impact of the substation on views from the Lake Tamarisk Desert Resort due to the increased viewing distance. However, the visual contrast associated with the substation’s structural complexity and industrial character would become highly visible in the immediate foreground of views from SR-177 (close proximity viewpoints), which in combination with the increased structural prominence of the additional gen-tie poles (a more circuitous gen-tie route would be required with substation relocation) would substantially increase Alternative C’s aesthetic impacts on both northbound and southbound views from SR-177 compared to the Project.

The north berm would be effective in blocking views of solar arrays immediately north of the berm. Arrays extending east and west of the north berm would be substantially screened by intervening vegetation between the Lake Tamarisk Desert Resort and the arrays, as illustrated in the Alternative C simulation presented for KOP 7 in Figure 3.2-8D. The east berm would block views of some of the arrays immediately east of the berm, but the more distant arrays would remain visible depending on the presence of intervening vegetation between the Lake Tamarisk Desert Resort and the arrays. The east berm would also be effective in blocking the BESS and some of the lower components of the relocated substation, though the taller components would remain visible. At a viewing distance of just under two miles, however, it is not expected that the substation would substantially affect views from the Lake Tamarisk Desert Resort.

Taken in combination, Alternative C, with its buffer exclusion area, berm construction, and substation/ BESS relocation would reduce the visual impact on views from the Lake Tamarisk Desert Resort to a level that would be less than significant, compared to the Project. However, Alternative C would increase the visual impact on close proximity views from SR-177 and would not, compared to the Project, reduce significant visual impacts on views from I-10 or Alligator Rock to a level that is less than significant, so visual impacts would remain significant and unavoidable from these viewpoints.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3 and would be significant when viewed by sensitive viewing populations along I-10 and SR-177, from



nearby residences, from portions of JTNP, and in the surrounding mountains and wilderness. Alternative C would make a considerable contribution to these visual impacts.

#### **5.2.6.2. Agriculture and Forestry**

Alternative C would be located within the proposed Project application area. This alternative would be similar to the proposed Project but would reduce the developable footprint by approximately 530 acres compared to the proposed Project. Additionally, two berms would be constructed; one berm would be north of Lake Tamarisk and the other berm would be east of Lake Tamarisk. Neither berm would enter land zoned as agriculture or under a Williamson Act contract. Under this Alternative, the substation, BESS, and O&M building would be moved farther from Lake Tamarisk Desert Resort, northeast of the location under the proposed Project. The gen-tie line would extend from the western corner of the relocated substation area heading northwest then south along the eastern boundary of the Project to rejoin the Alternative B gen-tie line starting point. The location of the substation, portion of gen-tie line, and BESS under Alternative C would no longer be on land zoned as Agriculture or within a parcel under a Williamson Act contract. The remaining Williamson Act lands of the proposed Project remain as part of Alternative C and would need to be canceled and removed from agricultural preserves prior to Project development. Alternative C would have similar construction and operation activities as the proposed Project; therefore, Alternative C would have similar impacts to agriculture as the Project, which would remain less than significant.

CEQA Appendix G places agriculture and forestry in one resource impact category. Since there are no forestry resources on the proposed site or the surrounding area, Alternative B would only affect jojoba agriculture as noted above.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.3. Air Quality**

Alternative C would remove approximately 530 acres from development, when compared to the Project. The reduction in acreage would increase the distances to sensitive receptors from the proposed Project sources of air pollutant emissions. The decrease in solar panel area would result in a slight decrease in the potential for sensitive receptors to be exposed to emissions and pollutant concentrations near the existing community of Lake Tamarisk when compared with the impacts of the proposed Project.

Alternative C would reduce the emissions and pollutant concentrations levels experienced by sensitive receptors and reduce air quality impacts when compared to the proposed Project. Overall, the effects of Alternative C would be reduced from the proposed Project, and mitigation identified for the proposed Project would be the same under this alternative.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's incremental contribution would not be cumulatively considerable.

#### **5.2.6.4. Biological Resources**

The Further Reduced Footprint Alternative with Berms would reduce the project developable footprint by 530 acres by removing proposed Project solar panels in a minimum 1-mile buffer surrounding the Lake Tamarisk community (development exclusion area). The Further Reduced Footprint Alternative with Berms would move the substation slightly farther northeast, along State Route 177/Rice Road, and proposes screening with berms at two locations to block views of the solar panels from the community. The length of the 500 kV gen-tie line under the Further Reduced Footprint Alternative with Berms would be 1.3 miles

longer than the proposed 500 kV gen-tie line. All other project features outside the development exclusion area (see Figure 2-15) would be the same as the proposed Project.

The berms are proposed to be constructed of sand, with dimensions 10 feet in height, 20 feet in depth, with a 1:1 slope. One berm would be positioned in an east-west orientation, approximately 1,060 feet long, north of Lake Tamarisk and generally parallel to the drainage pattern for the area. A rock riprap base may be constructed at the base of the berm to provide erosion protection. The second berm would be positioned to the east of the Lake Tamarisk community, approximately 2,920 feet long in a north-south orientation, extending to Rice Road. As necessary, drainage could be accommodated with metal culverts or gaps in the berm.

~~Impacts to biological resources would be qualitatively similar to those of the proposed Project, with 500 fewer acres of development and related habitat disturbance in a greater than 1-mile buffer surrounding the Lake Tamarisk community. Compared to the proposed Project, an additional approximately 10 acres of desert dry wash woodland and 6 acres of desert pavement would be avoided by removing the solar panels within the 1-mile buffer.~~

~~Approximately 1,227 acres of Sonoran creosote bush scrub, 738 acres of desert dry wash woodland, and 33.5 acres of desert pavement occur on the undeveloped lands within the buffer of the Further Reduced Footprint Alternative with Berms. Impacts to biological resources from construction and O&M activities would be qualitatively similar to those of the proposed Project, but Alternative C would disturb approximately 310 fewer acres of native habitat that is suitable desert tortoise habitat compared to the proposed Project, including reduced impacts to desert dry wash woodland by approximately 10 acres.~~

~~Impacts to habitat would still occur where the berms are built, and in any Project areas where fill from the berm is sourced.~~

~~The areas where panels would be excluded overlap with moderate to high quality desert tortoise habitat (0.4-0.7) (Nussear et al., 2009) and avoid areas where desert tortoise sign were found (See Figure 3.5-5 in Appendix A). However, the altered hydrology resulting from the berms could degrade desert tortoise habitat (Abella and Berry, 2016). Occurrences of desert unicorn plant, burrowing owls, active desert kit fox burrows, and burro deer would be avoided where development would be excluded. A longer gen-tie line may result in relatively greater impact to birds due to collision and electrocution.~~

~~By avoiding 530 acres of habitat compared to the proposed Project, the Further Reduced Footprint Alternative with Berms would provide more opportunities for wildlife movement through the Project site than the proposed Project. While generally the berms would be constructed adjacent to solar panel areas, which would be fenced and already pose a barrier to movement, 1:1 sloped berms would serve as an additional barrier to movement in the local area. By avoiding disturbance of 310 acres of native habitat compared to the proposed Project, the Further Reduced Footprint Alternative with Berms would provide greater opportunity for wildlife movement through the Project site and vicinity and a larger buffer for birds using Lake Tamarisk and the Pacific Flyway than the proposed Project. While generally the berms would be constructed adjacent to solar panel areas, which would be fenced and already pose a barrier to movement, 1:1 sloped berms would serve as an additional barrier to movement in the local area.~~

~~Mitigation Measures, as listed in Section 3.5, would be implemented and impact conclusions would be the same as for the proposed Project.~~

#### **5.2.6.5. Cultural and Tribal Cultural Resources**

~~Under this alternative, approximately 530 acres of land would be removed from development footprint compared to the Project in areas within a more than 1-mile buffer between the community of Lake Tamarisk and the proposed Project. Additionally, the alternative would result in the development of two 10-foot high, 20-foot long sand berms placed at the edges of the buffer to the east and north. However,~~

under Alternative C, the number of CRHR eligible resources within the direct impact area would be the same as for the proposed Project, consisting of 3 archaeological resources, including P-33-023675 and the PTNCL and DTCCL historic districts. Results of the Phase I survey found no evidence of archaeological remains associated with any of these resources within the Project's direct impact area. As such, the direct impacts to cultural resources for this alternative would be the same as for the proposed Project.

Portions of the PTNCL, DTCCL, P-33-023675, and P-33-025150 are located within Alternative C's indirect impact area, similar to the proposed Project. Overall, the direct and indirect impacts of this alternative would be the same as the proposed Project and would be less than significant with mitigation implemented, as defined in Section 3.6. Therefore, the direct and indirect impacts of this alternative would be the same as the proposed Project, less than significant with mitigation implemented as defined above.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would be cumulatively considerable.

#### **5.2.6.6. Energy**

Alternative C would not result in any significant changes to the construction or operational activities as they relate to Energy. Alternative C would reduce the overall quantity of energy consumed by construction activities, and the renewable energy generation capacity of the solar array field would be 300 to 320 MW, resulting in a lesser quantity of energy produced by the solar PV component. Because the Alternative C BESS relocation would not change the capacity of the proposed BESS, the amount of energy stored by the BESS would be the same as with the proposed Project. Other effects of the proposed Project on energy would not be appreciably changed compared to the proposed Project. The impacts of Alternative C would be similar to the proposed Project.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.7. Geology, Soils, and Mineral Resources**

Alternative C includes a minimum 1-mile buffer setback from the Lake Tamarisk Desert Resort, two 10-foot-high earthen berms, and relocation of the onsite substation/BESS/O&M building and 500 kV gen-tie line. Alternative C would result in 530 acres that would not be developed as compared to the proposed Project and the gen-tie line being 1.3 to 1.45 miles longer than the proposed Project gen-tie line. Despite the addition of the earthen berms and longer gen-tie line, Alternative C would lead to a decrease in ground disturbance due to the large area of solar panels removed under this alternative. Operation of the project under Alternative C would be the same as described for the proposed Project in Section 3.8.

Impacts related to slope stability, seismic hazards, expansive soils, mineral resources, topography, sand migration, and subsidence would be the same as for the proposed Project. Impacts related to disturbance of desert pavement would be reduced due to the decrease disturbance of desert pavement (approximately 6 fewer acres of disturbed than for the proposed Project) with the decrease in ground disturbance northeast of the Lake Tamarisk Desert Resort. Impacts related to erosion would potentially be increased due to disruption of flow paths due to the presence of the berms, however due to the decrease in area disturbed due to the removal of a large solar panel development area, erosion impacts would be overall reduced. Implementation of MM AQ-1, MM BIO-1, MM BIO-3, MM BIO-5, MM HWQ-1, and MM HWQ-5 would reduce any impacts to less than significant.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### **5.2.6.8. Greenhouse Gas Emissions**

Alternative C would not result in any significant changes to the construction or operational activities as they relate to GHG emissions. Alternative C would remove approximately 530 acres from development, when compared to the proposed Project. With this reduction in acreage, the overall quantity of GHG emissions caused by construction activities would be reduced. The renewable energy generation capacity of the solar array field under Alternative C would be reduced by approximately 80 to 110 MW compared to the proposed Project, to result in a generation capacity for this alternative of 300 to 320 MW, resulting in a lesser quantity of electricity produced by the solar PV component compared to the Project. Because Alternative C would not change the capacity of the proposed BESS, the potential avoidance of GHG emissions would be the same as with the proposed Project. Other effects of the proposed Project on GHG emissions would be less compared to the proposed Project.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### **5.2.6.9. Hazards and Hazardous Materials**

Alternative C includes a minimum one-mile buffer from the Lake Tamarisk Resort borders, two 10-foot high by 20-foot-wide earthen berms, and relocation of the substation and a portion of the gen-tie line. Alternative C would reduce the project development area by approximately 530 acres as compared to the proposed Project, but would increase the length of 500 kV gen-tie line to 8.0 to 8.15 miles long, compared with 6.7 miles under the proposed Project and 7.5 miles under Alternative B. Construction and operation activities for Alternative C would be the same as for the proposed Project with the exception of the construction of the earthen berms. However, construction of the earthen berms would use similar types of construction equipment and construction practices as the proposed Project. Therefore, impacts related to use and storage of hazardous materials, potential for spills or leaks of hazardous materials, and aviation hazards, would be the same as for the proposed Project and would be reduced to less than significant through compliance with local, State, and federal regulations.

The decrease in solar panel area near to the Lake Tamarisk Desert Resort would result in a decrease in construction activities and ground disturbance near the existing community of Lake Tamarisk as compared to the proposed Project. This would result in decreases in potential for wildland fires to impact the public, potential for exposure of the public to contracting Valley Fever, potential for workers and the public to be exposed to pesticides or herbicides, and potential for workers to encounter unexploded ordnance. The potential for these impacts would be decreased as compared to the proposed Project- and would be reduced to less than significant by implementing of the same mitigation measures as for the proposed Project (MM AQ-1, MM FIRE-1, MM HAZ-1, MM HAZ-2, MM HAZ-3), as appropriate, and compliance with applicable local, State, and federal regulations.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

### **5.2.6.10. Hydrology and Water Quality**

Alternative C would reduce the Project developable footprint by 530 acres compared to the proposed Project and include a Project setback from the Lake Tamarisk Community of more than 1 mile, the construction of two earthen berms, relocation of the onsite substation/BESS/O&M building, and rerouting of the gen-tie line. The Alternative C substation/BESS relocation would result in the 500 kV gen-tie line being 8.0 to 8.15 miles long, compared with 6.7 miles under the proposed Project. Installation of earthen berms would change stormwater flow on and offsite, which could adversely affect surface water flow on adjacent parcels (including and flooding of adjacent parcels) and could also alter vegetation patterns.

Other project features, such as the substation, buildings, access roads, and fences, also have the capacity to divert drainage.

Implementation of Mitigation Measure HWQ-5 (Project Drainage Plan) would require preparation of a drainage plan that demonstrates, among other things, adequate design to protect from flooding, erosion and scour, and to do so without adversely affecting adjacent property, inducing erosion, or concentrating or diverting flows. Any berms on the Project site also would be required to comply with MM HWQ-5.

The Westwood preliminary hydrology study shows that the westernmost berm is in an area of minimal and shallow flooding. This berm, which runs mostly parallel with the flow pattern, is unlikely to create a significant adverse flow diversion. The eastern berm is in line with one of the wide flood concentrations that could have depths of up to 1.5 feet. This berm is situated such that it would divert these flows to the north. However, the Westwood study shows that under existing conditions this flow is already mostly diverted to the north in the same manner a few hundred feet downstream of the berm location. The berm would therefore have little effect on drainage patterns as relates to other property. With implementation of MM-HWQ-5, design steps such as placing culverts under the berm to allow drainage through would be taken to reduce adverse impacts to a less-than-significant level.

The Alternative C gen-tie and substation locations are such that the proposed Project impact analysis applies to them as the drainage impacts.

Other Project features would be the same as the proposed Project. Surface water impacts would therefore remain the same as for the proposed Project, but reduced in magnitude due to the reduced Project footprint. The Further Reduced Footprint Alternative with Berms would require the same mitigation measures to be implemented as would be required for the proposed Project, with the same impact significance. Therefore, because both the proposed Project and Alternative C would result in less than significant impacts with adherence to all applicable regulations and mitigation measures, impacts related to hydrology and water quality from Alternative C would be similar to those of the proposed Project.

In June 2023, BLM issued a Proposed Rule to amend its existing ROW regulations, issued under authority of the Federal Land Policy and Management Act (FLPMA), and is considering issuing Right-of-Way (ROW) grants for durations of up to 50 years (BLM, 2023). To prepare for potential issuance of a 50-year ROW Grant by the BLM (outside of CEQA) and to determine whether there are sufficient supplies to sustain the Project, the Easley WSA conservatively extends the total projected period of the Project to 52-years. For the purpose of the CVGB water budget (see GSI, 2024 Section 6) and predictive Project water demand impacts analysis (see GSI, 2024 Sections 5.4 and 7) presented herein, 52 years is equivalent to the projected total duration of the Project, including construction (20 months), operations (48 years), and decommissioning (20 months).<sup>42</sup>

The Project would use up to 1,000 AF of water during the planned 20-month construction period and up to 50 AFY during the Project's operational and decommissioning periods. The Project would use a total of approximately 3,500 AF over the assumed 52-year life of the Project. If the estimated water demand for the Project was used equally per acre (the Project solar and BESS facility site is proposed on approximately 3,735 acres), the Project would use approximately 0.27 AF per acre during construction and 0.01 AF per acre per year during the operational phase of the Project. Using the same AF per acre water use assumptions, Alternative C would require approximately 950 AF during the construction phase and 48 AFY during the operational phase of the Project. Therefore, due to the minimal reduction of groundwater use

<sup>42</sup> Although the estimated Project construction period and decommissioning period described in the EIR Chapter 2 (Project Description) is 20 months, the water budgets (see GSI, 2024 Section 6) and Cone of Depression and Cumulative Drawdown Analysis (see GSI, 2024 Section 7), were developed in 1-year time steps, and therefore, assume the same overall water usage but over Project construction and decommissioning periods of 2 years.

under Alternative C, the potential impacts on groundwater would be consistent with those discussed in Section 3.11 for the proposed Project.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.11. Land Use and Planning**

Alternative C would reduce the developable footprint of the Project by approximately 530 acres compared to the Project to allow establishment of a buffer between the Project and the Lake Tamarisk community. (See Figure 2-15) This alternative would also install two 10-foot-high berms along portions of the buffer boundary to shield views from Lake Tamarisk of some Project components. One berm would be at the northern edge of the buffer, adjacent to a planned solar array north of the buffer. The second berm would be on the eastern edge of the buffer, adjacent to a planned solar array east of the buffer. The berms would reduce visibility of some Project arrays and facilities for residents at Lake Tamarisk, as would the relocated substation, BESS, and O&M building. This would reduce land-use related impacts that might arise, such as loss of open space proximate to the community and would move construction disturbances farther from residences.

As with the proposed Project, the Further Reduced Footprint Alternative with Berms would not cause a significant impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.12. Noise and Vibration**

Alternative C would remove approximately 530 acres from development, when compared to the Project. While acreage would be reduced, additional construction noise would occur with the installation of earthen berms in this alternative. The reduction in acreage would increase the distances to sensitive receptors from the proposed Project sources of noise and vibration. The decrease in solar panel area would result in a slight decrease in the potential for sensitive receptors to be exposed to noise and vibration near the existing community of Lake Tamarisk Desert Resort when compared with the impacts of the proposed Project. Given the distances between the Lake Tamarisk Desert Resort community and earthen berms in this alternative, the berms could provide a minor level shielding or reflection of sound propagation between Project sources and receivers.

Alternative C would reduce the noise and vibration levels experienced by sensitive receptors and reduce the noise and vibration impacts when compared to the proposed Project. Overall, the effects of Alternative C would be reduced from the proposed Project, and mitigation identified for the proposed Project would be the same for under this alternative.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.13. Paleontological Resources**

Alternative C includes a minimum 1-mile buffer setback from the Lake Tamarisk Desert Resort, two 10-foot-high earthen berms, and relocation of the onsite substation/BESS and 500 kV gen-tie line. Alternative C would result in 530 acres that would not be developed as compared to the proposed Project. The partially relocated 500 kV gen-tie line would be more than 0.5 mile longer than the proposed Project gen-tie line. Despite the addition of the earthen berms, Alternative C would lead to a decrease in ground

disturbance due to the large area of solar panels removed under this alternative. Operation of the project under Alternative C would be the same as for the proposed Project. Due to the decrease in ground disturbance, impacts related to damage or destruction of paleontological resources would be minimally less than for the proposed Project. Implementation of Mitigation Measures PR-1 through PR-4 would reduce potential adverse impacts on paleontological resources to a less-than-significant level.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.14. Population and Housing**

Alternative C would reduce the developable footprint of the Project by approximately 530 acres to allow establishment of a greater than 1-mile buffer between the Project and the Lake Tamarisk community (See Figure 2-15). This alternative would also install two 10-foot-high berms along portions of the buffer boundary to shield views from Lake Tamarisk of some Project components. The Project substation and BESS would be relocated to lands by State Route 177 that would be developed with solar panels under the proposed Project. Alternative C would have similar construction and operational activities as the proposed Project, and therefore, Alternative C would have similar impacts to population and housing and impacts would be less than significant.

As with the proposed Project, the Further Reduced Footprint Alternative with Berms would not cause a significant impact due to directly or indirectly inducing substantial unplanned population growth.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.15. Public Services and Utilities**

The Further Reduced Footprint Alternative with Berms would reduce the developable footprint of the Project by approximately 530 acres to allow establishment of a greater than 1-mile buffer between the Project and the Lake Tamarisk community (See Figure 2-15). This alternative would also install two 10-foot-high berms along portions of the buffer boundary to shield views from Lake Tamarisk of some Project components. The gen-tie line would be at least 1.3 to 1.45 miles longer than the proposed Project gen-tie line to connect to the relocated substation/BESS. As with the proposed Project, the Further Reduced Footprint Alternative with Berms would not cause a significant impact on public services and utilities.

Alternative C would have similar construction and operational activities as the proposed Project, and therefore, Alternative C would have similar impacts to public services and utilities, and impacts would be less than significant.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.16. Recreation**

The Further Reduced Footprint Alternative with Berms would establish a buffer between the Project and the Lake Tamarisk community, thereby reducing the developable footprint of the Project by approximately 530 acres (see Figure 2-15 in Appendix A). The buffer would result in a large open space area around the community east of Kaiser Road. This alternative would also install two 10-foot-high berms along portions of the buffer boundary to shield views from Lake Tamarisk of some Project components. One berm would be at the northern edge of the buffer, adjacent to a solar array planned north of the buffer boundary. The second berm would be on the eastern edge of the buffer, adjacent to a planned solar array and BESS facility east of the buffer. The berms would reduce visibility of some Project arrays

and facilities for residents at Lake Tamarisk and recreational users accessing the buffer area. There are no designated BLM Open Routes (trails) within the buffer area. The Further Reduced Footprint Alternative with Berms would reduce recreation related impacts that might arise from Project development, such as the loss of open space proximate to the community. The alternative would move construction disturbances farther from residences. This would improve recreational access and use of the area as compared to the proposed Project, which would restrict access.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.17. Traffic and Transportation**

The Further Reduced Footprint Alternative with Berms would remove approximately 530 acres from development around Lake Tamarisk to create a 1-mile buffer between the Project and the community. The balance of the proposed Project would be developed as planned. Access to areas to be developed under this alternative would be like access under the proposed Project. Vehicles and equipment would enter and exit the project site using Kaiser Road and SR-177 at ingress/egress points to be determined in consultation with Caltrans and Riverside County. Most traffic would use I-10 to reach the Project area. With a somewhat smaller project, the level of traffic would be slightly diminished. However, this would not be substantial and would likely be largely unnoticed by residents and users of these roads.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.6.18. Wildfire**

The Further Reduced Footprint Alternative with Berms would establish a development exclusion area north and east of the community of Lake Tamarisk, reducing the Project's footprint by 530 acres. Two 10-foot-tall berms would be constructed on the northwest end and east end of the development exclusion area. Solar panels would not be constructed within the development exclusion area, and the substation and BESS would be moved northeast farther away from the community of Lake Tamarisk. Construction activities would not occur within the 500-acre exclusion area adjacent to the community of Lake Tamarisk; therefore, there would be a decrease in the risk of fire hazards associated with installation of fewer solar panels, as construction duration and number of workers would be reduced. The risk of fire spreading to the community of Lake Tamarisk would further decrease due to the increase distance between the Project site and the community. The gen-tie line would follow an alternative route and would preclude nearly 14 acres of solar panels along its 175-foot-wide right-of-way, which may result in increasing the ground cover ratio of solar panels, expanding the Project footprint, or reducing solar generation output.

The alternative substation and BESS would be farther from the community of Lake Tamarisk but would result in similar construction impacts as the proposed Project, as the same construction activities and associated fire risks would still occur. During operations, the risk of a fire igniting at the substation or BESS and spreading to the community of Lake Tamarisk would decrease due to the increased distance from the community. The gen-tie line under this alternative would be approximately 0.65 miles longer than that under the proposed Project. Therefore, the risk of fire hazards from operation of the longer gen-tie line may slightly increase.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.



## **5.2.7. Alternative D: Offsite Alternative – Impact Analysis**

### **5.2.7.1. Aesthetics**

The Offsite Alternative would consist of approximately 4,620 acres and a gen-tie line connecting to the Oberon Switchyard or the Red Bluff Substation. As shown in Figure 2-16, this alternative would be located east and north of the existing Athos Project, north of the Clearway Arica and Clearway Victory Pass projects, and north of the Palen Project. Therefore, the Offsite Alternative’s solar facilities and gen-tie line would be substantially obscured from view by other existing solar projects and, in the case of the gen-tie line if it connects into Red Bluff Substation, would be close to other gen-tie lines as it approaches I-10 to span the freeway and connect into Red Bluff Substation. As a result, the Offsite Alternative’s visual impact on views from I-10 and SR-177 would be minimized. Equally important, with viewing distances ranging from approximately 4 to 10 miles, and several intervening existing solar projects and associated gen-tie lines, the Offsite Alternative would have minimal impacts on views from Lake Tamarisk Desert Resort. Therefore, in the context of the numerous existing solar facilities and gen-tie lines, the Offsite Alternative would cause adverse but less-than-significant visual effects.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, however, unlike the proposed Project, the alternative’s contribution would not be cumulatively considerable. The Offsite Alternative would only contribute to cumulative impacts in northern views (Desert Lily Sanctuary). From at-grade views from the south, east, or west, it would have minimal impact due to screening by other solar projects and vegetation. Alternative D would contribute slightly to cumulative visual impacts when viewed from elevated views (Alligator Rock), but the incremental impacts would be less than significant and are not considered to be cumulatively considerable.

### **5.2.7.2. Agriculture and Forestry**

The Offsite Alternative (Alternative D) would be located southeast of the proposed Project application area and would include a gen-tie line to connect to the existing Oberon Switchyard or SCE Red Bluff Substation. None of the facilities under Alternative D would be on land zoned as Agriculture or within a parcel under a Williamson Act contract. There would be no direct, indirect, or cumulative impact to agriculture and forestry under Alternative D.

### **5.2.7.3. Air Quality**

Alternative D would locate project components, including solar panels, further east of the community of Lake Tamarisk Desert Resort. The alternative site would increase the distances to sensitive receptors from the proposed Project sources of air pollutant emissions. The increased separation would result in a slight decrease in the potential for sensitive receptors to be exposed to emissions and pollutant concentrations near the existing community of LTDR when compared with the impacts of the proposed Project. However, longer travel distances over unpaved roads to reach the alternative site would increase the risk of dust emissions from vehicles traveling on these routes. By retaining a similar development footprint, the construction phase and operational emissions of Alternative D would not be appreciably changed compared to the proposed Project.

Alternative D would reduce the pollutant concentrations experienced by sensitive receptors and reduce air quality impacts when compared to the proposed Project. Overall, the direct, indirect, and cumulative effects of Alternative D would be slightly reduced from the proposed Project, and mitigation identified for the proposed Project would be the same under this alternative.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative’s incremental contribution would not be cumulatively considerable.

#### **5.2.7.4. Biological Resources**

The Offsite Alternative is located 3 miles east of the proposed Project site, directly east of the Athos Solar Project and directly north of the Arica, Victory Pass, and Palen Solar Projects. This alternative is located on approximately 4,620 acres. A gen-tie line to the Oberon Switchyard or Red Bluff Substation would pass between the Athos and Victory Pass Solar Projects.

Construction activities and the resulting impacts to biological resources would be qualitatively similar to the proposed Project; however, much of the Offsite Alternative area is subject to biological constraints (Figure 3.5-11). Biological resources in the Offsite Alternative include desert dry wash woodland, Emory's crucifixion thorn, creosote bush rings, and occurrences of Harwood's eriastrum, which may be impacted by ground disturbance (Figure 3.5-11). Other rare plants, Harwood's wooly aster (*Eriastrum harwoodii*, CRPR 1B.2) and Harwood's milkvetch (*Astragalus insularis* var. *harwoodii*, CRPR 2B.2) have potential to occur.

The Offsite Alternative would be sited on BLM-administered public lands in a DFA and on private lands. The western portion of the Offsite Alternative Area would overlap with a BLM DRECP multi-species linkage area located north of the I-10 freeway. The Oberon, Athos, Arica, and Victory Pass solar projects also overlap some areas of the linkage. These projects were designed to maintain linkage connectivity function and associated habitat, as well as avoid desert dry wash woodlands, per BLM DRECP CMAs (e.g., CMAs LUPA-BIO-13, LUPA BIO IFS 2, LUPA-BIO-RIPWET-1, DFA-VPL-BIO-IFS-1), thereby helping to preserve habitat and linkage functionality for wildlife movement through these areas. Solar development in the linkage area under the Offsite Alternative area could contribute to fragmentation of habitat and restrict wildlife movement across the linkage. Similar to the proposed Project and other projects within the DFA, compliance with CMAs on BLM lands would restrict development in desert dry wash woodlands and a 200-foot buffer except for minor incursion, which would maintain a portion of the multi-species linkage in the area. Additionally, if wildlife-friendly fencing is installed within the linkage area, as is proposed on Easley and Oberon Projects, then wildlife-friendly fencing would allow desert tortoise movement throughout the area during operations.

The eastern half and northwestern portion of Offsite Alternative area supports active aeolian deposits, which are recognized as areas of higher biological value, and numerous Mojave fringe-toed lizards, which are a California species of special concern and BLM sensitive. Much of the Offsite Alternative area overlaps with the Mojave fringe-toed lizard species distribution model and impacts to this species would be significant. Construction in active aeolian sands would result in unstable soils and increased erosion throughout the Offsite Alternative area.

Several DRECP CMAs restrict development in aeolian sands on BLM-administered lands and require siting of projects in areas with least impact to sand dunes and associated species. Rare plants require a setback, creosote rings must be avoided, and desert dry wash woodlands require avoidance and setbacks. Mitigation Measures, as listed in Section 3.5.7, would be implemented to reduce impacts; however additional measures would be needed to address significant impacts to Mojave fringe-toed lizard and aeolian sands and it is unknown if mitigation is available to reduce impacts to a less than significant level; impacts may be significant and unavoidable.

#### **5.2.7.5. Cultural and Tribal Cultural Resources**

Under this alternative, an onsite substation would be constructed in the southern area of the site and an approximately 1 mile 500 kV gen-tie line would connect the onsite substation into the existing Oberon Switchyard or would connect directly into existing SCE Red Bluff Substation on the south side of Interstate 10 (approximately 1.8 miles). The gen-tie line would be at least 5 miles shorter than the gen-tie line under the proposed Project. However, under the Offsite Alternative, the number of CRHR eligible resources

within the direct impact area would be the same as for the proposed Project, consisting of 3 archaeological resources, including P-33-023675 and the PTNCL and DTCCL historic districts. Results of the Phase I survey found no evidence of archaeological remains associated with any of these resources within the Project's direct impact area. As such, the direct impacts to cultural resources for this alternative would be the same as for the proposed Project.

Portions of the PTNCL, DTCCL, P-33-023675, and P-33-025150 are located within Alternative D's indirect impact area, similar to the proposed Project. Overall, the direct and indirect impacts of this alternative would be the same as the proposed Project and would be less than significant with mitigation implemented, as defined in Section 3.6. Therefore, the direct and indirect impacts of this alternative would be the same as the proposed Project, less than significant with mitigation implemented as defined above.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would be cumulatively considerable.

#### **5.2.7.6. Energy**

Alternative D would not result in any significant changes to the construction or operational activities as they relate to energy. Because Alternative D would retain a renewable energy generation capacity of 400 MW and would not change the capacity of the proposed BESS, the quantity of electricity produced by the solar PV component and the amount of energy able to be stored would be the same as with the proposed Project. Other effects on energy would not be appreciably changed compared to the proposed Project. The impacts of Alternative D would be similar to the proposed Project. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.7.7. Geology, Soils, and Mineral Resources**

The Offsite Alternative (Alternative D) would be similar to the proposed Project in size and components but would be entirely located in an area east of SR-177/Rice Road and the 500 kV gen-tie line would be at least 5 miles shorter than the gen-tie for the proposed Project. Construction of the Alternative D would disturb an area similar to the proposed Project. Operation of the project under Alternative D would be the same as the proposed Project.

Impacts related to slope stability, seismic hazards, expansive soils, mineral resources, topography, and subsidence would be the same as for the proposed Project. Based on biological surveys conducted of the Offsite Alternative area in Fall 2021 (Ironwood, 2021), areas of desert pavement are located in the southwestern and eastern portions of Alternative D, with many of the areas within and adjacent to desert dry wash woodland. However, Alternative D would disturb less desert pavement than the proposed Project.

Most of the northern and eastern portions of Alternative D are located with the sand migration corridor for the Palen Lake dune system, which includes older stable dunes, active eolian sand and sand sheets, and active washes that are eolian sand sources (BLM, 2021). Ground disturbance for Alternative D could destabilize or destroy dunes and sand sheets which serve as critical habitat. Additionally, within the sand transport corridor, most sand transport occurs close to the ground through the processes of rolling and saltation (bouncing of sand particles), and solar project components may block this action, resulting in loss of or redirection the sand source for sand dunes and sand sheets (BLM, 2021). Alternative D construction and operation could result in the loss of onsite sand migration and active sand sheets and the loss of sand sources for offsite dunes which could cause the erosion of on- and offsite existing dunes without replacement from upwind sources (BLM, 2021). Design of Alternative D to minimize damage to dunes and sand sheets and interference and blocking of sand migration would reduce impacts to the sand migration corridor and sand migration zones, however based on the placement of the alternative within the sand

migration corridor impacts to sand migration and critical sand dune habitat would be unavoidable. Several DRECP CMAs restrict development and require sediment transport and deposition to be continued on BLM-administered land in these areas, including LUPA-BIO-DUNE-1, LUPA-BIO-DUNE-2, and LUPA-BIO-DUNE-3.

Due to most of Alternative D being with a sand transport corridor that contains soils with a high percentage of fine eolian sand, these soils are likely to be more erodible than the soils within the proposed Project site. However, implementation of MM AQ-1, MM BIO-1, MM BIO-3, MM BIO-5, MM HWQ-1, and MM HWQ-5, and applicable local, State, and federal regulations would reduce impacts to less than significant.

#### **5.2.7.8. Greenhouse Gas Emissions**

Alternative D would not result in any significant changes to the construction or operational activities as they relate to GHG emissions. Because Alternative D would retain a renewable energy generation capacity of 400 MW and would not change the capacity of the proposed BESS, the quantity of electricity produced by the solar PV component and the potential avoidance of GHG emissions would be the same as with the proposed Project. Other effects on GHG emissions would not be appreciably changed compared to the proposed Project. The direct, indirect, and cumulative impacts of Alternative D would be similar to the proposed Project.

#### **5.2.7.9. Hazards and Hazardous Materials**

The Offsite Alternative (Alternative D) would be of similar size as the proposed Project but would locate proposed Project components, including the solar arrays, in a location further from the LTDR and east of SR-177/Rice Road. The relocation of the proposed Project would result in the gen-tie line being at least 5 miles shorter than the gen-tie line under the proposed Project, Reduced Footprint Alternative (Alternative B), and Further Reduced Footprint Alternative with Berms (Alternative C). Construction, operation, and maintenance activities for Alternative D would be the same as for the proposed Project.

Impacts related to use and storage of hazardous materials, potential for spills or leaks of hazardous materials, and aviation hazards, would be the same as for the proposed Project and would be reduced to less than significant through compliance with local, State, and federal regulations. Alternative D is similar in size to the proposed Project and would have similar potential for wildland fires to impact the public, potential for exposure of the public to contracting Valley Fever, potential for workers and the public to be exposed to pesticides or herbicides, and potential for workers to encounter unexploded ordnance. The relocation of the proposed Project further from the LTDR would result in a slight decrease in the potential for residents of the LTDR to be exposed to these impacts as compared to the proposed Project, Alternative B, and Alternative C. However, hazards and hazardous materials impacts would be reduced to less than significant by implementing of the same mitigation measures as for the proposed Project (MM AQ-1, MM FIRE-1, MM HAZ-1, MM HAZ-2, MM HAZ-3), as appropriate, and compliance with applicable local, State, and federal regulations. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.7.10. Hydrology and Water Quality**

The Offsite Alternative includes a Project developable footprint of approximately 4,620 acres and a gen-tie to the Red Bluff Substation. Topography and existing drainage conditions on the site are similar to those of the proposed project. Project features are assumed to be similar to the proposed Project under the Offsite Alternative. Surface water impacts would therefore remain the same as for the proposed Project, but possibly increased in magnitude due to the enlarged Project application area. The Offsite Alternative would require the same mitigation measures to be implemented as would be required for the proposed Project, with the same impact significance. Therefore, because both the proposed Project and

the Offsite Alternative would result in less than significant impacts with adherence to all applicable regulations and mitigation measures, impacts related to hydrology and water quality from the Offsite Alternative would be similar to those of the proposed Project.

In June 2023, BLM issued a Proposed Rule to amend its existing ROW regulations, issued under authority of the Federal Land Policy and Management Act (FLPMA), and is considering issuing Right-of-Way (ROW) grants for durations of up to 50 years (BLM, 2023). To prepare for potential issuance of a 50-year ROW Grant by the BLM (outside of CEQA) and to determine whether there are sufficient supplies to sustain the Project, the Easley WSA conservatively extends the total projected period of the Project to 52-years. For the purpose of the CVGB water budget (see GSI, 2024 Section 6) and predictive Project water demand impacts analysis (see GSI, 2024 Sections 5.4 and 7) presented herein, 52 years is equivalent to the projected total duration of the Project, including construction (20 months), operations (48 years), and decommissioning (20 months).<sup>43</sup>

The Project would use up to 1,000 AF during the planned 20-month construction period and up to 50 AFY during the Project's operational and decommissioning periods. The Project would use a total of approximately 3,500 AF over the assumed 52-year life of the Project. If the estimated water demand for the Project was used equally per acre (the Project solar and BESS facility site is proposed on approximately 3,735 acres), the Project would use approximately 0.27 AF per acre during construction and 0.01 AF per acre per year during the operational phase of the Project. Using the same AF per acre water use assumptions, the Offsite Requested Alternative would require approximately 1,240 AF during the construction phase and 62 AFY during the operational phase of the Project.

Although there would be an increase in groundwater use under the Offsite Alternative, the potential impacts on groundwater are anticipated to be consistent with those discussed in Section 3.11.6 for the proposed Project.

The Easley WSA (GSI, 2024; see EIR Appendix G) discusses the occurrence of potential groundwater dependent ecosystems within the CVGB. Groundwater dependent ecosystems (GDEs) are defined as ecological communities or species that depend on groundwater emerging from aquifers or on groundwater present near the ground surface. Principal plant types of the CVGB include palo verde (*Parkinsonia florida*), shrubby seepweed (*Suaeda moquini*), honey mesquite (*Prosopis glandulosa*), desert lavender (*Condea emoryi*), creosote-bush (*Larrea tridentata*), iodine bush (*Allenrolfea occidentalis*), and ironwood (*Olneya tesota*). Screening for these potential GDEs in the CVGB (particularly near the Project) indicated their occurrence was primarily within or adjacent to Palen Dry Lake.

An analysis of depth to groundwater in the regional aquifer within the western portion of the CVGB was used to screen areas in which these GDEs could potentially gain access to groundwater from the regional aquifer. The groundwater model (used for the Easley WSA Cone of Depression and Cumulative Drawdown Analysis) was used to simulate changes in regional water levels in response to solar project development through expected project decommissioning in the year 2075. The modeling results show that only minor changes in regional groundwater levels (lowering of groundwater levels up 0.5 to 0.25 feet within the areas of the GDEs) would result from development of the planned cumulative solar projects compared to simulated 2075 baseline conditions and would not have an effect on the ability of the GDEs to access groundwater.

The Offsite Alternative would shift the Project location immediately south-southwest of Palen Dry Lake and Big Wash, coincident with the occurrence of some the potential GDEs discussed above (and identified in the Easley WSA). The drawdown of the regional aquifer in the western half of the CVGB from devel-

<sup>43</sup> Although the estimated Project construction period and decommissioning period described in the EIR Chapter 2 (Project Description) is 20 months, the water budgets (see GSI, 2024 Section 6) and Cone of Depression and Cumulative Drawdown Analysis (see GSI, 2024 Section 7), were developed in 1-year time steps, and therefore, assume the same overall water usage but over Project construction and decommissioning periods of 2 years.

opment of the planned cumulative solar projects under the Offsite Alternative is anticipated to be similar to the drawdown discussed above. However, because the Project's pumping well(s) would be located closer to the potential GDEs identified in the CVGB, there is an increased possibility of impact to any GDEs located in the Palen Dry Lake Area and Big Wash, adjacent to the Offsite Alternative proposed Project location, due to the proximity of the Project well's cone of depression to the GDEs.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.7.11. Land Use and Planning**

The Offsite Alternative would develop a solar project east of SR-177 and east and south of the Desert Center Airport on lands not currently occupied by existing solar projects. At its closest, the Offsite Alternative would be over 3.5 miles from the Lake Tamarisk community. This alternative would require a new gen-tie line between the project and either the Oberon Switchyard or SCE's Red Bluff Substation south of I-10, crossing over the freeway rather than tying into the Oberon Switchyard north of I-10.

Approximately half of the Project site is within the Desert Center Area Plan (DCAP). Under DCAP the Project area is designated as open space/conservation, which is the designation applied to nearly all of the DCAP area. The County General Plan applies the same designation to the alternative project site outside of the DCAP. However, most of the land in the Offsite Alternative is under BLM rather than County jurisdiction. Development of a solar project at the Offsite Alternative site would abut several existing solar projects to the south.

As with the proposed Project, the Offsite Alternative would not cause a significant direct, indirect, or cumulative impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

#### **5.2.7.12. Noise and Vibration**

Alternative D would locate project components, including solar panels, further east of the community of Lake Tamarisk Desert Resort. The alternative site would increase the distances to sensitive receptors from the proposed Project sources of noise and vibration. The increased separation would result in a slight decrease in the potential for sensitive receptors to be exposed to noise and vibration near the existing community of LTDR when compared with the impacts of the proposed Project.

Alternative D would reduce the potential for noise and vibration experienced by sensitive receptors and reduce noise and vibration impacts when compared to the proposed Project. Overall, the direct, indirect, and cumulative effects of Alternative D would be reduced from the proposed Project, and mitigation identified for the proposed Project would be the same under this alternative.

The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.7.13. Paleontological Resources**

The Offsite Alternative (Alternative D) would be similar to the proposed Project in size and components but would be entirely located in an area east of SR-177/Rice Road and the 500 kV gen-tie line would be at least 5 miles shorter than the gen-tie for the proposed Project. Construction of the Alternative D would disturb an area similar to the proposed Project. Operation of the project under Alternative D would be the same as the proposed Project.

The Offsite Alternative is underlain by Recent dune sand and Recent alluvium (BLM, 2021). The recent dune sand consists primarily of wind-blown (eolian) sand in the form of dunes and sheets that sometimes

has “blowouts” between the eolian sand features (area where the sand has blown away and the underlying sediment is exposed). The Recent alluvium (Qal) is described as alluvial sand, silt, clay, and gravel, including locally some older alluvium (BLM, 2021). The Paleontological Survey report conducted for the adjacent Arica Solar project (BLM, 2021) identified Pleistocene fossils within the areas mapped as Recent alluvium. The Arica Solar Paleontological Survey assigned the Recent dune sand a rating of PFYC 2 (Low), the intervening valley floor between the dunes and the “blowouts” was rated PYFC 4 (High), and the Recent alluvium (Qal) was rated as PFYC 3 (Moderate). Although the Offsite Alternative would disturb an approximately equivalent area, due to the large areas of dune sand underlying this alternative with low paleontological potential (PFYC 2), there is a minimally decreased potential to disturb or destroy paleontological resources as compared to the proposed Project. Similar to the proposed Project, implementation of Mitigation Measures PR-1 through PR-4 would reduce potential adverse impacts on paleontological resources to a less-than-significant level. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative’s contribution would not be cumulatively considerable.

#### **5.2.7.14. Population and Housing**

The Offsite Alternative would develop a solar project east of SR-177 and east and south of the Desert Center Airport on lands not currently occupied by existing solar projects. At its closest, the Offsite Alternative would be over 3.5 miles from the Tamarisk Lake community. This alternative would require a new gen-tie line between the project and either the Oberon Switchyard or SCE’s Red Bluff Substation south of I-10. Alternative D would have similar construction and operational activities as the proposed Project, and therefore, Alternative D would have similar impacts to population and housing and impacts would be less than significant.

As with the proposed Project, the Offsite Alternative would not cause a direct, indirect, or cumulative significant impact due to directly or indirectly inducing substantial unplanned population growth.

#### **5.2.7.15. Public Services and Utilities**

The Offsite Alternative would develop a solar project east of SR-177 and east and south of the Desert Center Airport on lands not currently occupied by existing solar projects. At its closest, the Offsite Alternative would be over 3.5 miles from the Tamarisk Lake community. This alternative would require a new gen-tie line between the project and the existing Oberon Switchyard or SCE’s Red Bluff Substation south of I-10, crossing over the freeway rather than tying into the Oberon substation north of I-10. As with the proposed Project, Alternative D would not cause a significant impact on public services and utilities. Alternative D would have similar construction and operational activities as the proposed Project, and therefore, Alternative D would have similar direct, indirect, and cumulative impacts to public services and utilities and impacts would be less than significant.

#### **5.2.7.16. Recreation**

The Offsite Alternative would develop a solar project east of SR-177 and over 3.5 miles from the Tamarisk Lake community. This alternative would be adjacent to and north of other existing solar projects located north of I-10 and southeast of the Desert Center Airport and Chuckwalla valley raceway. The alternative site overall is approximately 4,620 acres. This alternative would require a new gen-tie line between the Project and either the Oberon Switchyard or SCE’s Red Bluff Substation south of I-10, crossing over the freeway rather than tying into the Oberon Switchyard north of I-10.

Most of the land in the Offsite Alternative is under BLM rather than County jurisdiction. BLM Open Routes DC378 and DC511 are found in the southwest corner of the site. BLM Open Route DC378 has been truncated on the west and east by existing solar projects and no longer provides a through route.

BLM Open Route DC511 remains as an open route through the solar projects in the area and would be accommodated by the layout of any arrays under the Offsite Alternative. BLM Open Route DC502 is a BLM Open Route in the southeast quadrant of the alternative site that ends within the site. However, it has been truncated by existing solar projects south of the alternative. The Desert Lily Sanctuary is approximately 3.6 miles north of the site, near SR-177. Most of the land north of the alternative site is under BLM jurisdiction and open to recreational users.

The Offsite Alternative would limit recreational access immediately north of the existing solar projects. Assuming that the lands planned to be used for the proposed Project remain undeveloped, the Offsite Alternative would result in undiminished recreational access for users around the Lake Tamarisk community. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.7.17. Traffic and Transportation**

The Offsite Alternative would be in an area remote from existing paved roads. It would be north of existing solar projects previously developed north of I-10 and east of SR-177 (Rice Road). Access to the Offsite Alternative location would be by way of unpaved roads off of SR-177 and, possibly, Ragsdale Road. These would likely be roads used for the development of the existing solar project in the vicinity or routes along power lines. One point of access may via BLM Open Route DC322, a BLM Open Route near the Desert Center Airport. Using this route, the western edge of the Offsite Alternative is approximately 2.6 miles from SR-177. Also, BLM Open Route DC510 (Comanche Trail) extends east from SR-177 to a junction with DE322. This route is approximately 3.22 miles from SR-177 to the western edge of the alternative site. An unnamed dirt access road north from Ragsdale Road extends 4.7 miles to a point where a 0.5-mile spur road could be developed northward to access the alternative site. It may be feasible to develop a new road to the alternative site's eastern end from the Corn Springs Road exit on I-10, approximately 9.3 miles east of Desert Center, although such a route would be hampered by existing solar arrays, resulting in a circuitous route.

While the Offsite Alternative would eliminate project-related traffic from Kaiser Road, it is likely to simply shift the traffic to SR-177, thereby increasing traffic on this highway. Longer travel distances over unpaved roads to reach the alternative site would increase the dust emissions from vehicles traveling on these routes and would potentially limit access to the site during and after storm events when dirt roads may be impassable. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.

#### **5.2.7.18. Wildfire**

The Offsite Alternative would be located east of SR-177/Rice Road and east and north of existing developed solar projects, including Athos, Victory Pass, Arica, and Palen Solar Projects. The developable acreage is approximately 4,620 acres, and the gen-tie line under this alternative would be shorter than under the proposed Project. This alternative may result in slightly greater wildfire risks during construction compared to the proposed Project due to potential increase in the solar and BESS site application area (4,620 acres compared to 3,735 acres). However, this alternative would result in a reduced risk of wildfire spreading to the community of Lake Tamarisk due to the increased distance from the community and with existing solar facilities acting as potential buffers that may slow down the spread of a potential fire. Furthermore, the shorter gen-tie line length would result in a slight decrease in risk of fire hazards. The types of potential cumulative impacts would be as described for the proposed Project in Chapter 3, and the alternative's contribution would not be cumulatively considerable.



## **5.2.8. Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative – Impact Analysis**

### **5.2.8.1. Aesthetics**

The installation of small to medium solar PV systems on large commercial and industrial rooftops would be visually unobtrusive or not noticeable from receptors at ground level. While such systems may be visible from other vantage points, the installation of rooftop small to medium solar PV systems would not likely affect the visual character or quality of an area, because the character or quality of an area has already been altered as a result of the existing building's construction. Compliance with city or county ordinances and rooftop solar ordinances would ensure that aesthetics impacts would be less than significant.

More severe impacts may result if rooftop solar were proposed on historic buildings, because such installations could affect the historic character and integrity of the buildings. Implementation of this alternative would require historic surveys and investigations to evaluate the eligibility of potentially historic structures that are over 50 years old. Such structures would either have to be avoided, or there would have to be incorporation of design measures to minimize impacts on historic integrity of historically significant structures. The Distributed Commercial and Industrial Rooftop Solar Alternative would have less than significant direct, indirect, and cumulative impacts on aesthetics.

### **5.2.8.2. Agriculture and Forestry**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities. Since the solar PV systems proposed for this alternative would be constructed on existing structures, this alternative would not create any changes in the existing environment that would convert land that is designated Farmland or forest land to non-agricultural or non-forest uses. As such, no direct, indirect, or cumulative impacts to agriculture or forestry resources would occur.

### **5.2.8.3. Air Quality**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities. Under this alternative, no construction activities associated with ground disturbance would occur, reducing some temporary construction-related air quality impacts. However, depending on the availability and location of rooftops, this alternative may require a substantial number of truck trips to transport the solar panels, racking systems and associated electrical equipment to dispersed locations, potentially resulting in significant emissions. However, the construction associated with this alternative is unlikely to create dust during construction since installation of solar systems is assumed to take place in already paved and developed areas.

During operation, this alternative would have similar impacts on air quality as the project related to occasional vehicular visits for maintenance. As such, operational impacts would be less than significant.

### **5.2.8.4. Biological Resources**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County. The Project site would remain undeveloped and only developed areas, typically on the rooftops of commercial and industrial facilities would be modified.

Given that rooftops of existing commercial and industrial facilities would be used for solar PV system installation, these areas would be unlikely to provide habitat for special-status species. Development of this alternative would not disturb any land or remove habitat for special-status plants and wildlife or have a substantial adverse effect on any riparian habitat. As such, the requirement for mitigation measures would be unlikely, and impacts would be less than significant.

#### **5.2.8.5. Cultural and Tribal Cultural Resources**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County. Given that development would occur on the rooftops of existing structures, there would be no potential for disturbance or damage to buried archaeological resources and human remains. If rooftop solar systems were proposed on historic buildings, this alternative could affect the historic character and integrity of these buildings, as well as the character and views of adjacent historical resources. However, historic surveys and investigations would be conducted prior to project construction to identify known eligible historical resources and to evaluate the eligibility of potentially historic structures that are 50 years or older; historic structures would be either avoided or the alternative would be required to incorporate mitigation and design measures to minimize the impact on these structures. In the case of eligible historical resources, design measures must be in accordance with the Secretary of the Interior standards and the impact must not affect the eligibility of such resources or adjacent resources. Therefore, unanticipated impacts to unknown or known cultural resources would not occur under this alternative. Impacts would be less than significant. With the appropriate mitigation measures in place to reduce impacts to historical resources, the potential to disturb or discover unknown cultural resources within the project area would be less than significant.

With respect to Tribal Cultural Resources, the Distributed Commercial and Industrial Rooftop Solar Alternative, it is unlikely that the proposed rooftop solar systems would have an impact. However, prior to construction of the components of this alternative, the Native American Heritage Commission would be contacted for a search of the Sacred Land Files for the areas surrounding each of the facilities that would be installed under Distributed Commercial and Industrial Rooftop Solar Alternative. In addition, the County would conduct additional consultation with California Native American tribes on the County's Master List for AB 52, apprising them of the alternative project description.

It is anticipated that the Sacred Land Files and consultation would not result in the identification of any tribal cultural resources that could be impacted by the alternative, either directly or indirectly; however, should it be determined the potential exists, this construction occurring under this alternative would avoid impacting any such resources through avoidance and re-design. Due to the nature of the Distributed Commercial and Industrial Rooftop Solar Alternative, it is very unlikely to have an impact on tribal cultural resources. As such, the Distributed Commercial and Industrial Rooftop Solar Alternative would have no direct, indirect, or cultural impact on tribal cultural resources and no mitigation would be required.

#### **5.2.8.6. Energy**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County. Construction of this alternative may require a significant number of trucks trips to transport and install the solar panels on the rooftops of existing buildings in dispersed locations, although it would not require off-road driving or off-road construction equipment. Therefore, the Distributed Commercial and Industrial Rooftop Solar Alternative likely would have a less than significant impact related to wasteful, inefficient, or unnecessary consumption of energy resources and this alternative likely would not conflict with or obstruct a state or local plan

for renewable energy or energy efficiency. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **5.2.8.7. Geology, Soils, and Mineral Resources**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County. Given that only developed areas would be modified and the systems would be installed on existing structures, there would be no potential for the Distributed Commercial and Industrial Rooftop Solar Alternative to directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, and landslides. Such a solar installation would not result in substantial soil erosion or loss of topsoil, create onsite or offsite landslides, or be located on expansive soil. Development of rooftop solar would require adherence to all requirements of the Riverside County Building Ordinances. Therefore, impacts would be less than significant.

Direct, indirect, and cumulative impacts to mineral resources would not be expected to occur, since this alternative would not create new ground disturbance.

#### **5.2.8.8. Greenhouse Gas Emissions**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities. This alternative would not generate GHG emissions from off-road equipment, but a substantial number of truck trips may be required to transport solar panels to dispersed rooftop locations and to support installation personnel. Additionally, the distributed systems on rooftops would lack tracking systems and be less efficient, generating less energy per panel than those that would be installed as part of the proposed Project.

In addition, this alternative includes no energy storage, whereas the project would provide 650 MW of storage to maintain energy-generating capacity when sunlight is not available. As such, this alternative has a reduced ability to offset GHG emissions from fossil-fueled generation.

Therefore, the Distributed Commercial and Industrial Rooftop Solar Alternative likely would have less than significant impacts related to generating GHG emissions that may have a significant impact on the environment or consistency with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. However, impacts related to GHG emissions would be greater under this alternative compared to the proposed Project due to the lower efficiency of the distributed systems, which would not include solar tracking technology and battery energy storage.

#### **5.2.8.9. Hazards and Hazardous Materials**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities situated throughout Riverside County. The installation of rooftop solar equipment on existing structures would involve few hazardous materials (such as chemicals and fuels that are used for construction on undeveloped sites).

Because the construction of rooftop solar would likely be permitted through compliance with local ordinances and permit requirements, no additional mitigation is assumed to be required. Permits would likely require some level of control of hazardous materials and post-installation inspections to ensure that site

clean-up is completed. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **5.2.8.10. Hydrology and Water Quality**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities situated throughout Riverside County. No ground disturbance related to construction would be required under this alternative.

Compliance with the NPDES Construction General Permit and development and implementation of a SWPPP would not be required under the Distributed Commercial and Industrial Rooftop Solar Alternative. Construction would be authorized through permit requirements and compliance with local ordinances. Installation of small to medium rooftop solar PV systems on existing commercial and industrial facilities in Riverside County would have no effect on existing drainage patterns, and flow paths would not be altered.

Riverside County is located well inland and far from the ocean or any enclosed or semi-enclosed water body such that there would be no potential threat from tsunami or seiche hazards; these impacts would be less than significant. In addition, water demand for construction and operation phases under the Distributed Commercial and Industrial Rooftop Solar Alternative would be small, and likely provided by local municipal sources with no effect on groundwater. Therefore, implementation of this alternative would not conflict with groundwater management practices; potential impacts would be less than significant. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **5.2.8.11. Land Use and Planning**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities situated throughout Riverside County. Installation of rooftop solar would be permitted only where consistent with current zoning as well as existing land use plans, policies, and regulations.

The Distributed Commercial and Industrial Rooftop Solar Alternative would also support County's goals and policies relative to accommodating renewable energy facilities. However, the placement of solar panels on other structures throughout the region would result in unknown entitlement requirements, depending on the project location, zoning, land use, and potential environmental impacts on the site and surrounding areas. Each project proponent would be required to comply with the specific entitlements needed to construct solar PV systems consistent with this alternative. As a result of anticipated compliance with existing requirements, impacts to land use and planning would be less than significant. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to land use would not be cumulatively considerable.

#### **5.2.8.12. Noise and Vibration**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities. Rooftops of existing commercial and industrial buildings that would be developed under this alternative would be located in developed, and primarily industrial and commercial areas. As a result, while noise related to construction activities could impact sensitive receptors like residences, it is more likely that construction noise would not be noticeable. The operational noise

generated from these solar PV systems would be minor, because the inverters required for rooftop solar systems are small and relatively quiet.

With regard to vibration, construction of the Distributed Commercial and Industrial Rooftop Solar Alternative would not require the use of vibratory rollers or other construction equipment with high groundborne vibration levels. Therefore, it is likely that construction vibration would have a less than significant construction vibration impact. Similar to the proposed Project, operation of the Distributed Commercial and Industrial Rooftop Solar Alternative would require regular maintenance trucks and panel washing activities. Whether rooftop solar systems are proposed on historic buildings, which are more susceptible to vibration damage, or other types of newer buildings, this level of vibration would not exceed vibration thresholds and, as such, would result in less than significant impacts. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **5.2.8.13. Paleontological Resources**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County. This development would occur on the rooftops of existing structures, and would not require ground disturbance. As a result, there would be no potential for direct, indirect, or cumulative disturbance or damage to buried paleontological resources.

#### **5.2.8.14. Population and Housing**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar photovoltaic systems would be developed, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County. Development would occur on the rooftops of existing structures, and would not require construction of new buildings or housing. Construction would be done by workers already employed by solar installation companies in the county. There would be no direct, indirect, or cumulative impacts driving increased population or the need for more housing.

#### **5.2.8.15. Public Services and Utilities**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities situated throughout Riverside County and the project site would remain undeveloped. The Distributed Commercial and Industrial Rooftop Solar Alternative would not introduce structures into a currently undeveloped area and is not expected to temporarily or permanently increase the concentration of people in an area, driving the demand for additional services.

With regard to fire protection, it is expected that rooftop solar PV systems would be installed in urbanized areas with existing fire services. However, a large increase in rooftop solar could result in the need to expand electric distribution systems to accommodate flow of power in and out of local substation. This alternative would require any developer to pay applicable County fees to compensate for any permanent impacts to fire protection services and facilities resulting from the operation of this alternative. Implementation of permit conditions and conditions of local ordinances would result in impacts related to fire protection being less than significant.

With regard to police protection, because the proposed small to medium solar PV systems would be installed in developed areas on existing buildings, it is unlikely that construction and operation of the alternative would require additional police presence or attention. While there would be increased levels

of traffic with truck trips during construction and routine maintenance during operation of this alternative, these volumes would be minimal and would not likely have a significant and adverse effect on County protective service provision or CHP's ability to patrol the highways. Impacts would be less than significant.

With regard to water demand, the Distributed Commercial and Industrial Rooftop Solar Alternative would likely require minimal water as no dust suppression would be required during construction. This alternative would also result in minimal generation of wastewater and usage of electrical power, natural gas, and telecommunications. In addition, construction of the Distributed Commercial and Industrial Rooftop Solar Alternative would not substantially alter stormwater drainage.

With regard to operation, solar panel washing for rooftop solar facilities is infrequent, given the location of panels on rooftops of buildings throughout developed areas of Riverside County. As the Distributed Commercial and Industrial Rooftop Solar Alternative would not require construction in unpaved areas, this alternative would not result in new impervious surfaces.

Overall, impacts to public services, utilities, and service systems would be less than significant. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **5.2.8.16. Recreation**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities situated throughout Riverside County and the project site would remain undeveloped. Because the facilities installed in the Distributed Commercial and Industrial Rooftop Solar Alternative would be installed in developed areas that would be typically industrial or commercial areas. These areas tend not to support recreational facilities because there is little residential population creating demand for recreational opportunities. As a result, the impact to recreation would be less than significant. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **5.2.8.17. Traffic and Transportation**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities situated throughout Riverside County.

Construction of this alternative would require numerous vehicle trips during construction to transport and install the solar panels. However, the trips would be widely dispersed throughout the developed areas of the County, given the location of the existing facilities, thereby avoiding impacts on rural roadways. Due to dispersed locations of rooftop installations, roadways within Riverside County are not expected to operate at levels that would trigger a significant transportation impact during construction of this alternative.

During operation of this alternative, day-to-day operations and maintenance trips would be infrequent and would not substantially add to traffic in the county. However, as with construction, these maintenance trips would be dispersed given the location of the existing facilities. Due to the dispersed location of anticipated facilities, construction and operational impacts would be less than significant.

With regard to consistency with CEQA *Guidelines* Section 15064.3(b), the operation of the Distributed Commercial and Industrial Rooftop Solar Alternative would not increase vehicle trips or distances for the workforce already occupying the buildings that host the rooftop panels. There would be some increase in vehicle trips, but primarily during construction, so vehicle trips would not be ongoing. The occasional maintenance activities may be performed by workers already employed onsite. Therefore, impacts related

to vehicle miles traveled would be less than significant under the Distributed Commercial and Industrial Rooftop Solar Alternative. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

#### **5.2.8.18. Wildfire**

Under the Distributed Commercial and Industrial Rooftop Solar Alternative, a number of geographically distributed small to medium solar PV systems would be developed, typically on the rooftops of existing commercial and industrial facilities situated throughout Riverside County. The addition of large amounts of rooftop solar generation facilities could require installation of expanded electric distribution facilities (lines or substations) in the developed areas. However, these facilities would be constructed in urban areas with little open space and wildfire risk. The potential risks associated with rooftop solar facilities are generally addressed in building codes and ordinances specific to installation of these systems, and the residual risk would be less than significant.

Development of the Distributed Commercial and Industrial Rooftop Solar Alternative would not require grading and excavation at each project site. As a result, there is little likelihood of construction-induced fire risk. Likewise, the cumulative impact would be less than significant. The Project's incremental contribution to impacts to population and housing would not be cumulatively considerable.

### **5.3. Comparison of Alternatives**

This subsection summarizes and compares the environmental advantages and disadvantages of the proposed Project and the alternatives evaluated in this EIR. This comparison is based on the assessment of environmental impacts of the proposed Project and each alternative, as identified in Section 3 (Environmental Impacts of Proposed Project and Alternatives) and Section 5.2 (Alternatives Analyzed in Detail).

#### **5.3.1. CEQA Requirements for Alternatives Comparison**

CEQA requires the following for alternatives analysis and comparison:

The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. *State Guidelines Section 15126.6(d)*

If the environmentally superior alternative is the No Project Alternative, CEQA requires identification of an environmentally superior alternative among the other alternatives [State CEQA Guidelines Section 15126.6(2)].

#### **5.3.2. Comparison Methodology**

The following methodology was used to compare alternatives in this EIR:

- **Step 1: Identification of Alternatives.** A screening process (described in Section 2.8, *Alternatives Analyzed in Detail*) was used to identify alternatives to the proposed Project. A No Project Alternative was also identified. This range of alternatives is sufficient to foster informed decision-making and public participation. No other feasible alternatives meeting most of the Project objectives were identified that would lessen or alleviate significant impacts.

- **Step 2: Determination of Environmental Impacts.** The environmental impacts of the proposed Project and alternatives were identified in Section 3 and Section 5.2, respectively, including the potential impacts of solar facility and gen-tie transmission line construction and operation. A summary of the significant impacts that cannot be mitigated (Class I impacts) are described in Section 5.3.3.3. Highlighting these areas of significant impacts that the proposed Project cannot avoid identifies the impact of concern when considering whether there is an alternative that would be capable of reducing these effects to a less than significant level compared to the proposed Project, and whether an alternative would create new significant impacts. This simplifies identification of the environmentally superior alternatives while considering all issue areas equally.
- **Step 3: Comparison of Proposed Project and Alternatives.** The environmental impacts of the proposed Project were compared to those of each alternative to determine the environmentally superior alternative. The environmentally superior alternative was then compared to the No Project Alternative.

Determining an environmentally superior alternative requires balancing many environmental factors. In order to identify the environmentally superior alternative, the most important impacts in each issue area were identified and compared in Table 5-1. Although this EIR identifies an environmentally superior alternative, it is possible that the decision-makers could balance the importance of each impact area differently and reach different conclusions. In other words, the lead agency is not required to select the environmentally superior alternative. CEQA's "substantive mandate" only requires the selection of one alternative over others if that alternative is feasible, based on a list of statutory factors, and if it will avoid one or more significant effects on the environment compared to other alternatives.

### 5.3.3. Comparison of the Proposed Project and Alternatives

#### 5.3.3.1. Ability to Meet Project Objectives

The Applicant's purpose for the Project is to generate, store, and transmit renewable energy to the state-wide wholesale electricity grid. The Applicant's identified Project objectives are:

1. Support climate and clean energy goals of the Inflation Reduction Act of 2022 by helping to tackle the climate crisis and work towards achievement of President Biden's goal of a zero-carbon power sector by 2035 and zero-carbon economy by 2050 through development of clean electricity (power sector);
2. Assist the nation to meet its Nationally Determined Contribution commitments under Article 4 of the Paris Climate Agreement to achieve a 50 to 52 percent reduction in U.S. greenhouse gas pollution from 2005 levels by 2030, and to achieve 100 percent carbon pollution-free electricity by 2035 in the electricity sector;
3. Further the purpose of Secretarial Order 3285A1, establishing the development of environmentally responsible renewable energy as a priority for the Department of the Interior;
4. Deliver up to 400 MW of affordable, wholesale renewable energy to California ratepayers under long-term contracts with electricity service providers;
5. Assist with achieving California's renewable energy generation goals under the Clean Energy and Pollution Reduction Act of 2015 (Senate Bill 350) and the 100 Percent Clean Energy Act of 2018 (Senate Bill 100), as well as greenhouse gas (GHG) emissions reduction goals of the California Global Warming Solutions Act of 2006 (AB 32), as amended by Senate Bill 32 in 2016;



6. Enhance California’s fossil-free resource adequacy capabilities and help to solve California’s “duck curve” power production problem by installing up to 650 MW of 2-hour and/or 4-hour battery energy storage capacity;<sup>44</sup>
7. Minimize environmental impacts and land disturbance associated with ~~solar~~ renewable energy development by siting the facility on relatively flat, contiguous lands with high solar insolation, in close proximity to established utility corridors, existing transmission lines with available capacity to facilitate interconnection, and road access;
8. Conform with the Desert Renewable Energy Conservation Plan, including Conservation Management Actions;
9. Bring living-wage jobs to Riverside County;
10. Bring sales tax revenues to Riverside County by establishing a point of sale in the County for the procurement of most major Project services and equipment.
11. Make the highest and best use of primarily disturbed, retired agricultural land in and around a federal “Solar Energy Zone” and “Development Focus Area” to generate, store, and transmit affordable, wholesale solar electricity.
12. Develop a commercially financeable renewable energy project.

### **5.3.3.2. Alternatives’ Ability to Meet Project Objectives**

**Alternative ~~A1~~: No Project Alternative A1 – No Build Alternative.** The No Project Alternative A1 would fail to meet any of the Project’s objectives and would not achieve any of the environmental benefits of increasing renewable energy generation consistent with federal goals and the State of California’s Renewable Portfolio Standard (RPS) and installation of energy storage to helping to alleviate the “duck curve” problem.

**Alternative ~~A2~~: Uses Allowed by Right within Existing Land Designations.** The No Project Alternative A2 would fail to meet any of the Project’s objectives and would not achieve any of the environmental benefits of increasing renewable energy generation consistent with federal goals and the State of California’s Renewable Portfolio Standard (RPS) and installation of energy storage to help alleviate the “duck curve” problem.

**Alternative ~~A3~~: No Project Alternative A3 - Other Renewable Energy Development within Existing Land Designations.** The DFA designation allows wind and geothermal development on the land that would be developed by the proposed Project. The renewable power generation that could occur with this alternative is consistent with the project objectives relating to climate change and renewable energy, but the wind component could generate only about 12% of the electricity of the proposed Project due to the larger land areas required for this technology. In addition, the geothermal and wind technologies that could be permitted on DFA-designated lands would have numerous significant impacts, conflicting with the objective of minimizing environmental impacts.

**Alternative ~~2B~~: Lake Tamarisk Reduced Footprint Alternative.** The ~~Lake Tamarisk~~ Reduced Footprint Alternative would meet nearly all of the proposed Project’s objectives. This alternative would remove approximately ~~50~~ 30 acres of solar panels closest to the community of Lake Tamarisk. This alternative would also move the onsite substation and BESS farther from the community of Lake Tamarisk, and the 500 kV gen-tie line would be approximately 0.8 miles longer than the proposed 500 kV gen-tie line. The

<sup>44</sup> Battery duration may be up to 8 hours depending on technology and final design.

electrical output would ~~not be appreciably~~ be reduced by up to 10 MW compared to the proposed Project, and the impacts would be similar, therefore, it would meet most of the Project objectives.

**Alternative C: Further Reduced Project Footprint Alternative with Berms.** This alternative would modify the proposed Project by establishing a minimum buffer zone setback of one mile from the resort border, installing earthen berms in two locations, and relocating the onsite substation and gen-tie line. Its electrical generation capacity would be reduced in comparison with the proposed Project, but most Project objectives would be met.

Specifically, Alternative C- with a 1-mile setback would meet the Project's objectives; however, it would achieve these objectives to a lesser extent compared with the proposed Project., including the loss of nearly 1100 MW (>25% of the capacity of the proposed Project).

Alternative C would assist Californians in meeting their renewable energy generation goals under Objective #4 and would further the purpose of Secretarial Order 3285A1 regarding responsible renewable energy under Objective #3, support the climate and clean energy goals of the Inflation Reduction Act of 2022 under Objective #1, and the United States' commitments under Article 4 of the Paris Climate Agreement (Objective #2) but all to a lesser extent than the Project. Alternative C would generate and store a significantly smaller amount of renewable energy compared with the proposed Project. Therefore, it would assist Californians to a lesser degree in meeting their renewable energy generation goals (Objective #5) and BLM with meeting its renewable energy objectives of the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) (Objective #8).

The BLM DRECP LUPA designated 6.5 million acres of land for conservation and identified 388,000 acres as DFA suitable for renewable energy development. One DRECP objective is to promote renewable energy and transmission development, consistent with federal renewable energy and transmission goals and policies, and in consideration of State renewable energy targets. With a smaller project, Easley's contribution towards meeting these goals and the speed of the United States achieving these goals would be reduced. Likewise, Alternative C would generate, store, and transmit affordable wholesale solar electricity on primarily disturbed, retired agricultural land in and around a federal DFA (Objective #11), however, with an approximately 25% reduction compared with the proposed Project. Alternative C would create fewer jobs and tax revenues compared with the proposed Project (Objectives #9 and #10). Similar to the proposed Project, Alternative C would meet Objective #7 to minimize environmental impacts and land disturbance, because the alternative would also be on flat contiguous land in close proximity to established utility corridors, existing transmission lines with available capacity, and road access.

Finally, although Alternative C would make the highest and best use of land under Objective #11, it would not capture the same economies of scale as the proposed Project nor help as much to solve California's "duck curve" power production problem (Objective #6), because it would generate, store, and transmit less wholesale solar electricity, and the electricity would be less affordable.

**Alternative D: Offsite Alternative.** Commenters suggested consideration of installing solar panels on BLM-managed lands east of SR-177. This alternative would meet most Project objectives, but due to the substantially greater severity of impacts to biological resources and likely greater cultural resources impacts, it would not meet the objective of minimizing environmental impacts.

**Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative.** This alternative would involve the development of a large number of geographically distributed small to medium solar PV systems within existing developed areas throughout Riverside County. This alternative would meet most Project objectives, but it would not generate wholesale renewable energy to support California's rate-payers. Also, because this alternative would not include installation of 650 MW of battery storage that would be included with the proposed Project, it would not meet project objectives related to extending renewable energy availability into the evening hours.

### 5.3.3.3. Significant and Unavoidable Impacts

Section 3 of this EIR describes the potential environmental impacts of the proposed Project and recommends mitigation measures to reduce impacts, where feasible. Impacts in the following areas would be significant and unavoidable with construction and operation of the proposed Project, even with the incorporation of feasible mitigation measures that attempt to reduce impacts to the extent feasible.

#### ■ Aesthetics:

- **Impact AES-31:** The proposed Project could substantially degrade the existing visual character or quality of the site and its surroundings. The resulting visual change would be adverse and unavoidable even with implementation of mitigation, when viewed from all KOPs.
- **Impact AES-3:** As with impacts discussed under Impact AES-1, the Project's high visual change would result in a significant aesthetics impact under significance criterion AES-3. Additionally, the O&M impacts would remain significant and unavoidable even with implementation of mitigation and DRECP CMA compliance.

#### ■ ~~Agriculture and Forestry~~

- ~~**Impact AG-1:** The proposed Project would be constructed on 222 acres of land, 190 acres are a part of seven parcels, which are subject to a Williamson Act contract. Non renewals for the seven parcels were submitted and processed in late 2022; however, the parcels are subject to Williamson Act restrictions for nine more years. There is no feasible way to modify the Project to avoid the conflict with the Williamson Act contracts. The contracts will need to be cancelled prior to, or concurrent with the EIR certification to avoid this impact.~~
- ~~**Impact AG-3:** The Williamson Act contract lands within the Project area are within a Riverside County Agricultural Preserve, which is incompatible with the proposed Project.~~

The Project would also result in a cumulatively considerable contribution to a significant cumulative impact under Aesthetics and Cultural and Tribal Cultural Resources.

### 5.3.3.4. Summary Impacts of Alternatives

**Alternative A1: No Project Alternative – No Build Alternative.** No substantially adverse and long-term impacts would occur to the environment as a result of the No Project Alternative A1. However, the No Project Alternative A1 would not achieve any of the environmental benefits discussed in Section 5.3.3.1 (Ability to Meet Project Objectives).

**Alternative A2: No Project Alternative – Uses Allowed by Right within Existing Land Designations.** No substantially adverse and long-term impacts would occur to the environment as a result of the No Project Alternative A2. However, the No Project Alternative A2 would not achieve any of the environmental benefits discussed in Section 5.3.3.1 (Ability to Meet Project Objectives).

**Alternative A3: No Project Alternative A3 – Other Renewable Energy Development within Existing Land Designations.** The DFA designation of the BLM-administered land allows development of wind or geothermal generation, as well as solar. Wind generation would create severe aesthetic impacts from the presence of turbines and their night lighting. In addition, operation of wind turbines can create aviation conflicts, noise, and shadow flicker effects for nearby receptors. Geothermal generation is a major industrial operation, requiring drilling of wells for steam production and injection of geothermal fluids. It is visually significant in the desert setting, requires steam-driven turbines and cooling towers that emit noise and steam plumes, and requires steam and fluid pipelines running above ground across the site.

**Alternative 2B: ~~Lake Tamarisk Alternative~~ Reduced Footprint Alternative.** Alternative 2-B would have similar types of impacts to the proposed Project, but would disturb a slightly smaller area within the Project application area and would move solar panel development and associated construction disturbances farther from the community of Lake Tamarisk. This alternative would not reduce any of the Project's significant and unavoidable impacts to a less-than-significant level or result in a change to overall impact classifications or significance conclusions. The Reduced Footprint Alternative would generate approximately up to 10 MW less of renewable energy than the proposed Project.

**Alternative C: Reduced Footprint Alternative with Berms.** This alternative would modify the proposed Project by establishing a minimum buffer zone setback of one mile from the resort border, installing earthen berms in two locations, and relocating the onsite substation, BESS, O&M building, and gen-tie line. This alternative would eliminate the significant aesthetics impacts of the proposed Project from the resort residences, but it would increase the severity of public views from SR-177 (Rice Road) due to the substation/BESS location. In addition, constructing and maintaining the berms would be challenging given the anticipated level of erosion from wind and rainstorms, and the berms would redirect surface water flood flows in a manner that could create more severe erosion downstream.

**Alternative D: Offsite Alternative.** This alternative would require installing solar panels on BLM-managed lands east of SR-177. The location of this development would eliminate the significant visual impacts of the proposed Project and its visibility from the Lake Tamarisk Resort, and it would eliminate development within Williamson Act lands and the potentially significant impact related to agriculture. However, it would require development within the extremely sensitive habitats of the sand transport corridor, which supports special-status plant and wildlife species. In order to develop the full generation of the proposed Project, development of this alternative would likely require an amendment to the BLM DRECP Land Use Plan Amendment to modify the existing requirements preventing development within the sand transport corridor. Such an amendment would allow development, but would likely result in significant impacts to the species and habitats of the sand transport corridor. This alternative would also likely have more severe impacts to cultural resources due to its proximity to Palen Dry Lake, and it would result in severe dust and erosion due to disturbance of the sand transport corridor.

**Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative.** This alternative would involve the development of a large number of geographically distributed small to medium solar PV systems within existing developed areas throughout Riverside County. PV systems would be installed typically on the rooftops of commercial and industrial facilities. Because no new land would be developed or altered, this alternative would result in no habitat loss or grading, and aesthetics impacts would be minor in the context of existing development. Installation and maintenance would result in vehicle emissions and traffic increases similar to the proposed Project, but they would occur in a widely dispersed geographic area. Because this alternative would not include installation of 650 MW of battery storage that would be included with the proposed Project, it would not meet project objectives related to extending renewable energy availability into the evening hours.

### 5.3.3.5. Alternatives Comparison Summary

Table 5-1 compares the potential impacts of the proposed Project to the alternatives. The comparison focuses on the significant and unavoidable impacts of the proposed Project in the top rows of the table and then lists the Project's less than significant impacts as compared with the impacts of the alternatives.

**Table 5-1. Comparison of Alternatives to the Proposed Project**

<u>Environmental Resource</u>	<u>Alternative A1: No Build</u>	<u>Alternative A2: Uses Allowed by Right within Existing Land Designations</u>	<u>Alternative A3: Other Renewable Energy Development within Existing Land Designations</u>	<u>Alternative B: Reduced Footprint Alternative</u>	<u>Alternative C: Further Reduced Footprint Alternative with Berms</u>	<u>Alternative D: Offsite Alternative</u>	<u>Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative</u>
<b>Resources with Significant and Unavoidable Project-Specific and/or Cumulative Impacts for the Proposed Project</b>							
<u>Aesthetics</u>	<u>No Impact Fewer</u>	<u>LTS Fewer</u>	<u>S/U Greater</u>	<u>S/U Fewer</u>	<u>LTS (LTDR) and S/U (SR-177) Fewer</u>	<u>LTS Fewer</u>	<u>LTS Fewer</u>
<u>Cultural and Tribal Cultural Resources</u>	<u>No Impact Fewer</u>	<u>Not Cumulatively Considerable Fewer</u>	<u>Cumulatively Considerable Similar</u>	<u>Cumulatively Considerable Similar</u>	<u>Cumulatively Considerable Similar</u>	<u>Cumulatively Considerable Similar</u>	<u>Not Cumulatively Considerable Fewer</u>
<b>Resources with Less than Significant Impacts for the Proposed Project</b>							
<u>Air Quality</u>	<u>Greater</u>	<u>Greater</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>
<u>Agriculture and Forestry</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>	<u>Fewer</u>
<u>Biological Resources</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Greater</u>	<u>Similar</u>	<u>Fewer (buffer); Greater (berms)</u>	<u>S/U</u>	<u>Fewer</u>
<u>Energy</u>	<u>Greater</u>	<u>Greater</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>
<u>Geology, Soils, and Mineral Resources</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Greater</u>	<u>Fewer</u>
<u>Greenhouse Gas Emissions</u>	<u>Greater</u>	<u>Greater</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Greater</u>
<u>Hazards and Hazardous Materials</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Greater</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>
<u>Hydrology and Water Quality</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Greater</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>
<u>Land Use and Planning</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Greater</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>
<u>Noise and Vibration</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Greater</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Fewer</u>
<u>Paleontological Resources</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>	<u>Fewer</u>
<u>Population and Housing</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Greater</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>
<u>Public Services and Utilities</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>

<u>Environmental Resource</u>	<u>Alternative A1: No Build</u>	<u>Alternative A2: Uses Allowed by Right within Existing Land Designations</u>	<u>Alternative A3: Other Renewable Energy Development within Existing Land Designations</u>	<u>Alternative B: Reduced Footprint Alternative</u>	<u>Alternative C: Further Reduced Footprint Alternative with Berms</u>	<u>Alternative D: Offsite Alternative</u>	<u>Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative</u>
<u>Recreation</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>
<u>Traffic and Transportation</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>
<u>Wildfire</u>	<u>Fewer</u>	<u>Fewer</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Fewer</u>	<u>Similar</u>
<b><u>Potential to Meet Project Objectives</u></b>							
<u>Potential to Meet Most Project Objectives?</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>

\* S/U = Significant and Unavoidable Impact. LTS = Less than Significant Impact

- 1 - "Fewer" indicates that the alternative would create reduced or fewer impacts that the Project would create. "Similar" indicates that impacts would be similar to those of the proposed Project. "Greater" indicates that the alternative would result in a greater level of impact than would the Project.
- 2 - Agricultural resources impacts related to parcels under Williamson Act contracts, and Aesthetic operational impacts and cumulative impacts would be significant and unavoidable for all alternatives, except the No Project-Build Alternative (A1), Offsite Alternative, and Distributed Commercial and Industrial Rooftop Solar Alternative. Cultural Resources/Tribal Cultural Resources cumulative impacts would be significant and unavoidable for all alternatives, except the No Build Alternative (A1) and Distributed Commercial and Industrial Rooftop Solar Alternative.

<b>Environmental Resource</b>	<b>Alternative 1: No Project</b>	<b>Alternative 2: Lake Tamarisk Alternative</b>
Aesthetics	Fewer	Fewer
Agriculture and Forestry	Fewer	Similar
Air Quality	Greater	Similar
Biological Resources	Fewer	Similar
Cultural and Tribal Cultural Resources	Fewer	Similar
Energy	Greater	Similar
Geology, Soils, and Mineral Resources	Fewer	Similar
Greenhouse Gas Emissions	Greater	Similar
Hazards and Hazardous Materials	Fewer	Similar
Hydrology and Water Quality	Fewer	Similar
Land Use and Planning	Fewer	Similar
Noise and Vibration	Fewer	Fewer
Paleontological Resources	Fewer	Similar
Population and Housing	Fewer	Similar
Public Services and Utilities	Fewer	Similar
Recreation	Fewer	Similar
Traffic and Transportation	Fewer	Similar
Wildfire	Fewer	Similar
Potential to Meet Most Project Objectives?	NO	YES

#### 5.3.4. Comparison of the Proposed Project and No Project Alternative

There are three No Project Alternative scenarios considered. ~~(Alternative A1) (the No Build Alternative)~~ and Alternative A2 (Uses Allowed by Right within Existing Land Designations) would avoid impacts from the construction, operation, maintenance, and decommissioning of the proposed Project. This alternative would result in no impacts to aesthetics, agriculture, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, paleontological resources, population and housing, energy usage and under public services and utilities, recreation, and traffic and transportation, but would not realize the beneficial impacts of the Project relating to long-term to air quality and greenhouse gas emissions with the use of renewable energy generation. Additionally, site remediation of existing contamination would not occur under the No Project Alternative. The No Project Alternative does not have the potential to meet any of the Project objectives.

Alternative A3 (Other Renewable Energy Development within Existing Land Designations) would have solar, wind and/or geothermal development on the DFA lands, resulting in more significant impacts than the proposed Project.

#### 5.3.5. Environmentally Superior Alternative

Section 15126.6 of the State CEQA Guidelines requires an EIR identify an “environmentally superior” alternative. If the “no project” alternative is the environmentally superior alternative, then the EIR must identify which of the other alternatives is environmentally superior.

Table 5-1 summarizes the comparison of impacts between the alternatives ~~to and~~ the proposed Project to help determine the Environmentally Superior Alternative. As presented in the comparative analysis above, the Environmentally Superior Alternative ~~for the proposed Project~~ evaluated in this EIR would be

the No Project Alternative A1 (No Build Alternative). No substantially adverse and long-term impacts would occur to the environment under the No Project Alternative. The No Project Alternative would also avoid the impacts of the Project, as analyzed in Section 3. However, it would not meet any Project objectives. It is possible that if the proposed Project were not approved, another solar project would be constructed, which would have impacts similar to the Project.

The Further Reduced Footprint Alternative with Berms would achieve most of the Project objectives and would be feasible to construct. In accordance with section 15126.6 of the State CEQA Guidelines, the Lake Tamarisk Alternative C, the Further Reduced Footprint Alternative with Berms, would be the Environmentally Superior Alternative since it would result in fewer impacts to aesthetics, fewer construction-related disturbance such as noise and vibration, and less ground disturbance than the proposed Project and would reduce the visual impacts of the Project on the Lake Tamarisk Desert Resort, although the visual impacts would remain significant and unavoidable and the impacts to viewers from SR-177 would be more severe.

While Alternative C is Environmentally Superior, it would result in a reduction of 80 to 1100 MW of renewable energy compared to the proposed Project, which reduces its compliance with the most important project objectives (meeting State and federal renewable energy goals to counter climate change). Therefore, because Alternative B, the Reduced Footprint Alternative meets these critical project objectives and reduces impacts to the Lake Tamarisk community compared to the proposed Project, it is considered to be the next most Environmentally Superior Alternative and preferred overall.

The Lake Tamarisk Alternative would have a slightly reduced level of ground disturbance and would be a greater distance from the residences in Lake Tamarisk, which would reduce construction-related disturbances such as noise.

The Lake Tamarisk Alternative, like the proposed Project, would meet all of the Project objectives, would be feasible, would generate the same amount of renewable energy and would have the same energy storage capacity. Because the Lake Tamarisk Alternative would achieve the Project objectives and would have fewer impacts when compared to the proposed Project, the Lake Tamarisk Alternative is considered environmentally preferred.



## 6. LIST OF PREPARERS AND ORGANIZATIONS CONSULTED

An EIR is an interdisciplinary team effort. In addition, internal review of the document occurs throughout preparation at multiple levels. The County of Riverside was the CEQA Lead Agency. Aspen Environmental Group provided technical assistance in the preparation of this document. The preparers and technical reviewers of this document are presented below, along with a list of organizations consulted.

**Table 6-1. List of Preparers and Reviewers**

<b>Name</b>	<b>Position</b>	<b>Primary Responsibility</b>
<b>County of Riverside – CEQA Lead Agency</b>		
Tim Wheeler	Principal Planner	Project Planner
Darren Edgington	Environmental Project Manager	
<b>Aspen Environmental Group</b>		
Susan Lee	Principal-in-Charge	Quality Assurance/Quality Control
Hedy Koczwara	Project Manager	Quality Assurance/Quality Control
Brewster Birdsall, P.E.	Senior Associate	Air Quality; Greenhouse Gas Emissions; Energy; Noise and Vibration
Fritts Golden	Senior Associate	Land Use and Planning; Recreation; Traffic and Transportation; Policy Consistency
Hedy Koczwara	Senior Associate	Agriculture and Forestry Resources
Aurie Patterson, P.G.	Associate	Geology, Soils and Mineral Resources; Hazards and Hazardous Materials/Public Health and Safety; Paleontological Resources
Erin Jones	Biologist	Biological Resources
Stephanie Tang	Associate	Wildfire
Grace Weeks	Associate	Energy; Population and Housing; Public Services and Utilities; Project Description; Alternatives
Phil Lowe, P.E.	Senior Associate	Hydrology and Water Quality/ Water Resources (surface water)
Jon Davidson	Principal Associate	Technical Review and Editing
Christopher Notto	GIS Specialist	Graphics
Kati Simpson	Senior Graphic Designer	Graphics
Sharon Heesh	Associate	Document Production
<b>Michael Clayton &amp; Associates</b>		
Michael Clayton	Visual Resources Specialist	Aesthetics
<b>Chronicle Heritage</b>		
Matt Tennyson	Principal	Cultural and Tribal Cultural Resources
Colin Recksieck	Senior Archaeologist	Cultural and Tribal Cultural Resources
<b>GSI Water Solutions, Inc.</b>		
Tim Thompson	Principal	Hydrology and Water Quality/Water Resources (groundwater)
Michael McAlpin	Managing Hydrogeologist	Hydrology and Water Quality/Water Resources (groundwater)

The following is a list of agencies consulted during preparation of the EIR:

- U.S. Bureau of Land Management, Palm Springs–South Coast Field Office
- U.S. Fish and Wildlife Service
- California Department of Fish and Wildlife
- U.S. Department of Defense

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**COUNTY OF RIVERSIDE  
TRANSPORTATION AND LAND MANAGEMENT AGENCY**

Charissa Leach, P.E.  
Assistant CEO/TLMA Director



08/23/24, 8:46 am

**CUP220021**

**ADVISORY NOTIFICATION DOCUMENT**

The following notifications are included as part of the recommendation of approval for CUP220021. They are intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property.

**Advisory Notification**

**Advisory Notification. 1            AND - Preamble**

This Advisory Notification Document is included as part of the justification for the recommendation of approval of this Plan (CUP220021) and is intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property in accordance with approval of that entitlement and are in addition to the applied conditions of approval.

**Advisory Notification. 2            AND - Project Description & Operational Limits**

Conditional Use Permit No. 220024 (CUP220021) is a proposal to construct, operate, and maintain an up to 390 megawatts (MW) solar power plant with up to a 650 MW battery energy storage system (BESS) on 990 acres of private County land. It would connect with the remainder of the Easley Renewable Energy Project on 2,695 acres of public land under the Bureau of Land Management (BLM) federal’s jurisdiction, which is subject to separate approvals by BLM. The Project is seeking a 50-year life entitlement. Easley’s onsite substation would consist of the BESS area, a 7,500 sqft operation & maintenance (O&M) building with 10 parking spaces, associated access roads, and generation-tie (gen-tie) lines. The 7.5-mile 500 kilovolt (kV) gen-tie lines would mainly traverse BLM federal land and across into the Oberon Renewable Energy Project (BLM project) site. The gen-ties would connect into an existing switchyard at the Oberon site and transmit to the electrical grid at the SCE Red Bluff Substation.

Other projects associated with CUP220021 are:

A Public Use Permit (PUP230002) to allow gen-tie crossings of roadways under County jurisdiction.

A Development Agreement (DA2200016) with the County of Riverside for the Project as Proposed by the Applicant, consistent with the County’s solar power plant program: Board of Supervisors Policy No. B-29 regarding solar power plants states, “No approval required by Ordinance, No. 348 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective.”

Agricultural Preserve Diminishment (APD230001, 002, 003) required for the approval of the Project as Proposed by the Applicant’s CUP, PUP, and DA the Board must also consider diminishment of the agricultural preserves and cancellation of the Williamson Act contracts on the affected parcels within the project site.

## ADVISORY NOTIFICATION DOCUMENT

### Advisory Notification

**Advisory Notification. 3                    AND - Exhibits (cont.)**

**Advisory Notification. 3                    AND - Exhibits**

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT(S)

Exhibit A (Site Plan), dated August 8, 2024.

Exhibit B (Elevation & Detail Plans), dated August 8, 2024.

Exhibit P (Meno-Night Lighting Mgmt. Plan), dated September 6, 2023.

Exhibit T (Transmission Gen-Ties Plan), dated August 8, 2024.

**Advisory Notification. 4                    AND - Federal, State & Local Regulation Compliance**

1. Compliance with applicable Federal Regulations, including, but not limited to:
  - National Pollutant Discharge Elimination System (NPDES)
  - Clean Water Act
  - Migratory Bird Treaty Act (MBTA)
  
2. Compliance with applicable State Regulations, including, but not limited to:
  - The current Water Quality Management Plan (WQMP) Permit issued by the applicable Regional Water Quality Control Board (RWQCB.)
  - Government Code Section 66020 (90 Days to Protest)
  - Government Code Section 66499.37 (Hold Harmless)
  - State Subdivision Map Act
  - Native American Cultural Resources, and Human Remains (Inadvertent Find)
  - Current California Building Code (CBC)
  - School District Impact Compliance
  - Civil Code Section 815.3 & Government Code Sections 65040.2 et al - SB 18 (Tribal Intergovernmental Consultation)
  - Public Resources Code Section 5097.94 & Sections 21073 et al - AB 52 (Native Americans: CEQA)
  
3. Compliance with applicable County Regulations, including, but not limited to:
  - Ord. No. 348 (Land Use Planning and Zoning Regulations)
  - Ord. No. 413 (Regulating Vehicle Parking)
  - Ord. No. 457 (Building Requirements)
  - Ord. No. 458 (Regulating Flood Hazard Areas & Implementing National Flood Insurance Program)
  - Ord. No. 460 (Division of Land)
  - Ord. No. 461 (Road Improvement Standards)
  - Ord. No. 484 (Control of Blowing Sand)
  - Ord. No. 625 (Right to Farm)
  - Ord. No. 655 (Regulating Light Pollution)
  - Ord. No. 671 (Consolidated Fees)
  - Ord. No. 742 (Fugitive Dust/PM10 Emissions in Coachella Valley)
  - Ord. No. 787 (Fire Code)
  - Ord. No. 847 (Regulating Noise)
  - Ord. No. 857 (Business Licensing)
  - Ord. No. 859 (Water Efficient Landscape Requirements)

## ADVISORY NOTIFICATION DOCUMENT

### Advisory Notification

#### **Advisory Notification. 4                    AND - Federal, State & Local Regulation Compliance (cont.)**

- Ord. No. 915 (Regulating Outdoor Lighting)
- Ord. No. 925 (Prohibiting Marijuana Cultivating)
- Ord. No. 928 (Clarifying County Prohibition on Mobile Marijuana Dispensaries and Deliveries)

4. Mitigation Fee Ordinances:

- Ord. No. 659 Development Impact Fees (DIF)

#### **Advisory Notification. 5                    AND - Hold Harmless**

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning CUP220021, PUP230002, & DA2200016 or its associated environmental documentation; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning CUP220021, PUP230002, & DA2200016, but not limited to, decisions made in response to California Public Records Act requests; and

(a) and (b) above are hereinafter collectively referred to as "LITIGATION."

The COUNTY shall promptly notify the applicant/permittee of any LITIGATION and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such LITIGATION or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such LITIGATION, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the Project, applicant/permittee shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). Applicant/permittee shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. To the extent such costs are not recoverable under the California Public Records Act from the records requestor, applicant/permittee agrees that deposits under this section may also be used to cover staff time incurred by the COUNTY to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the Project when the petitioner is using the Public Records Act request as a means of obtaining the administrative record for LITIGATION purposes. Within ten (10) days of written notice from COUNTY, applicant/permittee shall make such additional deposits.

## ADVISORY NOTIFICATION DOCUMENT

### Advisory Notification

**Advisory Notification. 6                    AND - Mitigation Measures (cont.)**

**Advisory Notification. 6                    AND - Mitigation Measures**

Mitigation Measures from the project's Environmental Impact Report have been incorporated as conditions of approval of this project where appropriate. Beyond these conditions of approval that have been incorporated, development of the project shall conform to the analysis, conclusions, and mitigation measures of the project Initial Study-Environmental Impact Report.

### E Health

**E Health. 1                                    DEH LAND USE COMMENTS**

#### PROJECT SUMMARY:

IP Easley Renewable Energy project proposed to construct, operate and decommission a 650-megawatt solar photovoltaic facility located on 3,900 acres. The project would include an interconnection to a 500 kV substation adjacent from the Oberon Renewable Energy Project site. From the substation, energy generated from the Easley Project would be transmitted via the Oberon gen-tie line to interconnect with the regional transmission grid at the SCE Red Bluff Substation. BLM land makes up the almost 2,727 acres of the overall project site.

#### WATER

Potable water service from a local municipality is not currently available.

If available in the future, the facility must connect.

For the proposed use of an onsite water well, the following shall be required:

- Water well application.
- Business plan indicating total occupancies, total number of buildings with plumbing, hours and days of operation. NOTE: If information provided indicates the use of the well as a public water system, additional requirements shall apply.
- Well final which includes but is not limited to bacteriological and inorganics sampling.

#### WASTEWATER:

Sewer service from a local municipality is not currently available.

If available in the future, the facility must connect.

For the proposed use of an Onsite Wastewater Treatment System, the following shall be required:

- OWTS Report meeting current DEH LAMP.
- Calculations showing the project's total aggregate daily wastewater flows. If over 10,000 gpd, Waterboard clearance shall be required.
- Floor plan showing all proposed plumbing fixtures.
- Scaled plot plan or precise grading plan with all required information per DEH LAMP.





## ADVISORY NOTIFICATION DOCUMENT

### Fire

#### Fire. 1 Fire Department conditions (cont.)

compliance with the fire safety mitigation measures described in the Final Environmental Impact Report, Appendix L, pages L-53 through L-54

### Flood

#### Flood. 1 FLOOD HAZARD REPORT

CUP 220021  
FLOOD HAZARD REPORT  
DAC DATE: 10/26/23

CUP 220021 is a proposal to develop a solar power plant to generate up to 390 megawatts (MW) and store up to 650 MW of electricity from solar photovoltaic (PV) panels on approximately 990 acres of private land in the County of Riverside with an interconnection to a 500 kV substation. This development is referred to as the Easley Project and is adjacent to the Oberon Renewable Energy Project. The site is located east of Rice Road and west of Kaiser Road. A substation and O&M facility is located on the southern edge of the project. There is a total of approximately 3,727 acres with approximately 2,727 acres of land located on BLM jurisdiction.

The majority of this project is located in a Department of Water Resources (DWR) Awareness floodplain which is regulated by Ordinance No. 458. The area of the DWR floodplain can be found on the District's webmap: <https://content.rcflood.org/webmaps/rcfc/>

Awareness floodplains identify the 100-year flood hazard areas using approximate assessment procedures. No existing or proposed District facilities are in this area to alleviate the floodplain, or drainage infrastructure to control of storm runoff. The Base Flood Elevation (BFE) for this area varies up to 18 inches. A summary of the Base Flood depth for each APN is below:

808023005: 18 inches  
808023018: 18 inches  
808023031: 6 inches  
808023032: 6 inches  
808030002: 6 inches  
808240007: 6 inches  
808280001 through 808280005: 6 inches  
808280006: 18 inches  
808280007: 18 inches  
808280008: 6 inches  
811141011: 18 inches  
811270001 through 811270003: 6 inches  
811270004 through 811270007: 12 inches  
811270015: 6 inches  
808030011: 6 inches

The proposed finished floor of new non-residential structures and electrical equipment shall be elevated a

## ADVISORY NOTIFICATION DOCUMENT

### Flood

#### **Flood. 1 FLOOD HAZARD REPORT (cont.)**

minimum of the Base Flood Depth (provided above) above the highest adjacent grade to protect from offsite flows. Slope protection shall be provided for fill exposed to erosive flows.

Sheet E.001 of Exhibit A dated 9/18/23 notes that the finished floor or pad of structures and electrical equipment shall be elevated above the BFEs listed on Sheet E.102. This satisfies the elevation requirements.

No flow-obstructing perimeter fencing (chain-link, block wall, etc.) will be permitted as stormwater runoff could be diverted, concentrated, and/or pond on to adjacent properties and cause adverse effects. Any perimeter fencing shall be wrought iron or corral style rail and post. Future exhibit shall depict all proposed grading including but not limited to all cut/fill slopes with slope ratios, pad sites, pad elevations and finished floor elevations, and a cross-section showing existing and proposed elevations. The property's grading should be designed in a manner that perpetuates the existing natural drainage patterns and conditions with respect to tributary drainage area and outlet points and outlet conditions. The exhibits provided do not show any proposed or existing facilities for the offsite or onsite runoff, or a preliminary grading plan. Future submittals shall show all proposed flood control / drainage facilities including watercourses, retention basins, storm drains, and grades.

Sheet E.001 of Exhibit A dated 9/18/23 notes that chain-link fence will only be installed where no stormwater flow occurs and that the final fence design will employ break-away fences in areas that would obstruct stormwater flow. This note along with the breakaway fencing details shown on Sheet E.129 satisfies the fencing within a floodplain requirements.

Any questions pertaining to this project may be directed to Ava Moussavi at 951-955-4954 or amoussav@rivco.org

### Planning

#### **Planning. 1 Ag. Preserve Diminishment/Non-Renewal Final**

It shall be noted, prior to issuance of a grading or building permit, the applicant shall have met all conditions and contingencies for Agricultural Preserve Diminishment Nos. 230001 (APD230001), 230002 (APD230002), 230003 (APD230003) for the parcels involved in Agricultural Preserves "Chuckwalla" Map Nos. 1, 2, and 3, incorporated in the Certificates of Tentative Cancellation, Resolution Nos. 2024-194, 2024-196, and 2024-195, and shall have finalized the non-renewal or obtained the corresponding Certificates of Final Cancellation of the Land Conservation Contracts for diminishing the subject property from the boundaries of said agricultural preserve.

#### **Planning. 2 Business Licensing**

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department.

#### **Planning. 3 Causes for Revocation**

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### **Planning. 3 Causes for Revocation (cont.)**

In the event the use hereby permitted under this permit,

a) is found to be in violation of the terms and conditions of this permit,

b) is found to have been obtained by fraud or perjured testimony, or

c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

#### **Planning. 4 Expiration Date Use Case**

This approved permit shall be used within NINE (9) years from the approval date; otherwise, the permit shall be null and void.

The term used shall mean the beginning of construction pursuant to a validly issued building permit for the use authorized by this approval. Prior to the expiration of the 9 years, the permittee/applicant may request an extension of time to use the permit. The extension of time may be approved by the Assistant TLMA Director upon a determination that a valid reason exists for the permittee not using the permit within the required period. If an extension is approved, the total time allowed for use of the permit shall not exceed ten (10) years.

#### **Planning. 5 MM AES-2 – Project Design**

MM AES-2: Project Design. The Project owner shall use proper design fundamentals to reduce the visual contrast to the characteristic landscape. These include proper siting and location; reduction of visibility; repetition of form, line, color, and texture of the landscape; and reduction of unnecessary disturbance. Design strategies to address these fundamentals shall be based on the following factors:

(a) Vegetation Manipulation: Retain as much of the existing vegetation as possible including along roadsides to intercept sightlines from public vantage points. Use existing vegetation to screen the development from public viewing and lessen the visibility of structural contrast and glare. Use scalloped, irregular, cleared edges to reduce line contrast. Use irregular clearing shapes to reduce form contrast. Feather and thin the edges of cleared areas and retain a representative mix of plant species and sizes.

(b) Structures: Minimize the number of structures and combine different activities in one structure. Use natural, self-weathering materials and chemical treatments on surfaces to reduce color contrast and the potential for reflectance (glare). Bury all or part of structures to the extent practical. Use natural-appearing forms to complement the characteristic landscape. Screen the structure from view by using natural landforms and vegetation. Reduce the line contrast created by straight edges.

(c) Linear Alignments: Use existing topography to hide induced changes associated with roads, lines, and other linear features. Select alignments that follow landscape contours. Avoid fall-line cuts. Hug vegetation lines.

(d) Reclamation and Restoration: Reduce the amount of disturbed area and blend the disturbed areas into the characteristic landscape. Where feasible, replace soil, brush, rocks, and natural debris over disturbed area. Newly introduced plant species should be of a form, color, and texture that blends with the landscape.

#### **Planning. 6 MM N-3 – Noise Complaint Process**

MM N-3: Noise Complaint Process. Throughout the construction and operation of the Project, the Project owner shall document, investigate, evaluate, and attempt to resolve all Project-related noise complaints.

## ADVISORY NOTIFICATION DOCUMENT

### Planning

#### **Planning. 6** **MM N-3 – Noise Complaint Process (cont.)**

The Project owner or authorized agent shall:

- (a) Use a Noise Complaint Resolution Form, or other documentation procedure acceptable to the County, to record and report the Project owner's response to resolving each noise complaint;
- (b) Attempt to contact the person(s) making the noise complaint within 24 hours;
- (c) Conduct an investigation to determine the source of noise in the complaint;
- (d) If the noise is Project-related, take all feasible measures to reduce the source of the noise; and
- (e) Submit a report to the County documenting the complaint and actions taken. The report shall include: a complaint summary, including the final results of noise reduction efforts and, if obtainable, a signed statement by the complainant stating that the noise problem has been resolved to the complainant's satisfaction.

#### **Planning. 7** **Post Construction/Operation BMPs**

The project shall implement the following Best Management Practices following construction and during operation as applicable.

- ☐ Utilize smaller rubber-wheeled vehicles, lightweight skid steers, small cranes, tractors, and rubber-tired forklifts where possible to minimize soil disturbance.
- ☐ Monitor vegetation recovery on site after construction by developing a Vegetation Resources Management Plan (EIR Appendix S). Use benchmarks and required restoration measures (if much disturbance has taken place) to ensure sufficient plant growth after construction.

#### **Planning. 8** **REN ENG - Future Interference**

If the operation of this facility generates electronic interference with or otherwise impairs the operation of any communication facilities, the developer/permit holder shall take immediate action and consult with County Information Technology staff to develop and implement measures acceptable to the Department of Information Technology.

#### **Planning. 9** **REN ENG - No Final-No Connect**

The developer/permit holder shall ensure that the Department of Building and Safety has completed their final inspection prior to connection to the utility purveyor. A temporary power permit may be pursued from the Department of Building and Safety prior to final inspection for construction and to allow equipment and system testing. The Director of Building and Safety or his designee, may allow the interconnection of individual arrays or power blocks if it is determine that adequate safe guards exist to ensure compliance with all conditions of approval.

#### **Planning. 10** **REN ENG - On-Site Distribution Lines**

The developer/permit holder shall ensure all on site electrical distribution lines are undergrounded up to the point of step-up or utility interface in the case of an on-site substation. Areas where environmental or engineering constraints prevent such undergrounding shall not be subject to required undergrounding.

#### **Planning. 11** **REN ENG - Production Monitoring**

The developer/permit holder shall monitor the plant's power production, including the power production for each array or power block and ensure systems are in place to continue monitoring throughout the life of





## ADVISORY NOTIFICATION DOCUMENT

### Planning-CUL

#### **Planning-CUL. 1                      Human Remains (cont.)**

#### **Planning-CUL. 1                      Human Remains**

If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5.

#### **Planning-CUL. 2                      PDA 8373 Accepted**

County Archaeological Report (PDA) No. 8373 submitted for this project (CUP220021, PUP230002) was prepared by Chronicle Heritage and is entitled: "Phase I Cultural Resources Inventory for the Easley Renewable Energy Project, Riverside County, California dated, October 30, 2023.

PDA 8373 concludes: The entirety of the Project area lies within the historic districts of the PTNCL and the DTCCL. No

prehistoric archaeological remains associated with the PTNCL were identified in the Project area. However, portions of two archaeological sites that are contributors to the DTCCL – the Desert Center Army Airfield (P-33-006836) and the 496th Medium Ordinance Company (P-33-023675) – extend into the Project area. The latter of these sites has also been determined individually eligible for listing on the CRHR. The survey of the Project area found no cultural remains associated with either resource in the Project area. Based on these findings, the proposed Project is not expected to impact the PTNCL, the DTCCL, the Desert Center Army Airfield (P-33-006836), or the 496th Medium Ordinance Company (P-33-023675).

Chronicle Heritage recommends cultural resources compliance measures be implemented for the discovery of inadvertent archaeological resources and human remains during Project construction. No further cultural resource management is recommended for the 25 cultural resources previously determined or recommended not eligible for listing in the CRHR.

These documents are herein incorporated as a part of the record for project.

#### **Planning-CUL. 3                      Unanticipated Resources**

The developer/permit holder or any successor in interest shall comply with the following for the life of this permit.

If during ground disturbance activities, unanticipated cultural resources\* are discovered, the following procedures shall be followed:

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist\*\*, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis.

Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.

## ADVISORY NOTIFICATION DOCUMENT

### Planning-CUL

#### Planning-CUL. 3

#### Unanticipated Resources (cont.)

\* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other.

\*\* If not already employed by the project developer, a County approved archaeologist shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

### Planning-EPD

#### Planning-EPD. 1

#### Wildlife Protection

The Applicant shall undertake the following measures during construction and O&M to avoid or minimize impacts to wildlife. Implementation of all measures shall be subject to review and approval by BLM and Riverside County (or its designated representative).

**Wildlife avoidance.** Project activities shall minimize interference with wildlife (including ground-dwelling species, birds, bats) by allowing animals to escape from a work site prior to disturbance; conducting pre-construction surveys and exclusion measures for certain species as specified in other measures; checking existing structures (homes, trailers, etc.) for animals such as bats, barn owls, skunks, or snakes that may be present, and safely excluding them prior to removing the structures.

**Minimize traffic impacts.** The Applicant shall specify and enforce maximum vehicle speed limits as specified in the Traffic Control Plan, to minimize risk of wildlife collisions and fugitive dust.

**Minimize lighting impacts.** Night lighting, when in use, shall be designed, installed, and maintained to prevent side casting of light towards surrounding fish or wildlife habitat.

**Avoid use of toxic substances.** Soil bonding and weighting agents used for dust suppression on unpaved surfaces shall be non-toxic to wildlife and plants.

**Minimize noise and vibration impacts.** The Applicant shall conform to noise requirements specified in the noise analysis of this EIR to minimize noise to off-site habitat.

**Water.** Potable and non-potable water sources such as tanks, ponds, and pipes shall be covered or otherwise secured to prevent animals (including birds) from entering. Prevention methods may include storing water within closed tanks or covering open tanks with 2-centimeter netting. Dust abatement shall use the minimum amount of water on dirt roads and construction areas to meet safety and air quality standards. Water sources (e.g., hydrants, tanks, etc.) shall be checked periodically by biological monitors to ensure they do not create puddles.

**Trash.** All trash and food-related waste shall be contained in vehicles or covered trash containers inaccessible to ravens, coyotes, or other wildlife and removed from the site regularly.

**Workers.** Workers shall not feed wildlife or bring pets to the Project site. Except for law enforcement personnel, no workers or visitors to the site shall bring firearms or weapons.

**Wildlife exclusion.** The Applicant may install temporary or permanent exclusion fencing around equipment, work areas, or Project facilities to prevent wildlife exposure to hazards such as toxic materials or vehicle strikes. If fencing is not used, openings in stored equipment that would allow for entry of wildlife shall be secured with tape or other covering to prevent entrapment. The biological monitor shall perform inspections of equipment prior to use to ensure that no birds have nested on stored equipment and that no wildlife has become entrapped. The biological monitor will inspect exclusion fence (if installed) weekly.

**Wildlife entrapment.** Project-related excavations and water tanks shall be secured or covered to prevent wildlife entry, entrapment, and drowning. Holes and trenches shall be backfilled, securely covered, or fenced. Open water tanks shall be covered or shall have other means of exit provided to prevent wildlife from drowning. Excavations that cannot be fully secured shall incorporate wildlife ramp or other means to



## ADVISORY NOTIFICATION DOCUMENT

### Planning-EPD

#### Planning-EPD. 1

#### Wildlife Protection (cont.)

allow trapped animals to escape. At the end of each workday, a biological monitor shall ensure that excavations and water tanks have been secured or provided with appropriate means for wildlife escape. All pipes or other construction materials or supplies shall be covered or capped in storage or laydown areas. Netting shall be installed over porta-potty vents. No pipes or tubing shall be left open either temporarily or permanently, except during use or installation. Any construction pipe, culvert, or other hollow materials shall be inspected for wildlife before it is moved, buried, or capped.

Dead or injured wildlife shall be reported immediately to USFWS (for federally listed species and migratory birds) and CDFW (for all wildlife) and/or the local animal control agency, as appropriate, by the Lead Biologist (or the Applicant's compliance manager during O&M). Procedures for handling of dead or injured wildlife shall be outlined in a Wildlife Protection Plan, in coordination with CDFW. A Special Purpose Utility Permit (SPUT) would be acquired from the USFWS prior to collection of migratory bird carcasses. A biological monitor shall safely move the carcass out of the road or work area if needed and dispose of the animal as directed by the agency. If an animal is entrapped, a biological monitor shall free the animal if feasible, work with construction crews to free it in compliance with safety requirements, or work with animal control, USFWS, or CDFW to resolve the situation.

Pest control. No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), may be used within the Project site, on off-site Project facilities and activities, or in support of any other Project activities.

Measures for Crotch bumble bee

All on-site personnel shall be required to attend the Worker Environmental Awareness Training Program, as detailed in MM BIO-2, that includes education program on identification and avoidance of Crotch bumble bee and nests.

If a live individual is detected during pre-construction surveys, or incidentally, the Applicant shall take adaptive management actions in coordination with CDFW, considering CDFW guidance and best management practices at the time of the occurrence.

Pre-construction surveys would include inspection for Crotch bumble bee nests. If any are located, CDFW would be notified and a no-disturbance buffer of at least 50 feet would be demarcated as determined by the Lead Biologist, in coordination with CDFW.

### Planning-GEO

#### Planning-GEO. 1

#### Gen - Custom

County Geologic Report GEO No. 240007, submitted for the project CUP220021, was prepared by Terracon Consultants, Inc., and is titled "Preliminary Geotechnical Engineering Report, Easley Renewable Energy Project, Desert Center, Riverside County, California", dated January 26, 2024. In addition, Terracon submitted an updated version of this report with the signatures of their licensed geologist dated April 25, 2024. This updated geologist-signed version of the document will be utilized by the County as the current version of GEO240007.

GEO240007 concluded:

1. The project is not located in a State-designated Alquist-Priolo earthquake fault zone.
2. No active faulting traverses the site.
3. The potential for surface rupture due to faulting is low.
4. The liquefaction hazard at the site is considered to be low.

## ADVISORY NOTIFICATION DOCUMENT

### Planning-GEO

#### Planning-GEO. 1

#### Gen - Custom (cont.)

5. Seismically induced settlement of unsaturated sands at the site is considered to be negligible.
6. The site is relatively flat and generally decreases in elevation towards east northeast.

GEO240007 recommended:

1. Strip and remove existing vegetation, debris, and other deleterious materials from proposed foundation and roadway areas.
2. If unexpected fills, utilities, or underground facilities are encountered, such features should be removed and the excavation thoroughly cleaned prior to backfill placement and/or construction.
3. Proposed structures may be supported by a shallow foundation system bearing on engineered fill extending to a minimum depth of 1 foot below the bottom of foundations or 3 feet below existing site grades, whichever is greater.

GEO240007 is hereby approved for Planning purposes associated with SP00401.

It should be noted that no engineering review of this report or formal review of provided building code information are a part of this review. Formal review of engineering design and code data will be made by the County of Riverside, as appropriate, at the time of grading and/or building permit submittal to the County.

### Planning-PAL

#### Planning-PAL. 1

#### Gen - Custom

County Paleontological Report (PDP) No. 230015, submitted for this case (CUP220021, PUP230002), was prepared by Chronicle Heritage and is entitled: "Paleontological Resource Assessment and Survey Report for the Easley Renewable Energy Project, Riverside County, California", dated September 20, 2023.

PDP230015 concluded the geologic units in the Project area (Qal, Qc, Qco) have a high potential to contain paleontological resources and may contain an unknown number of buried fossils.

PDP230015 recommended prior to the commencement of ground disturbing activities, a professional paleontologist should be retained to prepare and implement a PRIMP for the proposed Project.

PDP230015 satisfies the requirement for a Paleontological Resource Assessment for CEQA purposes. PDP0230015 is hereby accepted for CUP220021, PUP230002.

In addition, per the County's SABER (Safeguard Artifacts Being Excavated in Riverside County) Policy, paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet.

### Transportation

#### Transportation. 1

#### RCTD-USE - Transportation General Conditions

## ADVISORY NOTIFICATION DOCUMENT

### Transportation

#### Transportation. 1 RCTD-USE - Transportation General Conditions (cont.)

With respect to the conditions of approval for the referenced tentative exhibit, the land divider shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with the Riverside County Road Improvement Standards (Ordinance No. 461.11). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Qs, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. The County of Riverside applicable ordinances and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

The Project shall submit a preliminary soils and pavement investigation report addressing the construction requirements within the road right-of-way.

Alterations to natural drainage patterns shall require protecting downstream properties by means approved by the Transportation Department.

All corner cutbacks shall be applied per Standard No. 805, Ordinance No. 461.11, except for corners at Entry streets intersecting with General Plan roads, they shall be applied per Exhibit C of the Countywide Design Guidelines.

All centerline intersections shall be at 90-degrees, plus or minus 5-degrees.

Vacating/abandoning excess public rights-of-way requires a separate request from the Project that is approved by the Board of Supervisors. If said excess public rights-of-way is also County owned land, it may be necessary to enter into an agreement with the County for its purchase or exchange.

The project shall comply with the most current ADA requirements. Ramps shall be constructed at all 4 legs of 4-way intersections and T-intersections per Standard No. 403, sheets 1 through 7 of Ordinance No. 461.11.

The off-site rights-of-way for access road(s) required by the project shall be accepted to vest title in the name of the public if not already accepted.

If any portion of the project is phased, the Project shall provide primary and secondary off-site access roads for each phase with routes to County maintained roads as approved by the Transportation Department.

If there are previously dedicated public roads and utility easements that were not accepted by the County, the Project shall file a separate application to the County of Riverside, Office of the County Surveyor, for the acceptance of the existing dedications by resolution and bear all costs thereof.

Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site: <https://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955-6527.

Improvement plans for the required improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the limit of construction at a grade and alignment as

## ADVISORY NOTIFICATION DOCUMENT

### Transportation

#### Transportation. 1

#### RCTD-USE - Transportation General Conditions (cont.)

approved by the Riverside County Transportation Department. Completion of road improvements does not imply acceptance for maintenance by County. Street Improvement Plans shall comply with Ordinance No. 461.11, Riverside County Improvement Plan Check Policies and Guidelines, which can be found online <http://rctlma.org/trans>.

### Waste Resources

#### Waste Resources. 1

#### Waste - General

Hazardous materials are not accepted at Riverside County landfills. In compliance with federal, state, and local regulations and ordinances, any hazardous waste generated in association with the project shall be disposed of at a permitted Hazardous Waste disposal facility. Hazardous waste materials include, but are not limited to, paint, batteries, oil, asbestos, and solvents. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Environmental Health, Environmental Protection and Oversight Division.

AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:

- Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
- Subscribe to a recycling service with their waste hauler.
- Provide recycling service to their tenants (if commercial or multi-family complex).
- Demonstrate compliance with the requirements of California Code of Regulations Title 14.

For more information, please visit:

[www.rivcowm.org/opencms/recycling/recycling\\_and\\_compost\\_business.html#mandatory](http://www.rivcowm.org/opencms/recycling/recycling_and_compost_business.html#mandatory)

Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

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.

AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services. Those subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:

- Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
- Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.

Comply with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022. This law establishes methane emissions reduction targets in a statewide effort to

## ADVISORY NOTIFICATION DOCUMENT

### Waste Resources

#### **Waste Resources. 1                      Waste - General (cont.)**

reduce emissions of short-lived climate pollutants caused by organics waste disposal.

#### **Waste Resources. 2                      Waste - Solar Decommissioning**

Prior to County Approval of the Decommissioning and Closure Plan: A Waste Recycling Plan (WRP) shall be submitted to the Riverside County Department of Waste Resources for approval. At a minimum, the WRP must identify the materials (i.e., solar panels, cardboard, concrete, asphalt, wood, etc.) that will be generated by the decommissioning and closure of the facility, 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 the decommissioning and closure, 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. Arrangements can be made through the franchise hauler.

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60. Prior To Grading Permit Issuance

BS-Grade

060 - BS-Grade. 1                      EASEMENTS/PERMISSION                      Not Satisfied

Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed.

A notarized letter of permission and/or recorded easement from the affected property owners or easement holders shall be provided in instances where off site grading is proposed as part of the grading plan.

In instances where the grading plan proposes drainage facilities on adjacent off site property, the owner/ applicant shall provide a copy of the recorded drainage easement or copy of Final Map.

060 - BS-Grade. 2                      IF WQMP IS REQUIRED                      Not Satisfied

If a Water Quality Management Plan (WQMP) is required, the owner / applicant shall submit to the Building & Safety Department, the Final Water Quality Management Plan (WQMP) site plan for comparison to the grading plan.

060 - BS-Grade. 3                      IMPROVEMENT SECURITIES                      Not Satisfied

Prior to issuance of a Grading Permit, the applicant may be required to post a Grading and/or Erosion Control Security. Please contact the Riverside County Transportation Department for additional information and requirements.

Fire

060 - Fire. 1                      Fire Department - Prior to Grading Permit                      Not Satisfied

The fire department vehicle access site plan shall be submitted for review and approval. The onsite access road shall be not less than 20 feet in width and shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. The grade of the access road shall not exceed 15%. The onsite access road shall be designed, constructed, and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and constructed to Riverside County Transportation Standards. Reference RVC Fire Dept TP15-002

Knox Box and Gate Access: Buildings shall be provided with a Knox Box installed in an accessible location approved by the Office of the Fire Marshal. Manual gates shall be equipped with approved Knox equipment. Electric gates shall be provided with Knox key switches. Electric gate operators shall also be connected to a remote signal receiver compatible for use with the preemption devices on the Riverside County fire apparatus. The gate shall automatically open upon receiving a remote signal from the fire apparatus. California Fire Code (CFC) 506.1

Flood

060 - Flood. 1                      Elevate Finished Floor                      Not Satisfied

The finished floor of new non-residential structures shall be constructed above the Base Flood Elevations listed per APN on Sheet E.102 of Exhibit A dated 9/18/23.

060 - Flood. 2                      Submit Plans                      Not Satisfied

Submit storm drain plans, the hydrologic and hydraulic report, and reference material including but not limited to, street improvement plans, grading plans, utility plans, the approved tentative map or site plan, the final map and the environmental constraint sheet, the geotechnical soils

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60. Prior To Grading Permit Issuance

Flood

060 - Flood. 2                                      Submit Plans (cont.)                                      Not Satisfied  
report and environmental documents (CEQA, federal and state permits). The storm drain plans and the hydrologic and hydraulic report must receive District approval prior to the grading final inspection or building permit whichever occurs first. All submittals shall be date stamped by the Engineer and include a Plan Check Application, Flood Control Deposit Based Fee Worksheet, found on the District's website (<https://rcflood.org/I-Want-To/Services/Submit-for-Plan-Check>), and a plan check fee deposit.

Planning

060 - Planning. 1                                      Ag. Preserve Diminishment/Non-Renewal Final                                      Not Satisfied  
Prior to issuance of a grading permit, the applicant shall have met all conditions and contingencies for Agricultural Preserve Diminishment Nos. 230001 (APD230001), 230002 (APD230002) 230003 (APD230003) for the parcels involved in Agricultural Preserves "Chuckwalla" Map Nos. 1, 2, and 3, incorporated in the Certificates of Tentative Cancellation, Resolution Nos. 2024-194, 2024-196, and 2024-195, and shall have finalized the non-renewal or obtained the corresponding Certificates of Final Cancellation of the Land Conservation Contracts for diminishing the subject property from the boundaries of said agricultural preserve.

060 - Planning. 2                                      APM Noise-1 – Construction Timing                                      Not Satisfied  
Prior to grading permit issuance, grading plans shall include the following note:  
Applicant will avoid or minimize use of any impact hammer for pile driving or other equipment similarly capable of producing disruptive noise during construction activities within a one-mile radius from the residential parcel on the northeast corner of around the Lake Tamarisk Desert Resort community during the winter months of highest residency (November 1 to March 31). If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, the Applicant will avoid or minimize this construction activity prior to 7:00 a.m. and after 6:00 p.m. The Applicant will also avoid nighttime equipment deliveries between 10:00 p.m. and 7:00 a.m.

060 - Planning. 3                                      Construction Noise                                      Not Satisfied  
Grading Plans shall note that during all Project-related excavation and grading, the construction contractor(s) shall equip all construction equipment, fixed and mobile, with properly operating and maintained mufflers consistent with manufacturer standards.

060 - Planning. 4                                      Construction Noticing                                      Not Satisfied  
Prior to and during construction, decommissioning, and ground disturbing activities, the applicant shall provide at least two weeks' advance notice of construction and decommissioning. Notices shall be mailed directly to landowners and residents within 2,400 feet of the Project boundary and the Lake Tamarisk Community, and signs shall be a minimum size of 4 feet high by 6 feet wide and posted at the solar facility in areas accessible to the public. Notices shall announce when and where construction would occur; provide tips on reducing noise intrusion (e.g., closing windows facing the planned construction); and provide contact information for the local public liaison for any noise complaints.

060 - Planning. 5                                      Construction Restoration Plan Solar                                      Not Satisfied  
Prior to grading permit issuance, a Construction Restoration Plan must be prepared by the permittee and approved by the Planning Department. The plan shall include a monitoring and

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60. Prior To Grading Permit Issuance

Planning

060 - Planning. 5                      Construction Restoration Plan Solar (cont.)                      Not Satisfied  
compliance plan that establishes the monitoring requirements and thresholds for acceptable performance. The plan shall also include means of decommission and restoration of the project site once the solar project has concluded its entitlement life.

060 - Planning. 6                      Fee Status                      Not Satisfied

Prior to grading permit issuance, the Planning Department shall determine if the deposit-based fees for CUP220021 are in a negative balance. If so, any unpaid fees shall be paid by the land divider and/or the land divider's successor-in-interest.

060 - Planning. 7                      Grading BMPs                      Not Satisfied

The project shall implement the following Best Management Practices through the inclusion of the following as notes on the grading plans:

- Utilize 'Overland Travel' as much as possible instead of high-impact methods like disk and roll or grading, grading only within fenced areas and other areas that have been previously inspected by tortoise clearance surveys.
- Ensure that there are well-trained construction monitors on site focused on ensuring that construction/vehicle trips impacts are minimized.
- Limit grading to specific areas – roads, substation, O&M facilities, laydown areas, some equipment pads, and in discrete areas within the arrays due to structural design limitations.
- Keep soils out of drainages, preserve protective buffers alongside washes, and maintain hydrologic flow patterns within the site.
- If possible, bend and pin temporary tortoise exclusion fencing instead of trenching it in, to minimize disturbance along the fence line.
- Incorporate propagule islands, patches of intact vegetation and soils that provide seeds and soil microbial propagules, to facilitate revegetation or recolonization of adjacent disturbed areas.
- Construct the project in phases, which reduces dust and allows areas to begin recovery sooner.

060 - Planning. 8                      MM AQ-1 – Fugitive Dust Control Plan                      Not Satisfied

MM AQ-1: Fugitive Dust Control Plan. The Project owner, its contractor, or its subcontractor shall prepare and implement a Fugitive Dust Control Plan to address fugitive dust emissions during Project construction, operation, maintenance, and decommissioning. The plan shall include measures to minimize fugitive dust emissions from the commencement of construction activities through operations, maintenance, and decommissioning. In the case where the contractor obtains permit coverage under SCAQMD Rule 403, that permit and associated plan will be incorporated into the final Fugitive Dust Control Plan prepared by the Project owner. During construction, the Project owner, its contractor, and subcontractors shall take every reasonable precaution to prevent all airborne fugitive dust plumes from leaving the Project site, to prevent visible particulate matter from being deposited upon public roadways, and shall adhere to the SCAQMD rules. The plan shall be subject to review and approval by the SCAQMD (Rule 403).

The following measures shall be included within the plan:

- Prior to commencing construction, the Project owner, its contractor, or its subcontractor shall designate and retain for the duration of construction a Dust Control Supervisor. The Dust Control Supervisor shall have successfully completed the SCAQMD Rule 403 dust control compliance training class. The Dust Control Supervisor shall have full access to all areas of construction on the Project site, gen-tie line, and other linear facilities and shall have the



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## 60. Prior To Grading Permit Issuance

### Planning

060 - Planning. 8 MM AQ-1 – Fugitive Dust Control Plan (cont.) Not Satisfied

authority to stop any or all construction activities as warranted by applicable construction mitigation conditions.

During construction, all unpaved roads, disturbed areas (e.g., areas of scraping, excavation, backfilling, grading, and compacting), and loose materials generated during construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent or watered two times daily or as frequently as necessary to minimize fugitive dust generation.

Non-water-based soil stabilizers shall be as efficient as or more efficient for fugitive dust control than ARB-approved soil stabilizers and shall not increase any other environmental impacts, including loss of vegetation, adverse odors, or emissions of ozone precursor reactive organic gases (ROG) or volatile organic compounds (VOC). The proposed soil stabilizing products shall be listed in the Plan and are subject to review and approval by Riverside County, BLM, and CDFW. Any soil stabilizers proposed shall be consistent with those recommended in the Stormwater Pollution Prevention Plan (SWPPP) and shall also be approved for use by the project's Restoration Specialist to ensure that the products would not impede restoration goals.

The main access roads through the site shall be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to commencing construction. Delivery, laydown, and staging areas for construction or operations and maintenance supplies shall be paved or stabilized prior to taking initial deliveries.

Grading and earthwork activities, including vegetation removal, cut and fill movement, and soil compacting, shall be phased across the site to minimize the amount of exposed or disturbed area on any single day.

No vehicle shall exceed 15 miles per hour on unpaved areas within the site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions or conflict with other permit conditions.

Visible speed limit signs shall be posted at the construction site entrances.

All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.

All unpaved exits from the construction site shall be graveled or treated to prevent track-out onto public roadways. No person shall allow track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation. All track out from an active operation shall be removed immediately if it extends over 25 feet or if under 25 feet, at the end of each workday.

All paved roads within the construction site shall be swept daily or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.

At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads to access the construction site or staging areas shall be swept as needed when dirt or runoff resulting from the construction activities is visible on the paved public roadway.

Consistent with SCAQMD Rule 403(g)(2), regarding exemptions, contingency control measures may be implemented during "high wind" conditions, when instantaneous wind speeds exceed 25 miles per hour. The contingency measures for high wind events shall include: Cease all active operations; Stop all vehicular traffic; Apply water to soil not more than 15 minutes prior to moving such soil; Apply chemical stabilizers prior to wind event; and/or Apply water to all unstabilized disturbed areas 3 times per day, unless there is evidence of

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60. Prior To Grading Permit Issuance

Planning

060 - Planning. 8 MM AQ-1 – Fugitive Dust Control Plan (cont.) Not Satisfied  
wind driven fugitive dust, then increase watering frequency to a minimum of four times per day.

060 - Planning. 9 MM AQ-2 – On-site Emissions Not Satisfied

MM AQ-2: Control On-Site Off-Road Equipment Emissions.

Prior to grading permit issuance, grading plans shall include the following note:

The Project owner, when entering into construction contracts or when procuring off-road equipment or vehicles for on-site construction or O&M activities, shall ensure that only new model year equipment or vehicles are obtained. The following measures shall be included with contract or procurement specifications:

- All construction diesel engines not registered under California Air Resources Board's Statewide Portable Equipment Registration Program, with a rating of 50 hp or higher shall meet the Tier 4 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1).
- All diesel-fueled engines used in the construction of the facility shall have clearly visible tags showing that the engine meets the standards of this measure.
- All equipment and trucks used in the construction or O&M of the facility shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- All diesel heavy construction equipment shall not idle for more than five minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.

060 - Planning. 10 MM HAZ-1: UXO Identification, Training, and Reporting Not Satisfied

Where ground disturbance work is involved, contractor(s) shall be OSHA HAZWOPER-trained in accordance with standard 29CFR1910.120 and hold a current certification. The Applicant shall prepare a UXO Identification, Training, and Reporting Plan to properly train all site workers in the recognition, avoidance and reporting of military waste debris and ordnance. The Applicant shall submit the plan to the County and BLM for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:

- A description of the training program outline and materials, and the qualifications of the trainers; and
- Identification of available trained experts that will respond to notification of discovery of any ordnance (unexploded or not); and
- Work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near surface or buried ordnance in all proposed land disturbance areas.

Review of the plan shall be coordinated with the Riverside County Department of Environmental Health.

060 - Planning. 11 MM HAZ-2: Worker Environmental Awareness Program. Not Satisfied

The WEAP prepared for the Project shall include a personal protective equipment (PPE) program, an Emergency Action Plan (EAP), and an Injury and Illness Prevention Program (IIPP) to address health and safety issues associated with normal and unusual (emergency) conditions. It will be reviewed and approved by the County and BLM prior to construction. Construction-related safety programs and procedures shall include a respiratory protection program, among other things. Construction Plan documents shall relate at least to the following:

- Environmental health and safety training (including, but not limited, to training on the

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060 - Planning. 11 MM HAZ-2: Worker Environmental Awareness Program. Not Satisfied hazards of Valley Fever, including the symptoms, proper work procedures, how to use PPE, and informing supervisor of suspected symptoms of work-related Valley Fever)

- Site security measures
- Site first aid training
- Site fire protection and extinguisher maintenance, guidance, and documentation
- Furnishing and servicing of sanitary facilities records
- Trash collection and disposal
- Disposal of hazardous materials and waste guidance in accordance with local, state, and federal regulations

Review of the plan shall be coordinated with the Riverside County Department of Environmental Health.

060 - Planning. 12 MM HAZ-3: Soil Management Plan. Not Satisfied

Prior to issuance of demolition or grading permits, the Applicant shall prepare a Soil Management Plan (SMP) to guide activities during construction that will disturb potentially pesticide or petroleum hydrocarbon contaminated soils to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The SMP shall be submitted to the County and BLM for approval prior to Project construction. The purpose of the SMP is to establish appropriate management practices for handling impacted soil or other materials that may be encountered during construction activities.

The SMP shall be implemented during Project construction and shall include, but shall not be limited to, the following components:

- Description of soil testing, which shall include (but not be limited to) the collection of shallow soil samples and analyses for pesticides to verify presence or absence of unknown pesticide soil contamination and the collection of soil samples at locations at and near onsite current and former fuel ASTs for analyses for petroleum hydrocarbons. This soil profiling shall be performed prior to initiation of Project construction.
- Protocols for sampling of in-place soil to facilitate the profiling of the soil for appropriate off-site disposal or reuse, and for construction worker safety, dust mitigation during demolition and construction and potential exposure of contaminated soil to future users of the site prior to Project construction.
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered prior to or during Project construction.
- Sampling and laboratory analyses of any excess soil requiring disposal at an appropriate off-site waste disposal facility.
- Procedures and protocols for the safe storage, stockpiling, and disposal of any contaminated soils.

If contaminants are identified at concentrations exceeding applicable screening levels, the Applicant shall submit the SMP sampling results to the County DEH and BLM and obtain oversight from the appropriate regulatory agencies. Copies of the approved SMP shall be kept at the Project site.

Any contaminated soils identified by testing conducted in compliance with the SMP and found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. Contaminated soil excavated from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

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060 - Planning. 12 MM HAZ-3: Soil Management Plan. (cont.) Not Satisfied

Review of the plan shall be coordinated with the Riverside County Department of Environmental Health.

060 - Planning. 13 MM HWQ-2: Septic System Review and Permitting. Not Satisfied

Before the start of construction, the Applicant shall submit to Riverside County Department of Environmental Health an evaluation of the Project septic system to ensure that the proposed use of the system is consistent with federal, state, and local requirements for septic system design, including requirements for percolation, vertical distance from the groundwater table, and setback from the nearest groundwater well.

Review shall be coordinated with the Riverside County Department of Environmental Health.

060 - Planning. 14 MM HWQ-3: Palo Verde Mesa Groundwater Basin (PVM) Not Satisfied

If water for the Project, to be obtained from on- or off-site well(s) within the Chuckwalla Valley Groundwater Basin (CVGB), is extracted from on- or off-site well(s) that is/are owned and/or operated by the Applicant, the Applicant shall develop a Colorado River Water Supply Plan (CRWSP) to monitor groundwater extractions from the Applicant owned and/or operated on- or off-site well(s) to prevent impacts to the adjacent PVMGB related to groundwater extraction below the Colorado River Accounting Surface.

The CRWSP shall be submitted to the U.S. Bureau of Reclamation and BLM for review and approval at least 60 days prior to the initiation of construction. No pumping of groundwater below the accounting surface shall occur. A copy of the CRWSP shall also be submitted to the Metropolitan Water District of Southern California for review and comment.

(a) The CRWSP shall describe groundwater monitoring activities and quarterly data reports to be closely reviewed for depth to groundwater information, and proximity of the depth of Project-related groundwater pumping to the Colorado River Accounting Surface. To ensure that Project-related groundwater pumping does not draw water from below the accounting surface, the Applicant shall implement water conservation activities, including cessation of pumping, to reduce the amount of water withdrawn from on- or off-site well(s) that is/are owned and/or operated by the Applicant.

(i) The Colorado River Accounting Surface is at an elevation between approximately 238 and 240 feet above mean sea level (amsl) in the Chuckwalla Valley (Argonne, 2013). Groundwater elevation in the Project area is approximately 489 feet amsl as of the first quarter of 2024. The numerical groundwater model developed for the Project Water Supply Assessment (GSI, 2024; discussed below) included estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the CVGB, including the Project, for the life of the Project through the decommissioning phase. The estimated drawdown at the Project well after the planned 2-year construction period was less than 2 feet. The temporary drawdown at the well during pumping, however, would be greater.

(ii) Assuming a conservatively-large temporary drawdown of 100 feet at the Project well (up to 80 feet of temporary drawdown has been recorded from a well-used for construction of a nearby solar project) during peak water demand during Project construction, the water levels in the Project well would be at least 150 feet above the Colorado River Accounting Surface. The water levels within the Project well would be monitored as part of the GMRMP (MM HWQ-4) per the DRECP LUPA Conservation and Management Action (CMA) Soil and Water (SW) 24. MM HWQ-3 ensures that the Project will not extract water from below the Accounting Surface, as it requires that pumping from Project wells be decreased or stopped well before water levels reached the Colorado River Accounting Surface.

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060 - Planning. 14 MM HWQ-3: Palo Verde Mesa Groundwater Basin (PVM) Not Satisfied

Review shall be coordinated with the Riverside County Department of Environmental Health.

060 - Planning. 15 MM HWQ-4: Groundwater Monitoring, Reporting, and Mitigation Not Satisfied

Before the Project uses groundwater pumped from any Applicant owned and/or operated well (on site or off site) that extracts water from the CVGB, the Applicant shall retain a BLM-approved qualified hydrogeologist to develop a GMRMP, in coordination with Riverside County and BLM, to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected by Project activities, i.e., chronic lowering of groundwater levels and degradation of groundwater quality. The Applicant shall submit the GMRMP to Riverside County and BLM for review and approval. Additionally, although no Groundwater Sustainability Agencies (GSAs) have been established for the CVGB, in the event that such agencies have been established when the GMRMP is developed, the Applicant also shall submit the GMRMP to those GSAs. The Applicant shall implement the approved GMRMP throughout any Project phase that pumps groundwater for consumptive use.

The GMRMP shall provide a detailed methodology for monitoring site groundwater levels and comparisons for levels within the CVGB including identification of the closest private wells to the Project's well(s). Groundwater level data from wells at adjacent and nearby solar facilities and other Projects on BLM-administered public lands shall be provided by the BLM for review and comparison, to the extent available to the Applicant. Monitoring shall be performed during pre-construction, construction, and operation of the Project, to establish pre-construction and Project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the Project's pumping well(s) and near potentially impacted existing wells. The GMRMP shall include a schedule for submittal of quarterly data reports by the Applicant to the GMRMP designated agencies and the GSA(s) (if established), for the duration of the construction period. These quarterly data reports shall be prepared and submitted for review and shall include water level monitoring data and effect on the nearest off-site private wells. The designated agencies shall determine whether groundwater wells surrounding the Project supply well(s) are adversely affected (i.e., chronic lowering of groundwater levels and degradation of groundwater quality) by Project activities and, if so, shall require one or more of the following:

- Cessation or reduction of pumping at the Project well(s) until groundwater levels return to levels that allow nearby wells to resume pre-Project pumping levels;
- Compensation for whatever additional equipment is necessary to lower nearby pumps to levels that can adequately continue pumping;
- Compensation to repair or replace wells found to be damaged or inoperable due to lowered groundwater levels; or
- Compensation for increased energy cost due to Project-related well drawdown.

After the completion of construction, the Applicant and the BLM shall jointly evaluate the effectiveness of the GMRMP and determine if monitoring and reporting frequencies or procedures should be revised or eliminated.

Review shall be coordinated with the Riverside County Department of Environmental Health.

060 - Planning. 16 MM N-1 – Construction Restrictions Not Satisfied

Prior to grading permit issuance, grading plans shall include the following note:  
Heavy equipment operation, noisy construction work relating to any Project features onsite, and truck trips associated with materials and equipment deliveries shall be restricted to the

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060 - Planning. 16 MM N-1 – Construction Restrictions (cont.) Not Satisfied

times delineated below, unless a special permit has been issued by the County of Riverside: during June through September, between 6 a.m. to 6 p.m.; and during October through May, between 7:00 a.m. to 6:00 p.m.

Haul truck engines and other engines powering fixed or mobile construction equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.

The construction contractor shall locate equipment staging in areas to create the greatest distance between construction-related noise sources and noise sensitive receivers nearest the Project site during Project construction. Where feasible, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site. No music or electronically reinforced speech from construction workers shall be audible at noise-sensitive properties.

060 - Planning. 17 MM N-2 – Public Notification Process Not Satisfied

MM N-2: Public Notification Process. Prior to grading permit issuance, at least 15 days prior to the start of ground disturbance, the Project owner shall notify all residents within one mile of the Project site and the linear facilities, by mail or by other effective means, of the commencement of Project construction. At the same time, the Project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the Project. If the telephone is not staffed 24 hours a day, the Project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the Project site during construction where it is visible to passersby. This tele-phone number shall be maintained until the Project has been operational for at least one year.

060 - Planning. 18 Required Applications Not Satisfied

No grading permits shall be issued until DA2200016 has been approved and adopted by the Board of Supervisors and has been made effective.

Planning-CUL

060 - Planning-CUL. 1 MM CUL-2 - Cultural Resources Environmental Awareness Training Not Satisfied

MM CUL 2: Develop and Implement Cultural Resources Environmental Awareness Training. Prior to issuance of a Notice to Proceed by the County and for the duration of ground disturbance (as defined in MM TCR-1), the Applicant shall provide Worker Environmental Awareness Program (WEAP) training to all workers prior to or on their first day of employment at the Project site. The training shall be prepared by the Cultural Resources Specialist (CRS), may be conducted by any member of the archaeological team, and may be presented in the form of an annotated and narrated digital slide show. Tribal representatives will be given the opportunity to participate in the WEAP training. The training shall be prepared in consultation with culturally affiliated Native Americans to incorporate the tribal knowledge and perspectives from these Native American groups into the presentation. The CRS shall be available (by telephone or in person) to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended but must be resumed if ground disturbance resumes. Training shall include the following:

- A discussion of applicable laws and penalties under the law
- Samples or visuals of artifacts that might be found in the Project vicinity.
- A brief review of the cultural sensitivity of the Project and the surrounding area

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060 - Planning-CUL. 1 MM CUL-2 - Cultural Resources Environmental Awareness Not Satisfied

- A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed.
- A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits.
- Instruction that only the CRS, alternate CRS, and supervisory cultural resource field staff have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS.
- Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the CRS or supervisory cultural resource field staff, and that redirection of work would be determined by the construction supervisor and the CRS.
- An informational brochure that identifies reporting procedures in the event of a discovery.
- An acknowledgment form signed by each worker indicating that they have received the training.
- A sticker that shall be placed on hard hats indicating that WEAP training has been completed.

This is a mandatory training, and all construction personnel must attend prior to beginning work on the Project site. A copy of the sign-in sheet shall be kept ensuring compliance with this measure. No ground disturbance shall occur prior to implementation of the WEAP training unless such activities are specifically approved by the County.

060 - Planning-CUL. 2 Native American Monitor Not Satisfied

Prior to the issuance of grading permits, the developer/permit applicant shall enter into an agreement with the consulting tribe(s) for a Native American Monitor. The Native American Monitor(s) shall be on-site during all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading and trenching. In conjunction with the Archaeological Monitor(s), the Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The developer/permit applicant shall submit a fully executed copy of the agreement to the County Archaeologist to ensure compliance with this condition of approval. Upon verification, the Archaeologist shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.

This condition implements Mitigation Measure CULT-1 from the project EIR.

060 - Planning-CUL. 3 Project Archaeologist Not Satisfied

Prior to issuance of grading permits: The applicant/developer shall provide evidence to the County of Riverside Planning Department that a County certified professional archaeologist (Project Archaeologist) has been contracted to implement a Cultural Resource Monitoring Program (CRMP). A Cultural Resource Monitoring Plan shall be developed that addresses the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. A fully executed copy of the contract and a wet-signed copy of the Monitoring Plan shall be provided to the County Archaeologist to ensure compliance with this condition of approval.

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060 - Planning-CUL. 3                      Project Archaeologist (cont.)                      Not Satisfied

Working directly under the Project Archaeologist, an adequate number of qualified Archaeological Monitors shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist.

This condition implements Mitigation Measures CUL-1 and CUL-3 from the project EIR.

Planning-EPD

060 - Planning-EPD. 1                      Biological Monitor                      Not Satisfied

Prior to any ground disturbance activities, the project must retain a Biological Monitoring Team. The Biological Monitoring will be composed of the positions listed and shall meet the minimum qualifications listed below.

Lead Biologist: The Applicant shall assign a Lead Biologist, approved by Riverside County, BLM, CDFW, and USFWS as the primary point of contact for the BLM and resource agencies regarding biological resources mitigation and compliance. The Lead Biologist shall have an approved MOU with Riverside County prior to commencing work on the Project.

Biological Monitor: Biological monitors shall be overseen by the Lead Biologist and shall perform any required surveys, ground disturbance and construction monitoring, wildlife monitoring, inspections, marking sensitive resource buffers, and revegetation monitoring during Project activities. Biological monitors shall include trained desert tortoise monitors (MM BIO-7) and nest monitors (MM BIO-8).

Authorized Desert Tortoise Biologist: For desert tortoise protection measures (MM BIO-7), the Applicant shall nominate a qualified individual to serve as Authorized Desert Tortoise Biologist, for approval by the USFWS and CDFW.

The Applicant shall provide the resumes of the proposed Biological Monitoring Team to the BLM and Riverside County for approval prior to onset of ground-disturbing activities. The Biological Monitoring Team shall have demonstrated expertise with the biological resources within the Project region. The Biological Monitoring Team shall have authority to halt any activities in any area if it is determined that the activity, if continued, would cause an unauthorized adverse impact to biological resources.

The duties of the Biological Monitoring Team shall vary during the construction, O&M, and decommissioning phases, based on the biological monitoring tasks needed for compliance during each phase. During O&M, an Applicant staff member serving as a compliance manager may perform the duties of the Lead Biologist to ensure compliance with biological mitigation measures, such as performing inspections for entrapped wildlife and fence condition, reporting dead or injured wildlife, avoiding nesting birds, and inspections of panel washing. The Applicant's compliance manager, if serving as Lead Biologist during O&M, shall have an approved MOU with Riverside County prior to commencing Lead Biologist duties on the Project.

In general, the duties of the Lead Biologist shall include, but shall not be limited to:

Regular, direct communication with representatives of the BLM, and other agencies, as appropriate. The Lead Biologist, or during O&M, the Applicant's compliance manager, shall immediately notify the BLM and applicable resource agencies in writing of dead or injured special-status species, or of any non-compliance with biological mitigation measures or permit conditions.

Train and supervise Biological Monitors, including desert tortoise monitors, nest monitors, and





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Planning-EPD

060 - Planning-EPD. 3            Burrowing Owl Preconstruction Surveys (cont.)            Not Satisfied  
out in accordance with accepted California Department of Fish and Wildlife Protocols and must incorporate details in the Biological Mitigation Measure BIO-11 of the Biological Resources Section (3.5) of the Partially Recirculated Draft Environmental Impact Report for the Easley Renewable Energy Project dated May 2024.

060 - Planning-EPD. 4            Desert Tortoise Protection and Relocation Plan            Not Satisfied

Prior to any ground disturbance or the issuance of any grading permits the Project Biologist must submit a Desert Tortoise Protection and Relocation Plan.

To ensure safe handling and translocation in accordance with applicable wildlife agency guidance, desert tortoises shall be handled or translocated according to a Desert Tortoise Protection and Relocation Plan, to be reviewed and approved by USFWS, CDFW, BLM, and Riverside County.

The Desert Tortoise Protection and Relocation Plan shall be developed in accordance with and be consistent with the Desert Tortoise (Mojave Population) Field Manual (USFWS, 2009); Revised Recovery Plan for the Mojave Population of the Desert Tortoise (USFWS, 2011a); Translocation of Mojave Desert Tortoises from Project Sites: Plan Development Guidance (USFWS, 2020), and Health Assessment Procedures for the Mojave Desert Tortoise (USFWS, 2019b).

Relocated and translocated tortoises will be transmittered and monitored, as described below. All relocated or translocated desert tortoises will be monitored once within 24 hours of release; twice weekly for the first two weeks after release; weekly during the more-active season; biweekly during the less-active season; and for a duration agreed upon by Riverside County, BLM, USFWS, and CDFW from date of release.

PLAN REQUIREMENTS

Consistent with DRECP CMAs LUPA-BIO-COMP-1: (Compensation); LUPA-BIO-IFS-1: (Individual Focus Species [IFS]: Desert Tortoise [activities within desert tortoise linkages]); LUPA-BIO-IFS-2: (new roads in Tortoise Conservation Areas [TCAs]), LUPA-BIO-IFS-3: (culvert sizing for desert tortoise), LUPA-BIO-IFS-4: (desert tortoise exclusion fencing), LUPA-BIO-IFS-5: (desert tortoise monitoring for initial clearing and grading), LUPA-BIO-IFS-6: (desert tortoise monitoring during geotechnical boring), LUPA-BIO-IFS-7: (desert tortoise monitoring during geotechnical testing), LUPA-BIO-IFS-8: (inspections for desert tortoise under vehicles), LUPA-BIO-IFS-9: (speed limits in desert tortoise habitat), LUPA-VPL-BIO-IFS-1: (site activities in previously disturbed areas in desert tortoise linkages and TCAs), DFA-BIO-IFS-1: Individual Focus Species (IFS) (protocol surveys in desert tortoise habitat), DFA-BIO-IFS-2 (setback requirements), DFA-BIO-IFS-3: Desert Tortoise (desert tortoise translocation), the Desert Tortoise Protection and Relocation Plan shall include:

Authorized personnel titles and roles. The Applicant shall designate a USFWS Authorized Biologist to implement the desert tortoise protection measures. The Authorized Biologist may (or may not) also serve as the Project's Lead Biologist.

The Applicant shall employ one or more desert tortoise monitors who are qualified to conduct desert tortoise clearance surveys and who will be on site during all construction. The desert tortoise monitors' qualifications will be subject to review and approval by Riverside County and the BLM. Qualifications may include work as a compliance monitor on a project in desert tortoise habitat, work on desert tortoise trend plot or transect surveys, conducting surveys for desert tortoise, or other research or field work on desert tortoise. Attendance at a training course endorsed by the agencies (e.g., Desert Tortoise Council tortoise training workshop) is a supporting qualification.

The Authorized Biologist shall direct one or more desert tortoise monitors to conduct

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#### 060 - Planning-EPD. 4 Desert Tortoise Protection and Relocation Plan (cont.) Not Satisfied

pre-construction clearance surveys for each work area, watch for tortoises wandering into the construction areas, check under vehicles, and examine excavations and other potential pitfalls for entrapped animals.

The Authorized Biologist shall be responsible for overseeing compliance with desert tortoise protective measures and for coordination with resource agencies. The Authorized Biologist will have the authority to halt any Project activities that may risk take of a desert tortoise or that may be inconsistent with adopted mitigation measures or permit conditions. Neither the Authorized Biologist nor any other Project employee or contractor may bar or limit any communications between Riverside County, BLM, CDFW, or USFWS staff and any Project biologist, biological monitor, or contracted biologist. Upon notification by the desert tortoise monitor or another biological monitor of any noncompliance the Authorized Biologist shall ensure that appropriate corrective action is taken.

The following incidents will require immediate cessation of any Project activities that could harm a desert tortoise: (1) location of a desert tortoise within a work area; (2) imminent threat of injury or death to a desert tortoise; (3) unauthorized handling of a desert tortoise, regardless of intent; (4) operation of construction equipment or vehicles outside a Project area cleared of desert tortoise, except on designated roads; and (5) conducting any construction activity without a biological monitor where one is required.

Worker training. Prior to the onset of construction activities, a desert tortoise education program will be presented by the Authorized Biologist to all personnel who will be present on Project work areas. Following the onset of construction, any new employee will be required to formally complete the tortoise education program prior to working on site. The following specifications will be incorporated into the WEAP training, identified in Mitigation Measure BIO-2. At a minimum, the tortoise education program will cover the following topics:

A detailed description of the desert tortoise, including color photographs;

The distribution and general behavior of the desert tortoise;

Sensitivity of the species to human activities;

The protection the desert tortoise receives under the state and federal Endangered Species Acts, including prohibitions and penalties incurred for violation;

The protective measures being implemented to conserve the desert tortoise during construction activities; and

Procedures and a point of contact if a desert tortoise is observed on site.

Plan requirements for pre-construction and clearance surveys and use of exclusion fencing. Prior to the construction of solar facilities, temporary or permanent desert tortoise exclusion fencing will be installed around the entirety of the approved solar field and storage facility construction areas, as well as parking and laydown areas. Fenced areas would be surveyed and monitored to ensure desert tortoise are avoided.

Construction phase tortoise exclusion fencing. Exclusion fencing will adhere to USFWS design guidelines in the Desert Tortoise Field Manual (USFWS, 2009), where applicable. The exact location of different fencing types shall be determined in coordination with the USFWS.

Permanent fencing shall be constructed with durable materials (i.e., 16 gauge or heavier) suitable to resist desert environments, alkaline and acidic soils, wind, and erosion. Temporary fencing would be built with the same materials, however it would not be trenched or buried but bent inwards flush with the ground surface.

Tortoise exclusion fencing shall include a "cattle guard" or desert tortoise exclusion gate at each entry point. This gate shall remain closed at all times, except when vehicles are entering or leaving. If it is deemed necessary to leave the gate open for extended periods of time (e.g., during high traffic periods), the gate may be left open as long as a biological monitor is present

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060 - Planning-EPD. 4 Desert Tortoise Protection and Relocation Plan (cont.) Not Satisfied to monitor for tortoise activity in the vicinity.

Preconstruction surveys and clearance. No more than 10 days prior to the initiation of fence construction, a pre-activity tortoise survey shall be conducted using techniques that provide 100% visual coverage of the disturbance area. Transects will be spaced 15 feet (5 meters) apart, and within an additional buffer area of 100 feet (30 meters) transects would be spaced 10 meters apart. Clearance will be considered complete after two successive 100 percent coverage surveys have been conducted without finding any desert tortoises.

Clearance surveys must be conducted during the active season for desert tortoises (April 1 through May 31 or September 1 through October 31), unless authorized by CDFW and USFWS. If a tortoise or an occupied tortoise burrow is located during clearance surveys, work activities will proceed only at the site and within a suitable buffer area after the tortoise has either moved away of its own accord or has been translocated off the site under authorization by the USFWS and CDFW. The buffer distance shall be 100 feet during the non-active season and at least 250 feet during the active season (September-October and April-May), unless otherwise directed in the CDFW Incidental Take Permit (ITP).

The Authorized Biologist shall direct a clearance survey before the tortoise fence is enclosed to ensure no tortoises are in the work area. Any potentially occupied burrows will be avoided until monitoring or field observations (e.g., with a motion-activated camera or fiber-optic mounted video camera) determines absence. If live tortoises or an occupied tortoise burrow are identified in the work area, tortoises shall be relocated under authorization by USFWS and CDFW or allowed to leave on their own accord before enclosing the fence. The fence shall be either continuously monitored prior to closure, or clearance surveys shall be repeated prior to closure after tortoises are removed.

Fence monitoring. A biological monitor shall be present during all fence installation activities to inspect the work area and under vehicles for desert tortoise prior to ground disturbance or vehicle access to ensure that no tortoises have moved into the work area. If a desert tortoise moves into the work area, activities will halt until it moves out of the work site on its own accord or is moved from harm's way by an Authorized Biologist.

Fence inspections. Exclusion fencing will be inspected daily for the first two weeks following installation, to monitor for desert tortoise exhibiting fence-walking behavior. If none are observed, exclusion fencing will be inspected weekly during desert tortoise active seasons (April 1 to May 31 and September 1 to October 31), at least monthly during non-active seasons (June to September, November to March), and following all rain events, and corrective action taken if needed to maintain it.

Unfenced work areas. As an alternative to exclusion fencing, any work conducted in an area that is not fenced to exclude desert tortoises (e.g., gen-tie tower sites) must be monitored by a biological monitor who will stop work if a tortoise enters the work area. Work activities will proceed only at the site and within a suitable buffer area after the tortoise has either moved away of its own accord, or if it has been translocated off the site under authorization by the USFWS and CDFW. Work sites with potential hazards to desert tortoise (e.g., auger holes, steep-sided depressions) that are outside of the desert tortoise exclusion fencing will be fenced by installing exclusionary fencing, covered, or will not be left unfilled overnight.

Plan requirements for handling of desert tortoise. Only persons permitted by the USFWS and CDFW under the Desert Tortoise Activity Form (i.e., streamlined Section 7 consultation process) or Incidental Take Permit shall handle desert tortoises. All desert tortoises will be handled by an Authorized Biologist in accordance with the Desert Tortoise Field Manual (2009) and the USFWS Revised Translocation Guidance (2020). Authorized Biologists shall handle tortoises in accordance with approved disinfection and sanitation techniques and procedures

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060 - Planning-EPD. 4 Desert Tortoise Protection and Relocation Plan (cont.) Not Satisfied defined by the Desert Tortoise Health Assessment Procedures (USFWS, 2019a).

Tortoises shall be handled according to seasonal and temperature constraints, where any handling of desert tortoises would always be below the temperature of 95°F. During handling, the desert tortoise will be kept in a shaded environment that does not exceed 95°F and will not be released until ambient air temperatures fall below 95°F.

Biologists will maintain a record of all desert tortoises identified and handled on the Project site, including photographs, time and location of handling, temperature, condition and measurements of the individual, transmitter information, and information on nests, eggs, and voiding of bladder. Should a tortoise void or defecate between capture and release, it shall be thoroughly rehydrated and rinsed to remove any odors that could attract potential predators. Any desert tortoise handling event shall be completed within 30 minutes or less (not including rehydrating a desert tortoise that has voided).

The Plan shall detail methods for attaching transmitters to desert tortoises that will be relocated, translocated, or monitored. The Applicant will consult with the USFWS Desert Tortoise Recovery Office to coordinate transmitter frequencies. Radio transmitters and antennae must be mounted by an Authorized Biologist so as not to impede growth or the daily activities of the tortoise.

The Plan shall detail nest and egg handling procedures. Any nest that is found will be carefully excavated by hand by an Authorized biologist. A nest will be prepared at the release site with the same depth and location in relation to the burrow entrance as the original nest. The eggs will be transferred to the new nest, maintaining their original orientation and replaced so that they touch one another. Eggs will be gently covered with soil from which cobbles and pebbles have been removed so that all the air spaces around the eggs are filled.

To the greatest extent practicable, bromating (hibernating) tortoises will not be relocated or translocated. If a bromating desert tortoise cannot be avoided by Project activities or be passively relocated, the tortoise may be captured and released in coordination with USFWS and CDFW.

Procedures for relocation, passive exclusion, and translocation of desert tortoise and identification and description of translocation recipient sites.

Relocation. Desert tortoises less than 160 mm will be relocated as soon as possible after detection. Adult desert tortoises (more than 160 mm) identified for relocation will be transmitters and left in situ or within on-site pens following health assessments, data collection, and monitoring, until they can be transported. The Plan shall detail the construction of on-site pens, in accordance with USFWS guidance (USFWS, 2011).

Passive exclusion. Passive exclusion shall be prioritized on all linear Project components and in unfenced work areas by using a biological monitor to accompany construction crews and equipment in the field. Construction or maintenance activities will cease if a desert tortoise is detected within the work area or if a tortoise is in imminent danger, until the tortoise moves a safe distance out of the work area. Desert tortoises would be relocated from unfenced work areas if a tortoise does not leave a work area and no other alternate work site is available for crews or an occupied burrow is located within or adjacent to a work area that cannot be avoided.

A Biological Monitor would monitor initial clearing and grading activities for any tortoises missed during the clearance survey. Excavations with steep walls shall have a wildlife escape ramp and be fully covered at the end of the workday to prevent entrapment. After vegetation is fully removed within fenced areas, weekly spot checks shall be conducted to ensure that there are no desert tortoises within the construction area for the duration of the construction phase.

Translocation. If a desert tortoise is found and is not in an area appropriate for relocation (i.e.,

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suitable habitat does not occur within a 1.5-kilometer buffer surrounding the potential release point), the tortoise will be translocated. Translocations shall occur during the tortoise active season.

The Plan shall detail methods and procedures for translocation, including health assessments, transportation requirements, and identification of comparable release locations, in accordance with the Desert Tortoise Field Manual (USFWS, 2009). Per the USFWS Translocation Guidance (2020), a translocation review package, incorporating the penultimate health assessment in the month before the scheduled translocation, shall be submitted to Riverside County, BLM, USFWS, and CDFW for approval of the proposed disposition of each tortoise on the Project site.

Recipient sites shall be approved in consultation with BLM, USFWS, and CDFW, and shall be comprised of suitable desert tortoise habitat with modelled high desert tortoise occupancy (Nussear, 2009). The recipient site shall be sited within desert tortoise critical habitat, unless otherwise directed by the agencies.

Plan requirements for construction monitoring and reporting

Construction monitoring and reporting. During the construction phase, the Authorized Biologist shall prepare daily records of desert tortoise observations and site inspections. If at any time a desert tortoise is identified on the Project site, Riverside County, BLM, USFWS, and CDFW will be notified.

Reporting for construction monitoring and implementation of the Plan shall be provided in weekly updates and monthly reporting to Riverside County, BLM and USFWS, as well as quarterly reporting to CDFW. Annual and final reports shall be submitted to Riverside County, BLM, USFWS, and CDFW, as required. Summaries of compliance tortoise surveys, relocation, translocation, and monitoring activities conducted during the previous calendar year will be included.

Translocation monitoring and reporting. Telemetry-based monitoring shall be implemented for at least six months to document short-term survival of small numbers of translocated tortoises. The Applicant will consult with Riverside County, BLM, USFWS, and CDFW to determine the appropriate monitoring duration and methodology. All relocated or translocated desert tortoises will be monitored once within 24 hours of release; twice weekly for the first two weeks after release; weekly during the more-active season; biweekly during the less-active season; and for a duration agreed upon by Riverside County, BLM, USFWS, and CDFW from date of release. Health assessments shall be performed twice-annually.

Reporting for translocation shall be provided in weekly updates and monthly reporting to Riverside County, BLM and USFWS, as well as quarterly reporting to CDFW. Annual and final reports will be submitted to Riverside County, BLM, USFWS, and CDFW. Summaries of all compliance tortoise translocation, and post-translocation, effectiveness, and health monitoring activities conducted during the previous calendar year will be included.

Plan requirements for O&M, decommissioning, and adaptive management

O&M. At the Applicant's discretion, and in consultation with resource agencies, permanent desert tortoise exclusion fencing may be installed around each solar facility site. If permanent desert tortoise exclusion fencing is not installed, the Applicant shall prepare and implement a monitoring and avoidance program to ensure no take of desert tortoise during O&M, while allowing wildlife (possibly including desert tortoise) to move through the facilities uninjured. Tortoises observed by personnel within the fence line of the solar facility components during routine maintenance activities or along the main access road will be relocated by permitted biologists to suitable habitat within 300 meters of where it was found or it will be translocated into suitable habitat outside of the fence line.

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For any routine maintenance or emergency/unexpected repairs that require surface disturbance or heavy equipment desert tortoise shall be allowed to move out of harm's way of its own accord, or the tortoise will be relocated by an Authorized Biologist.

In areas where wildlife-friendly fencing is implemented, temporary exclusion fencing may be removed after vegetation is re-established. If used, wildlife-friendly fencing will be installed around solar arrays in the Pinto Wash Linkage and areas adjacent to desert dry wash woodland that provide higher quality desert tortoise habitat. The security fence would leave a 6- to 8-inch gap between the lower fence margin (rail or mesh) and the ground and the bottom of the fence fabric (chain-link or similar material) would be wrapped upward so that no sharp edges are exposed along the lower fence margin.

Decommissioning. After decommissioning, fencing shall be removed. Desert tortoise conservation measures shall be in place and the decommissioning activities shall be monitored for the presence of desert tortoise and desert tortoise sign. Observations of desert tortoise shall be reported and protection measures shall be coordinated with USFWS and CDFW.

Adaptive management. Adaptive management measures would be implemented if there is evidence of Project-related disturbance to or increased risk to desert tortoise, and where initial protection methods have been deemed ineffective based on monitoring results. Remedial actions may include repairs or modifications to fencing, additional surveying, or additional monitoring and inspections. Adaptive management measures used shall be reported in the annual report.

060 - Planning-EPD. 5 DRECP Requirements Not Satisfied

Prior to any ground disturbance activities a revegetation plan that shows with consistency with the DRECP will prepared and submitted.

Consistent with DRECP CMAs LUPA-BIO-7 (Restoration of Areas Disturbed by Construction Activities but Not Converted by Long-Term Disturbance), LUPA-BIO-VEG-1 (vegetation management for cactus, yucca, and other succulents under BLM policy), and LUPA-BIO-VEG-5 (adherence to BLM regulations and policies regarding salvage and transplants of cactus, yucca, other succulents, and BLM sensitive plants), the Plan shall include:

Revegetation of temporarily impacted sites. The Plan shall specify methods to prevent or minimize further site degradation; stabilize soils; maximize the likelihood of vegetation recovery over time (for areas supporting native vegetation); and minimize soil erosion, dust generation, and weed invasions. The nature of revegetation will differ according to each site, its pre-disturbance condition, and the nature of the construction disturbance (e.g., drive and crush, vs. blading). The Plan shall include:

(a) soil preparation measures, including locations of recontouring, decompacting, imprinting, or other treatments, as prescribed by the Lead Restoration Ecologist and consistent with CNPS Combined Vegetation Rapid Assessment and Relevé Protocol (CNPS, 2022);

(b) details for topsoil storage, as applicable;

(c) plant material collection and acquisition guidelines, including guidelines and methods for salvaging, storing, and handling seed and plants (including desert native species protected by the CDNPA and special-status plants) from the Project site, as well as obtaining replacement plants from outside the Project area (seed and plant palettes and materials shall be limited to locally occurring native species from local sources);

(d) a plan drawing or schematic depicting the temporary disturbance areas (drawing of "typical" gen-tie structure sites will be appropriate);

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- (e) time of year that the planting or seeding will occur and the methodology of the planting;
- (f) maintenance details, including vegetation treatments; a description of the irrigation, if used; erosion control measures; and non-native weed management per the IWMP;
- (g) quantitative success criteria for regrowth of vegetation, requiring at least 80% native cover and no more than 20% non-native cover;

(h) a monitoring program to measure project compliance with the success criteria, including annual quantitative monitoring in accordance with CNPS Combined Vegetation Rapid Assessment and Relevé Protocol (CNPS, 2022);

(i) contingency measures for failed revegetation efforts not meeting success criteria, which may include, but is not limited to, reseeding, re-planting, erosion repairs, modifications to irrigation, and repair or remediation of sites;

(j) annual monitoring reports to be submitted to BLM and Riverside County (or its designated representative), providing a summary of the restoration and adaptive management activities for the previous year.

Cactus Salvage. The Applicant shall include salvaged or nursery stock yuccas (all species), and cacti (excluding cholla species, genus *Cylindropuntia*) in revegetation plans. The Plan shall include:

(a) methods of salvage, including heavy equipment or hand tools, depending on plant size. For each plant, the microsite description will be recorded and the north-facing orientation will be identified and tagged.

(b) to the extent feasible, plants shall be salvaged during the fall or winter to minimize transplantation stress. If cacti must be salvaged during spring or summer, they shall be held over in a shade structure and protected from wind and heat until fall for transplantation. If cacti must be installed during spring or summer, shade structures or "vertical mulch" (branches cleared from the work sites) will be provided as shelter from sun and wind.

(c) guidelines for removing plants, such that plants are dug to avoid root damage. Roots shall be treated, as necessary, and plants shall be transported to avoid root damage.

(d) guidelines for storing plants, such that cacti and ocotillo shall be stored only when unavoidable. Plants shall be kept shaded and roots kept moist;

(e) specific replanting locations shall be identified within Project lands, such as revegetation areas on temporarily disturbed work sites, unless directed otherwise by BLM (for BLM land) or the County (for private land);

(f) methods for re-planting, ensuring that each salvaged plant shall be replanted in a microsite that resembles its salvage site and in the same north-facing orientation as the salvage site. Salvaged plants shall be covered deeply enough with soil to prevent root exposure and watered immediately after planting and at regular intervals thereafter based on needs of each species.

(g) quantitative success criteria for survival, requiring at least 75% survival after 3 years. If this criterion is not met, remediation shall be implemented to plant additional cacti at a 2:1 ratio or increase native vegetation cover and diversity at Project site.

(h) a monitoring program to measure Project compliance with the success criteria, including quarterly quantitative monitoring of survival status and identification of remedial actions needed, such as water, shade, or protection from wind, erosion, or wildlife. Results of monitoring shall be included in the annual monitoring report, as described above.

(i) seeds from special-status plants, if found, would be salvaged for re-vegetation. CRPR 1 or 2 species that are found shall be experimentally salvaged. No quantitative success criteria are assigned for experimental salvage; however, monitoring data shall be provided to the CDFW, Riverside County, and BLM to inform future mitigation for those species.



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Operations Phase On-Site Vegetation Management. The Plan shall include mowing methods and scheduling for on-site vegetation management during O&M. The Plan shall describe vegetation treatments to be implemented to minimize interference with the solar panels, fire hazard, soil disturbance, and disturbance of any bird nests. Vegetation shall be inspected annually to identify hazardous vegetation or barren areas prone to erosion that require repair. All mowed or cut plant material that contains invasive weeds will be transported to a licensed solid waste or composting facility. Mowed or cut native plant material may be used on site as mulch. Weed control during O&M will be conducted as described in the IWMP (MM BIO-4).

060 - Planning-EPD. 6            Integrated Weed Management Plan            Not Satisfied

Prior to any ground disturbance or the issuance of any grading permits the Project Biologist must submit an Integrated Weed Management Plan. The purpose of the Weed Management Plan will be to minimize or prevent invasive weeds from infesting the site or spreading into surrounding habitat. The Weed Management Plan must at a minimum incorporate the following:

The IWMP must comply with existing relevant BLM plans and permits including the Vegetation Treatments Using Herbicides (BLM, 2007) and Vegetation Treatment Using Aminopyralid, Fluroxypyr, and Rimsulfuron (BLM, 2016b), and must be approved by BLM and Riverside County (or its designated representative). Use of any pesticides would conform with licensing and application requirements from the California Department of Pesticide Regulation.

Prior to herbicide use on BLM-administered lands, the BLM requires that a Pesticide Use Proposal (PUP) (BLM, 2019) be submitted to ensure that Projects follow herbicide use policies. If herbicides or pesticides will be used on BLM lands, the Applicant shall submit a Pesticide Use Proposal (PUP) form, to be approved by the BLM (also see Section 3.10.5 on hazardous materials). The PUP details which herbicides, pesticides, and associated adjuvants will be used for treatment, location of applications, responsible parties, time-line for treatment, application methods, application rates and maximum annual amounts, target species, and precautions for humans, sensitive resources, and non-target vegetation. Only a State of California and federally certified contractor will be permitted to perform herbicide applications. Only herbicides and adjuvants approved by the State of California and BLM for use on public lands will be used within or adjacent to the federal land segments of the Project.

The Applicant shall submit the BLM approved PUP to Riverside County and implement the requirements of the PUP on private lands.

The IWMP shall require that cover and density of non-native plants within temporarily disturbed areas will be no more than 25% of total cover, or no more than comparable adjacent undisturbed lands. Total cover on the Project site shall be calculated during the annual quantitative monitoring as required in the Vegetation Resources Management Plan (MM BIO-5), which shall complement the IWMP. Quantitative monitoring shall be performed using California Native Plant Society (CNPS) Combined Vegetation Rapid Assessment and Relevé Protocol (CNPS, 2022). Qualitative and quantitative vegetation monitoring will continue for a period of no less than three (3) years or until the defined success criteria are achieved (up to 5 years).

060 - Planning-EPD. 7            Jurisdictional Permits            Not Satisfied

Prior to the issuance of any grading permits the project applicant must provide proof that permits from the California Department of Fish and Wildlife and the Regional Water Quality Control Board have been obtained for impacts to any features under the jurisdiction of either agency.

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| 060 - Planning-EPD. 7 | Jurisdictional Permits (cont.) | Not Satisfied |
| 060 - Planning-EPD. 8 | Nesting Bird Management Plan   | Not Satisfied |

Prior to any ground disturbance of the issuance of any grading permits a Nesting Bird Management Plan must be submitted for review. The Nesting Bird Management Plan must incorporate measures and requirements detailed in Biological Mitigation Measure (MM BIO-9) of the Biological Resources Section (3.5) of the Partially Recirculated Draft Environmental Impact Report for the Easley Renewable Energy Project dated May 2024.

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| 060 - Planning-EPD. 9 | Open DBF Case | Not Satisfied |
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Prior to the issuance of any building permits the project applicant/developer must open a Deposit Based Fee (DBF) account with the County of Riverside for the purpose of providing a funding mechanism for reviewing future biological monitoring reports as required in other conditions of approval. The DBF account will be utilized by the Environmental Programs Division of the Planning Department when necessary to review biological documents provided after project development. A minimum amount of \$2000 shall be deposited. If necessary EPD may require future deposits if the initial deposit is depleted. The DBF account must remain open and adequately funded until all reporting requirements have been fulfilled. The DBF account may only be used to bill for time associated with the review of any biological reports not associated with open permits.

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| 060 - Planning-EPD. 10 | Raven Management Plan | Not Satisfied |
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Prior to any ground disturbance or the issuance of any grading permits a Raven Management Plan must be submitted to EPD for review.

The Plan shall be prepared in accordance with USFWS guidelines in Management of Conflicts Associated with Common Ravens in the United States (USFWS, 2023). If raven monitoring indicates an increase in local raven activity attributed to the Project, measures shall be implemented to deter ravens from the site, such as additional worker education, more stringent restrictions on water use or trash disposal, installation of nest-prevention or roost-prevention devices on Project facilities, or specific measures to "haze" ravens from Project facilities or subsidies in coordination with USFWS and CDFW.

PLAN REQUIREMENTS

Consistent with DRECP CMA LUPA-BIO-6 (Subsidized Predators Standards), the Raven Management Plan will be developed and implemented to:

Identify conditions associated with the Project that might provide raven subsidies or attractants, including water, anthropogenic food sources, roadkill for scavengers, trash, and perches.

Describe management practices and control measures to avoid or minimize conditions and subsidies that might increase raven numbers and predatory activities, such as proper and regular disposal of food waste and trash using raven proof containers; removing road-killed animals; securing water tanks from leaks; using the minimum amount of water needed for dust control, panel washing, and irrigation; and use of BMPs for perching and roosting per current standards and practices, including APLIC guidelines (2006, 2012).

Describe monitoring during construction and operations, including roles and responsibilities for monitoring biologists, monitoring requirements for food and water subsidies, monitoring requirements for raven presence and nesting, and methods to identify individual ravens that prey on desert tortoises.

Describe reporting requirements for monitoring results, including annual monitoring reports to be submitted to USFWS, CDFW, BLM, and Riverside County. MM BIO-Bird and Bat

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060 - Planning-EPD. 10 Raven Management Plan (cont.) Not Satisfied

Conservation Strategy (BBCS). Bird and bat fatality and injury monitoring is being performed at the neighboring Oberon, Arica, and Victory Pass Projects. The approved BBCS plans for these projects include mortality monitoring and sampling methods, sampling design, and survey and data collection protocols. The Applicant shall use the results of post-construction bird and bat monitoring at the Oberon, Arica, and Victory Pass Projects to inform actions to be taken at the Easley Project, focused on the development of adaptive management measures that would minimize impacts and mortality to avian and bat species.

The Applicant shall prepare and implement a BBCS that acknowledges the ongoing monitoring at other projects. The BBCS shall be focused on the implementation of adaptive management measures that may be required depending on monitoring results at the other projects. Adaptive management measures shall be developed in consultation with USFWS based on the results of on-going monitoring and current standards and guidelines. Available guidelines include USFWS Considerations for Avian and Bat Protection Plans (USFWS, 2010). These measures would avoid and minimize take of birds and bats on the Project site that may be vulnerable to injury or mortality on the Project site and/or collision with Project components (IP Easley, 2023).

The plan shall be crafted to meet the following standard: If impacts to avian species are documented at Oberon, Arica, Victory Pass, and Easley Projects and these impacts are shown to result in a substantial, long-term reduction in the demographic viability of the population of the species in question, then the Applicant would coordinate with USFWS and CDFW to determine if adaptive management, as described below, must be implemented to reduce Project related impacts. Over the course of construction and O&M, fatality thresholds and future conservation measures may be subject to revision in coordination with USFWS and CDFW as new information is obtained.

PLAN REQUIREMENTS

Consistent with DRECP CMAs LUPA-BIO-16 (Activity-Specific Bird and Bat CMAs) and LUPA-BIO-17 (Activity-Specific Bird and Bat CMAs BBCS), the Plan shall include:

A description of bird and bat species in the Project area;

A project-specific risk assessment that addresses potential for take, based on threats to birds and bats from the Project, including collision, electrocution, territory abandonment, nest and roost site disturbance, habitat loss and fragmentation, disturbance from human presence, and predator subsidies, in accordance with USFWS guidelines (USFWS, 2010);

A description of the ongoing monitoring occurring at the Oberon, Arica, and Victory Pass Projects and the findings of these programs as of the date of Plan preparation.

A description of the monitoring that will occur at the Project site. Monitoring efforts will be designed to ensure that birds and bats are identified and avoided on the Project site, and that Project related risks are managed to detect and avoid injury and mortality.

A description of how the adaptive management actions would be developed and a list of potential adaptive management measures that could be implemented if impacts to any avian species are shown to be occurring at Oberon, Arica, Easley, and Victory Pass and these impacts appear likely to result in a substantial, long-term reduction in the demographic viability of the population of the species in question. Adaptive management measures may include passive avian diverter installations, the use of sound, light or other means to discourage site use consistent with legal requirements, on site habitat management or control measures consistent with applicable legal requirements, or modification to support structures to exclude nesting birds.

A requirement that adaptive management measures be implemented until monitoring data indicates that mortality has not increased due to operation of the Project; and that there is not a

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substantial reduction in demographic viability for the species in question.

060 - Planning-EPD. 11 Vegetation Resources Management Plan Not Satisfied

Prior to any ground disturbance or the issuance of any grading permits the designated Project Biologist must submit a Vegetation Resources Management Plan (VRMP). The VRMP shall detail the methods to revegetate temporarily impacted sites and salvage special-status plants from the Project footprint; and outline long-term vegetation management within the solar facility during its operations. The Lead Biologist shall oversee implementation of the VRMP to meet success criteria and prevent further degradation of areas temporarily disturbed by Project activities.

The Plan shall require that total native vegetation cover will be no less than 80% of total vegetation cover on nearby undisturbed lands of comparable quality. Project sites previously disturbed by anthropogenic activities will be compared to nearby, similarly pre-disturbed sites. As described below, total cover on the Project site shall be calculated during the annual quantitative monitoring as required in the VRMP, using California Native Plant Society (CNPS) Combined Vegetation Rapid Assessment and Relevé Protocol (CNPS, 2022).

Transplantation of cacti and ocotillo shall be considered successful with 75% survival after 3 years. If unsuccessful, remediation will be implemented to plant additional cacti at a 2:1 ratio.

060 - Planning-EPD. 12 Wildlife Protection and Relocation Plan Not Satisfied

Prior to any ground disturbance of the issuance of a grading permit a Wildlife Protection and Relocation Plan must be submitted for review. The Wildlife Protection Plan must include:

- A summary of wildlife survey methods and results;
- Detailed qualifications, roles, and responsibilities for the Lead Biologist and monitoring biologists;
- Procedures for pre-construction clearance surveys;
  - Prior to construction of solar facility, desert tortoise exclusion fencing will be installed around the entirety of the approved solar field construction areas, as well as parking and laydown areas. No more than 10 days prior to the initiation of fence construction, a pre-activity multi-species survey shall be conducted using techniques that provide 100% visual coverage of the disturbance area. If any burrow within the potential disturbance area for fence construction or inside the planned fence line is determined to be unoccupied, it will be carefully collapsed per guidelines from the Desert Tortoise Field Manual (USFWS, 2009).
  - If a burrow is potentially occupied by a target species, then further actions will be taken to passively exclude the animal during the appropriate season (as detailed in MM BIO-7, MM BIO-10, and MM BIO-11).
  - Once the fence is constructed, clearance surveys within fenced areas shall consist of 100% visual coverage using pedestrian belt transects spaced at 5-meter intervals. An additional 500-foot (150-meter) buffer outside the Project boundary shall also be surveyed with pedestrian belt transects spaced at 10 meters apart, where possible, to identify any potentially active burrows or complexes that may be indirectly affected by construction activities. Surveys shall focus on sign for desert tortoise, desert kit fox, American badger, and burrowing owl.
  - Any burrows or den complexes identified shall be classified as inactive, possibly active, or active. Inactive dens that would be directly impacted by construction shall be excavated. All burrows and kit fox den complexes that are potentially active or active with live individuals inside will be further observed per the requirements of individual species as detailed in MM BIO-7 (desert tortoise), MM BIO-10 (burrowing owl), and MM BIO-11 (desert kit fox, American badger). Confirmed active dens may be excavated upon successful passive relocation.

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060 - Planning-EPD. 12 Wildlife Protection and Relocation Plan (cont.) Not Satisfied

Excavations shall be photographed for reporting to demonstrate success and sufficiency.

Methods for construction monitoring;

- Biological Monitors shall be present during fence construction (security fencing, desert tortoise exclusion fencing, or both for the solar sites), vegetation removal, and ground disturbance to ensure that wildlife is not present. After vegetation is cleared, biological monitors will perform spot checks in fenced areas immediately prior to initiation of construction to ensure that no wildlife have re-entered the site.

- Along the gen-tie line, biological monitors shall escort construction vehicles and inspect work areas prior to crews beginning any ground disturbance. All parked vehicles and equipment, and the ground beneath them, will be inspected for wildlife prior to being moved. Work activities shall be stopped by the Biological Monitor if any target species or other special-status species, such as desert tortoise, enters the work area. Work activities shall proceed at the site only after the animal has either moved away of its own accord or, is moved from harm's way by a biologist with state and federal authorization and according to any conditions identified in applicable authorizations.

Detailed species-specific exclusion methods for special-status wildlife as follows:

- Couch's spadefoot toad. Potential breeding habitat identified during wildlife surveys shall be inspected after sufficient rainfall for Couch's spadefoot toad. If Couch's spade-foot toads are found on the Project site, the permitting and wildlife agencies will be consulted in order to develop an avoidance strategy.

- Desert tortoise. See MM BIO-7 for details on buffers, monitoring, exclusion, relocation, and translocation.

- Burrowing owl. See MM BIO-10 for details on burrow buffers, monitoring, passive relocation, and excavation.

- Desert kit fox and American badger. See MM BIO-11 for details on den buffers, monitoring, passive relocation, and excavation.

Procedures for handling sick, injured, or dead wildlife;

- Resource agencies would be immediately notified of sick, injured, or dead wildlife. Written follow-up notification via email will be submitted within 24 hours, including the location (GPS record), photographs (if available), and any relevant observations at the time of detection. The animal will be handled and transported only on direction from the wildlife agencies. Health and safety precautions will be used at all times when handling the animal.

Description of adaptive management methods;

- If there is evidence of Project-related disturbance or increased risk to special-status wildlife, where initial protection methods have been deemed ineffective, adaptive management would be implemented in coordination with resource agencies, such as additional surveying and monitoring, increased buffers, seasonal restrictions, additional artificial replacement burrows, or agency approved wildlife relocation.

Description of reporting requirements;

- During construction, reporting shall be provided in weekly, monthly, quarterly, and annual compliance reports to the permitting and wildlife agencies. During O&M, reports shall be provided quarterly, unless more frequent reporting is prudent based on species presence. Reports shall provide a summary of activities performed and the results for each species. Data recorded shall be submitted as appendices to each report.

060 - Planning-EPD. 13 Worker Environmental Awareness Program Not Satisfied

Prior to any ground disturbance activities or the issuance of any grading permits the Lead Biologist will submit a Worker Environmental Awareness Program for review and approval.

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The WEAP must be provided in English and Spanish and will:

- Be developed by or in consultation with the Lead Biologist and consist of an on-site or training center presentation with supporting written material and electronic media, including photographs of protected species, available to all participants.
- Provide an explanation of the function of flagging that designates authorized work areas; specify the prohibition of soil disturbance or vehicle travel outside designated areas.
- Discuss general safety protocols such as vehicle speed limits, hazardous substance spill prevention and containment measures, and fire prevention and protection measures.
- Review mitigation and biological permit requirements.
- Explain the sensitivity of the vegetation and habitat within and adjacent to work areas, and proper identification of these resources.
- Discuss the federal and state Endangered Species Acts, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act and the consequences of non-compliance with these acts.
- Discuss the locations and types of sensitive biological resources on the Project site and adjacent areas and explain the reasons for protecting these resources.
- Inform participants that no snakes, other reptiles, birds, bats, or any other wildlife shall be harmed or harassed.
- Place special emphasis on species that may occur on the Project site and/or gen-tie lines, including special-status plants, Crotch bumble bee, desert tortoise, burrowing owl, golden eagle, nesting birds, desert kit fox, American badger, and burro deer.
- Specify guidelines for avoiding rattlesnakes and reporting rattlesnake observations to ensure worker safety and avoid killing or injuring rattlesnakes. Rattlesnakes should be safely removed from the work area using appropriate snake handling equipment, including a secure storage container for transport, or by calling local animal control.
- Describe workers' responsibilities for avoiding the introduction of invasive weeds onto the Project site and surrounding areas, describe the Integrated Weed Management Plan.
- Provide contact information for the Lead Biologist and instructions for notification of any vehicle-wildlife collisions or dead or injured wildlife species encountered during Project-related activities.
- Include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines.
- Desert Tortoise Education Requirements: Prior to the start of construction activities, a desert tortoise education program shall be presented by the Lead Biologist to all personnel who will be present on Project work areas. Following the start of construction, any new employee shall be required to complete the tortoise education program prior to working on site. At a minimum, the tortoise education program shall cover the following topics:
  - A detailed description of the desert tortoise, including color photographs;
  - The distribution and general behavior of the desert tortoise;
  - Sensitivity of the species to human activities;
  - The protection the desert tortoise receives under the state and federal Endangered Species Acts, including prohibitions and penalties incurred for violation;
  - The protective measures being implemented to conserve the desert tortoise during construction activities;
  - Procedures and a point of contact if a desert tortoise is observed on site.

### Planning-PAL

060 - Planning-PAL. 1 Gen - Custom

Not Satisfied

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60. Prior To Grading Permit Issuance

Planning-PAL

060 - Planning-PAL. 1 Gen - Custom (cont.) Not Satisfied

County Paleontological Report (PDP) No. 230015, submitted for this case (CUP220021, PUP230002), was prepared by Chronicle Heritage and is entitled: "Paleontological Resource Assessment and Survey Report for the Easley Renewable Energy Project, Riverside County, California", dated September 20, 2023 concluded the geologic units in the Project area (Qal, Qc, Qco) have a high potential to contain paleontological resources and recommended prior to the commencement of ground disturbing activities, a professional paleontologist should be retained to prepare and implement a PRIMP for the proposed Project.

HENCE:

PRIOR TO ISSUANCE OF GRADING PERMITS:

1. The applicant shall retain a qualified paleontologist approved by the County to create and implement a project-specific plan for monitoring site grading/earthmoving activities (project paleontologist).
2. The project paleontologist retained shall review the approved development plan and grading plan and conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements as appropriate. These requirements shall be documented by the project paleontologist in a Paleontological Resource Impact Mitigation Program (PRIMP). This PRIMP shall be submitted for approval by the County Geologist prior to issuance of a Grading Permit. Information to be contained in the PRIMP, at a minimum and in addition to other industry standards and Society of Vertebrate Paleontology standards, are as follows:
  - a. A corresponding and active County Grading Permit (BGR) Number must be included in the title of the report. PRIMP reports submitted without a BGR number in the title will not be reviewed.
  - b. PRIMP must be accompanied by the final grading plan for the subject project.
  - c. Description of the proposed site and planned grading operations.
  - d. Description of the level of monitoring required for all earth-moving activities in the project area.
  - e. Identification and qualifications of the qualified paleontological monitor to be employed for grading operations monitoring.
  - f. Identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens.
  - g. Direction for any fossil discoveries to be immediately reported to the property owner who in turn will immediately notify the County Geologist of the discovery.
  - h. Means and methods to be employed by the paleontological monitor to quickly salvage fossils as they are unearthed to avoid construction delays.
  - i. Sampling of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
  - j. Procedures and protocol for collecting and processing of samples and specimens.
  - k. Fossil identification and curation procedures to be employed.
  - l. Identification of the permanent repository to receive any recovered fossil material.  
\*Pursuant the County "SABER Policy", paleontological fossils found in the County should, by preference, be directed to the Western Science Center in the City of Hemet. A written agreement between the property owner/developer and the repository must be in place prior to site grading.
  - m. All pertinent exhibits, maps, and references.
  - n. Procedures for reporting of findings.
  - o. Identification and acknowledgement of the developer for the content of the PRIMP as well as acceptance of financial responsibility for monitoring, reporting and curation fees. The

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### Planning-PAL

060 - Planning-PAL. 1 Gen - Custom (cont.) Not Satisfied

property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed and will provide confirmation to the County that such funding has been paid to the institution.

p. All reports shall be signed by the qualified paleontologist responsible for the report's content. All reports shall also be signed by all other parties responsible for the report's content (eg. Professional Geologist), as necessary. A signed electronic copy of the report, project plans, and all required review applications shall be uploaded to the County's PLUS Online System:

(<https://planning.rctlma.org/sites/g/files/aldnop416/files/2023-06/PLUS%20Online%20Upload%20Instructions%20-%20Paleontology%20-%20Updated%20June%202023.pdf>).

Reports and/or review applications are not to be submitted directly to the County Geologist, Project Planner, Land Use Counter, Plan Check, or any other County office. In addition, the applicant shall submit proof of hiring (i.e., copy of executed contract, retainer agreement, etc.) a project paleontologist for the in-grading implementation of the PRIMP.

### Safeguard Artifacts Being Excavated in Riverside County (SABER)

MM PR-3: Paleontological Monitoring and Fossil Recovery. The PRMP shall identify monitoring frequency and intensity of all areas of the Project site, particularly in areas underlain by geologic units assigned paleontological sensitivity of High (PFYC 4) or Moderate (PFYC 3a). Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend to the BLM Authorized Officer that monitoring be reduced or cease entirely.

In the event that a paleontological resource is discovered, the paleontological monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) will recover them following standard field procedures for collecting paleontological as outlined in the PRMP prepared for the Project. The Project Paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the potentially significant fossil(s) can be removed in a safe and timely manner.

Fossil Preparation and Curation. The museum that has agreed to accept fossils that may be discovered during Project-related excavations will be identified on the Pale-ontological Resources Use Permit held by the Project Paleontologist and in the PRMP. Upon completion of Project ground-disturbing activities, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the County- and BLM-approved repository (identified on the permit and in the PRMP) and receipt(s) of collections submitted to the County and BLM no later than 60 days after all ground-disturbing activities are completed.



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Planning-PAL

060 - Planning-PAL. 2 MM PR-2: Worker Environmental Awareness Program (WNot Satisfied

MM PR-2: Worker Environmental Awareness Program (WEAP). Prior to the start of Project-related construction activities, a paleontological component to the WEAP shall be developed by the Project Paleontologist. The WEAP shall address the potential to encounter paleontological resources in the field, the sensitivity and importance of these resources, and the legal obligations to preserve and protect such resources. The training program shall also include the set of reporting procedures that workers are to follow if paleontological resources are encountered during Project activities. The WEAP may be combined with other environmental training programs for the Project. All field personnel will receive WEAP training on paleontological resources prior to Project-related construction activities.

Survey

060 - Survey. 1 RCTD-USE - Right of Way or Easement Not Satisfied

The project shall comply with the following requirements, as approved by the Transportation Department, to clear this condition:

Any easement not owned by a public utility, public entity or subsidiary, not relocated or eliminated prior to issuance of grading permit, shall be delineated on a separate instrument, in addition to having the name of the easement holder, and the nature of their interests, shown on the map. <In the desert, Drainage easements shall be dedicated for public use, with the property owner solely responsible for maintenance.>

Sufficient public street right of way along Coudures Road shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

Sufficient public street right of way along Plantation Street shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

Sufficient public street right of way along Investor Avenue shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

Sufficient public street right of way along Osborne Avenue shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

Sufficient public street right of way along Mortgage Street shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

Sufficient public street right of way along Melon Street shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

Sufficient public street right of way along Jojoba Street shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

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60. Prior To Grading Permit Issuance

Survey

060 - Survey. 1                      RCTD-USE - Right of Way or Easement (cont.)                      Not Satisfied

Sufficient public street right of way along Orion Road shall be convey for public use to provide for a 30-foot half width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

Sufficient public street right of way along Belsby Avenue shall be convey for public use to provide for a 60-foot full width dedicated right of way per County Standard No. 105C, Ordinance 461.11.

An easement shall be provided for the gen-tie line over off-site property.

or as approved by the Director of Transportation.

060 - Survey. 2                      RCTD-USE - Right of Way Vacation                      Not Satisfied

The project shall comply with the following requirements, as approved by the Transportation Department, to clear this condition:

Although the project has an approved project, a separate Board of Supervisor approval is required to approve of all vacation/abandonments of the existing dedicated right-of-way. Prior to issuance of grading permit, the project shall file for a conditional vacation of Chuckwalla Road within the project boundary for consideration by the Board. If there are existing facilities in the existing dedicated right of way, those facilities shall be relocated to their ultimate location. If the Board denies the vacation request, the approved tentative map shall be redesigned to utilize the existing right-of-way and the map shall be reprocessed after paying all the appropriate fees.

Transportation

060 - Transportation. 1                      Drainage Erosion Sediment Control Plan                      Not Satisfied

MM HWQ-1: Drainage Erosion and Sedimentation Control Plan (DESCP). At least 60 days prior to site mobilization, the Applicant shall submit to the Regional Water Quality Control Board, the BLM, and Riverside County for review and approval a DESCPC for managing stormwater during Project construction and operations and to prevent sediment or any other pollutants from moving offsite and into receiving waters. The DESCPC can be included in the Stormwater Pollution Prevention Plan (SWPPP) and must ensure proper protection of water quality and soil resources, address disturbed soil stabilization treatments in the Project area for both road and non-road surfaces, and identify all methods used for temporary and final stabilization of inactive areas. The plan must also cover all linear Project features such as the proposed gen-tie line and any other Project component subject to disturbance. The DESCPC shall contain, at a minimum, the elements presented below that outline site management activities and erosion and sediment-control Best Management Practices (BMPs) to be implemented during site mobilization, excavation, construction, and post-construction (operating) activities.

Vicinity Map. A map(s), at a minimum scale 1 inch to 500 feet, shall be provided indicating the location of all Project elements with depictions of all significant geographic features including swales, storm drains, drainage concentration points and sensitive areas.

Site Delineation. All areas subject to soil disturbance (including mowing, grubbing, grading, excavation or any other soil disturbing activity) for the Project shall be delineated

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60. Prior To Grading Permit Issuance

Transportation

060 - Transportation. 1 Drainage Erosion Sediment Control Plan (cont.) Not Satisfied

showing boundary lines of all construction areas and the location of all existing and proposed structures and drainage facilities.

Clearing and Grading Plans. The DESCPC shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections, or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and proposed topography shall be illustrated by tying in proposed contours with existing topography.

Clearing and Grading Narrative. The DESCPC shall include a table with the estimated quantities of material excavated or filled for the site and all Project elements, whether such excavation or fill is temporary or permanent, and the amount of such material to be imported or exported. All areas subject to soil disturbance shall be included in the table.

Erosion Control. The plan shall address treatments to be used on exposed soil during construction and operation including specifically identifying all chemical-based dust palliatives, soil bonding, and weighting agents appropriate for use that would not cause adverse effects to vegetation. BMPs shall include measures designed to provide temporary stabilization of inactive disturbed areas and will be applied as soon as possible consistent with SCAQMD (Rule 403) and SWRCB Construction General Permit requirements. The timing of suppressant or binder application will occur as soon as possible and consistent with dust and stormwater permit requirements. Any soil stabilizers proposed shall be approved for use by the Project's Restoration Specialist to ensure that the products shall not impede restoration goals.

Best Management Practices Plan. The DESCPC shall identify on the topographic site map(s) the location of the site specific BMPs to be employed during each phase of construction (initial grading, Project element excavation and construction, and final grading/stabilization). BMPs shall include measures designed to control dust, stabilize construction access roads and entrances, and control stormwater runoff and sediment transport consistent with SCAQMD (Rule 403) and SWRCB Construction General Permit requirements.

Best Management Practices Narrative. The DESCPC shall show the location, timing, and maintenance schedule of all erosion- and sediment-control BMPs to be used prior to initial grading, during excavations and construction, final grading/stabilization, and operation. Separate BMP implementation schedules shall be provided for each Project element for each phase of construction. The maintenance schedule shall include post-construction maintenance of structural-control BMPs, or a statement provided about when such information would be available.

The DESCPC shall be prepared, stamped, and sealed by a professional engineer or Qualified SWPPP Developer. The DESCPC shall include copies of recommendations, conditions, and provisions from the Regional Board and/or BLM. The DESCPC may be part of the SWPPP and shall be kept onsite, kept updated, and readily available on request. The DESCPC and SWPPP must demonstrate compliance with other water quality permits (WDR and LSAA), which may have restrictions on types of erosion or sedimentation control materials used. SWPPP inspection reporting will be consistent with the requirements of the SWRCB Construction General Permit.

060 - Transportation. 2 RCTD-CWQ - CONDITIONAL WQMP REQUIREMENTS Not Satisfied

WQMP is not required for entitlement. However, an approved WQMP is required prior to any grading or building permit, if the development of the parcel meets or exceeds any of the

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60. Prior To Grading Permit Issuance

Transportation

060 - Transportation. 2 RCTD-CWQ - CONDITIONAL WQMP REQUIREMENTS Not Satisfied  
thresholds for a WQMP. Submit the applicable WQMP applicability checklist, found on  
<https://rctlma.org/trans/Land-Development/WQMP>, if your project proposes an auto-repair  
shop, adding 5,000 sq.ft. of impervious area, or disturbing more than 1 acre. If a WQMP is  
required, submit a single file PDF on two CD/DVD copies to the Transportation Department for  
review and approval.

060 - Transportation. 3 RCTD-USE - Coordination with Others Not Satisfied  
Approval of the Street Improvement plans by the Transportation Department will clear this  
condition. The Project shall comply with recommendations from the following:

\_The Project shall coordinate with and obtain approval from Caltrans District 8 Attn: I.G.R. 464  
W. 4th Street, San Bernardino CA 92401 and submit evidence of approval to the  
Transportation Department.

\_Coordinate with CUP220035, CUP03788, PUP230002 and PUP220002.

060 - Transportation. 4 RCTD-USE - Submit Grading Plans Not Satisfied

The project proponent shall submit two sets of grading plans (24 in x 36 in) to the  
Transportation Department for review and approval. If road right-of-way improvements are  
required, the project proponent shall submit street improvement plans for review and approval,  
open an IP account, and pay for all associated fees in order to clear this condition. The  
standard plan check turnaround time is 10 working days. Approval is required prior to issuance  
of a grading permit.

NOTE:

1. Proposed gates shall be identified on the grading plans. Gates are to be located 35 FT from  
the flowline of the adjacent street.

or as approved by the Director of Transportation.

70. Prior To Grading Final Inspection

Planning-CUL

070 - Planning-CUL. 1 Artifact Disposition Not Satisfied

Prior to Grading Permit Final Inspection, the landowner(s) shall relinquish ownership of all  
cultural resources that are unearthed on the Project property during any ground-disturbing  
activities, including previous investigations and/or Phase III data recovery.

Historic Resources- all historic archaeological materials recovered during the archaeological  
investigations (this includes collections made during an earlier project, such as testing of  
archaeological sites that took place years ago), shall be curated at the Western Science  
Center, a Riverside County curation facility that meets State Resources Department Office of  
Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring  
access and use pursuant to the Guidelines

Prehistoric Resources- One of the following treatments shall be applied.

a. Reburial of the resources on the Project property. The measures for reburial shall include, at  
least, the following: Measures to protect the reburial area from any future impacts. Reburial  
shall not occur until all required cataloguing, analysis and studies have been completed on the  
cultural resources, with an exception that sacred items, burial goods and Native American

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70. Prior To Grading Final Inspection

Planning-CUL

070 - Planning-CUL. 1                      Artifact Disposition (cont.)                      Not Satisfied

human remains are excluded. Any reburial processes shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to a Public Records Request.

b. If reburial is not agreed upon by the Consulting Tribes then the resources shall be curated at a culturally appropriate manner at the Western Science Center, a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the County. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains.

070 - Planning-CUL. 2                      Phase IV Monitoring Report                      Not Satisfied

Prior to Grading Permit Final Inspection, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the TLMA website. The report shall include results of any feature relocation or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting and evidence that any artifacts have been treated in accordance to procedures stipulated in the Cultural Resources Management Plan.

Planning-PAL

070 - Planning-PAL. 1                      Gen - Custom                      Not Satisfied

PRIOR TO GRADING FINAL:

The applicant shall submit a Paleontological Monitoring Report prepared for site grading operations at this site. The report shall be certified by the professionally qualified Paleontologist responsible for the content of the report. This Paleontologist must be on the County's Paleontology Consultant List. The report shall include the findings made during all site grading activities and an appended itemized list of fossil specimens recovered during grading (if any) and proof of accession of fossil materials into the pre-approved museum repository. In addition, all appropriate fossil location information shall be submitted to the Western Center, the San Bernardino County Museum and Los Angeles County Museum of Natural History, at a minimum, for incorporation into their Regional Locality Inventories.

A signed electronic copy of the report shall be uploaded to the County's PLUS Online System: (<https://planning.rctlma.org/sites/g/files/aldnop416/files/2023-06/PLUS%20Online%20Upload%20Instructions%20-%20Paleontology%20-%20Updated%20June%202023.pdf>).

Reports and/or review applications are not to be submitted directly to the County Geologist, Project Planner, Land Use Counter, Plan Check, or any other County office.

80. Prior To Building Permit Issuance

BS-Grade

080 - BS-Grade. 1                      NO BUILDING PERMIT W/O GRADING PERMIT                      Not Satisfied

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80. Prior To Building Permit Issuance

BS-Grade

080 - BS-Grade. 1 NO BUILDING PERMIT W/O GRADING PERMIT (cont.) Not Satisfied

Prior to the issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Building and Safety Department.

080 - BS-Grade. 2 ROUGH GRADE APPROVAL Not Satisfied

Prior to the issuance of any building permit, the applicant shall obtain rough grade approval and/or approval to construct from the Building and Safety Department. The Building and Safety Department must approve the completed grading of your project before a building permit can be issued. Rough Grade approval can be accomplished by complying with the following:

1. Submitting a "Wet Signed" copy of the Soils Grading Report containing substantiating data from the Soils Engineer (registered geologist or certified geologist, civil engineer or geotechnical engineer as appropriate) for his/her certification of the project.
2. Submitting a "Wet Signed" copy of the Rough Grade certification from a Registered Civil Engineer certifying that the grading was completed in conformance with the approved grading plan.
3. Requesting a Rough Grade Inspection and obtaining rough grade approval from a Riverside County inspector.
4. Rough Grade Only Permits: In addition to obtaining all required inspections and approval of all final reports, all sites permitted for rough grade only shall provide 100 percent vegetative coverage or other means of site stabilization as approved by County Inspector prior to receiving a rough grade permit final.

Prior to release for building permit, the applicant shall have met all rough grade requirements to obtain Building and Safety Department clearance.

E Health

080 - E Health. 1 E Health Clearance Not Satisfied

Prior to issuance of the building permit, clearance must be obtained from the Department of Environmental Health.

Refer to 015 E HEALTH CONDITION - DEH LAND USE COMMENTS for additional information.

Fire

080 - Fire. 1 Fire Department - Prior to Building Permit Issuance Not Satisfied

Prior to building permit issuance for the O and M building, plans for the fire protection water system shall be submitted to the Fire Department for review and approval. Alternative water supplies such as a water tank may be acceptable. Information about the required water tank will be determined when the project specifics are provided such as building area, construction type, use of building, if the building will be protected with fire sprinklers and if the water tank will serve purposes other than the fire hose stream supply. CFC 507

Flood

080 - Flood. 1 FENCING Not Satisfied

The applicant has submitted a proposal for a breakaway security fence detailed on Sheet E.129 of Exhibit A dated 9/18/23. The District accepts this proposal. All security fencing within the floodplain shall extend their footings to a minimum of 4 feet as proposed. It should be noted

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80. Prior To Building Permit Issuance

Flood

080 - Flood. 1                      FENCING (cont.)                      Not Satisfied  
that the District may have further comments regarding the "breakaway" feature of the proposed security fencing.

080 - Flood. 2                      Submit Plans                      Not Satisfied

Submit storm drain plans, the hydrologic and hydraulic report, and reference material including but not limited to, street improvement plans, grading plans, utility plans, the approved tentative map or site plan, the final map and the environmental constraint sheet, the geotechnical soils report and environmental documents (CEQA, federal and state permits). The storm drain plans and the hydrologic and hydraulic report must receive District approval prior to the issuance of permits. All submittals shall be date stamped by the Engineer and include a Plan Check Application, Flood Control Deposit Based Fee Worksheet, found on the District's website (<https://rcflood.org/I-Want-To/Services/Submit-for-Plan-Check>), and a plan check fee deposit.

Planning

080 - Planning. 1                      Ag. Preserve Diminishment/Non-Renewal Final                      Not Satisfied

Prior to issuance of a building permit, the applicant shall have met all conditions and contingencies for Agricultural Preserve Diminishment Nos. 230001 (APD230001), 230002 (APD230002) 230003 (APD230003) for the parcels involved in Agricultural Preserves "Chuckwalla" Map Nos. 1, 2, and 3, incorporated in the Certificates of Tentative Cancellation, Resolution Nos. 2024-194, 2024-196, and 2024-195, and shall have finalized the non-renewal or obtained the corresponding Certificates of Final Cancellation of the Land Conservation Contracts for diminishing the subject property from the boundaries of said agricultural preserve.

080 - Planning. 2                      APM Noise-1 – Construction Timing                      Not Satisfied

APM NOISE-1: Construction Timing.  
Prior to building permit issuance, building plans shall include the following note:  
Applicant will avoid or minimize use of any impact hammer for pile driving or other equipment similarly capable of producing disruptive noise during construction activities within a one-mile radius from the residential parcel on the northeast corner of around the Lake Tamarisk Desert Resort community during the winter months of highest residency (November 1 to March 31). If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, the Applicant will avoid or minimize this construction activity prior to 7:00 a.m. and after 6:00 p.m. The Applicant will also avoid nighttime equipment deliveries between 10:00 p.m. and 7:00 a.m.

080 - Planning. 3                      Building BMPs                      Not Satisfied

The project shall implement the following Best Management Practices through the inclusion of the following as notes on the grading plans:

- Assemble as much of the racking material as possible in laydown areas, which minimizes travel along panel rows.
- Designate primary travel routes every few rows between panel arrays to minimize disturbance along other rows. Focus disturbance to few primary travel paths to avoid zigzagging, which in the long run reduces other impacts.
- Utilize smaller rubber-wheeled vehicles, lightweight skid steers, small cranes, tractors, and rubber-tired forklifts where possible to minimize soil disturbance.

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80. Prior To Building Permit Issuance

Planning

080 - Planning. 3 Building BMPs (cont.) Not Satisfied

080 - Planning. 4 Confrom to Project Site Plans & Elevations Not Satisfied

Prior to issuance of the any building permit, Planning shall review the building plans to confirm that the solar facility matches the approved entitlement (i.e., design layout, elevations, floor plans, landscaping (if any), fencing, access roads or driveways, gen-ties, etc.).

080 - Planning. 5 Construction Noticing Not Satisfied

Prior to and during construction, decommissioning, and ground disturbing activities, the applicant shall provide at least two weeks' advance notice of construction and decommissioning. Notices shall be mailed directly to land owners and residents within 2,400 feet of the Project boundary and the Lake Tamarisk Community, and signs shall be a minimum size of 4 feet high by 6 feet wide and posted at the solar facility in areas accessible to the public. Notices shall announce when and where construction would occur; provide tips on reducing noise intrusion (e.g., closing windows facing the planned construction); and provide contact information for the local public liaison for any noise complaints.

080 - Planning. 6 Development Agreement Not Satisfied

Prior to building permit issuance, any applicable provisions required prior to building permit issuance shall be required to be complied with.

In order to secure public health, safety, and welfare, this project shall be subject to the requirements of Board of Supervisors Policy Number B-29 (Solar Power Plant Policy). The applicant has proposed entering into a Development Agreement (DA2200016) with the County. Board of Supervisors Policy No. B-29 states, "No approval required by Ordinance Nos. 348 or 460 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective." County staff has reached an agreement with the applicant on the provisions of the development agreement that are consistent with Board of Supervisor Policy No. B-29. In the event it is determined that any provisions of DA2200016 are inconsistent with Board of Supervisors Policy No. B-29, the provisions of DA2200016 shall control.

080 - Planning. 7 Fee Status Not Satisfied

Prior to building permit issuance, the Planning Department shall determine if the deposit-based fees for CUP220021 are in a negative balance. If so, any unpaid fees shall be paid by the land divider and/or the land divider's successor-in-interest.

080 - Planning. 8 Lighting Plans for Solar Not Satisfied

Prior to the issuance of a building permit, a solar power plant lighting plan shall be prepared by the applicant, approved by the Planning Department and be in compliance with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan, that documents how lighting will be designed and installed to minimize night-sky impacts during facility construction and operations. Lighting for facilities should not exceed the minimum number of lights and brightness required for safety and security and should not cause excessive reflected glare. Low-pressure sodium light sources should be used to reduce light pollution. Full cut-off luminaires should be used to minimize up lighting. Lights should be directed downward or toward the area to be illuminated. Light fixtures should not spill light



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80. Prior To Building Permit Issuance

Planning

080 - Planning. 8                      Lighting Plans for Solar (cont.)                      Not Satisfied

beyond the project boundary. Lights in highly illuminated areas that are not occupied on a continuous basis should have switches, timer switches, or motion detectors so that the lights operate only when the area is occupied. Where feasible, vehicle mounted lights should be used for night maintenance activities. Wherever feasible, consistent with safety and security, lighting should be kept off when not in use. The lighting plan should include a process for promptly addressing and mitigating complaints about potential lighting impacts.

080 - Planning. 9                      MM AES-1 – Structures/Buildings Surface                      Not Satisfied

MM AES-1: Surface Treatment of Project Structures and Buildings. The Project owner shall treat the surfaces of all non-temporary, large Project structures and buildings (e.g., O&M building, substation components, inverters, electrical enclosures, gen-tie poles and conductors) visible to the public such that: (a) their colors minimize visual intrusion and contrast by blending with (matching) the existing characteristic landscape colors; (b) their colors and finishes do not create excessive glare from surface brightness; and (c) their colors and finishes are consistent with local policies and ordinances. The transmission line conductors shall be non-specular and non-reflective, and the insulators shall be non-reflective and non-refractive.

Following a consultation with Riverside County and BLM visual resources specialists, and other representatives as deemed necessary, the Project owner shall submit for the County's and BLM's review, a specific Surface Treatment Plan that will satisfy these requirements. The consultation shall be in-field at the agencies' election, or as a desktop review if preferred by the agencies. The treatment plan shall include:

- (a) A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes based on the characteristic landscape. Colors shall be field tested using the actual distances from the KOPs to the proposed structures, using the proposed colors painted on representative surfaces;
- (b) A list of each major Project structure and building, the transmission line towers and/or poles, and fencing, specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and pantone number, or according to a universal designation system;
- (c) One set of color brochures or color chips showing each proposed color and finish;
- (d) A specific schedule for completion of the treatment; and
- (e) A procedure to ensure proper treatment maintenance for the life of the Project. The Project owner shall not specify to the vendors the treatment of any buildings or structures treated during manufacture or perform the final treatment on any buildings or structures treated in the field until the Project owner receives notification of approval of the treatment plan by Riverside County and the BLM. Subsequent modifications to the treatment plan are prohibited without the County's and BLM's approval for components under their respective authorities; however, the Project owner may consider the agencies' failure to respond to a request for review within 60 days an acceptance of the proposal.

080 - Planning. 10                      MM AES-3 – Night Lighting Management                      Not Satisfied

MM AES-3: Night Lighting Management. To the extent feasible, consistent with safety and security considerations, the Project owner shall design and install all permanent exterior lighting and all temporary construction lighting such that: (a) lamps and reflectors are not visible from beyond the Project site, including any off-site security buffer areas; (b) lighting does not cause excessive reflected glare; (c) direct lighting does not illuminate the nighttime sky, except for required FAA aircraft safety lighting; (d) illumination of the Project and its

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080 - Planning. 10                      MM AES-3 – Night Lighting Management (cont.)                      Not Satisfied

immediate area is minimized; and (e) it complies with local policies and ordinances. The Project owner shall also consult with the NPS Night Sky Program Manager in the development of the night lighting and comply with stricter standards for light intensity. All permanent light sources shall be below 3,500 Kelvin color temperature (warm white) and shall have cutoff angles not to exceed 45 degrees of nadir. The use of LED lighting with a Correlated Color Temperature (CCT) above 2,700 would introduce blue light into the environment that would have negative impacts on the night skies, wildlife, and visitors, and increase light pollution in that area. If LED light bulbs are used, they shall have a CCT of 2,700 or less. All lights, temporary and permanent, are to be fully shielded such that the emission of light above the horizontal is prevented. Prior to construction, the Project owner shall submit to BLM, Riverside County, and NPS JTNP for review a Night Lighting Management Plan that shall include the following:

- (a) Location and direction of light fixtures that take the lighting mitigation requirements into account;
- (b) Lighting that incorporates fixture hoods/shielding, with light directed downward or toward the area to be illuminated;
- (c) Light fixtures, which are visible from beyond the Project boundary, that have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the Project boundary, except where necessary for security;
- (d) All lighting that is of minimum necessary brightness consistent with operational safety and security;
- (e) Lights in high illumination areas not occupied on a continuous basis (such as maintenance platforms) that have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied;
- (f) Specification that LPS or amber LED lighting shall be emphasized, and that white lighting (metal halide) would: (a) only be used when necessitated by specific work tasks; (b) not be used for dusk-to-dawn lighting; and (c) would be less than 3500 Kelvin color temperature;
- (g) Specifications and mapping for of all lamp locations, orientations, and intensities, including security, roadway, and task lighting;
- (h) Specifications for each light fixture and each light shield;
- (i) Total estimated outdoor lighting footprint expressed as lumens or lumens per acre;
- (j) Specifications on the use of portable truck-mounted lighting;
- (k) Specifications for motion sensors (k) and other controls to be used, especially for security lighting;
- (l) Surface treatment specifications that shall be employed to minimize glare and skyglow;
- (m) Documentation that the necessary coordination with the NPS Night Sky Program Manager has occurred; and
- (n) Exterior lighting that complies with current Title 24 regulations from the State of California and that shall be coordinated with the California Department of Transportation (Caltrans) to comply with exterior lighting regulations along I-10 and SR-177.

080 - Planning. 11                      MM AQ-2 – On-site Emissions                      Not Satisfied

Prior to building permit issuance, building plans shall include the following note: The Project owner, when entering into construction contracts or when procuring off-road equipment or vehicles for on-site construction or O&M activities, shall ensure that only new model year equipment or vehicles are obtained. The following measures shall be included with contract or procurement specifications:

- All construction diesel engines not registered under California Air Resources Board's

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080 - Planning. 11 MM AQ-2 – On-site Emissions (cont.) Not Satisfied

Statewide Portable Equipment Registration Program, with a rating of 50 hp or higher shall meet the Tier 4 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1).

- All diesel-fueled engines used in the construction of the facility shall have clearly visible tags showing that the engine meets the standards of this measure.
- All equipment and trucks used in the construction or O&M of the facility shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- All diesel heavy construction equipment shall not idle for more than five minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.

080 - Planning. 12 MM HAZ-1: UXO Identification, Training, and Reporting Not Satisfied

Where ground disturbance work is involved, contractor(s) shall be OSHA HAZWOPER-trained in accordance with standard 29CFR1910.120 and hold a current certification. The Applicant shall prepare a UXO Identification, Training, and Reporting Plan to properly train all site workers in the recognition, avoidance and reporting of military waste debris and ordnance. The Applicant shall submit the plan to the County and BLM for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:

- A description of the training program outline and materials, and the qualifications of the trainers; and
- Identification of available trained experts that will respond to notification of discovery of any ordnance (unexploded or not); and
- Work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near surface or buried ordnance in all proposed land disturbance areas.

Review of the plan shall be coordinated with the Riverside County Department of Environmental Health.

080 - Planning. 13 MM HAZ-2: Worker Environmental Awareness Program Not Satisfied

The WEAP prepared for the Project shall include a personal protective equipment (PPE) program, an Emergency Action Plan (EAP), and an Injury and Illness Prevention Program (IIPP) to address health and safety issues associated with normal and unusual (emergency) conditions. It will be reviewed and approved by the County and BLM prior to construction. Construction-related safety programs and procedures shall include a respiratory protection program, among other things. Construction Plan documents shall relate at least to the following:

- Environmental health and safety training (including, but not limited, to training on the hazards of Valley Fever, including the symptoms, proper work procedures, how to use PPE, and informing supervisor of suspected symptoms of work-related Valley Fever)
- Site security measures
- Site first aid training
- Site fire protection and extinguisher maintenance, guidance, and documentation
- Furnishing and servicing of sanitary facilities records
- Trash collection and disposal
- Disposal of hazardous materials and waste guidance in accordance with local, state, and federal regulations

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080 - Planning. 13                      MM HAZ-2: Worker Environmental Awareness Program (Not Satisfied)  
Review of the plan shall be coordinated with the Riverside County Department of Environmental Health.

080 - Planning. 14                      MM HAZ-3: Soil Management Plan    Not Satisfied

Prior to issuance of demolition or grading permits, the Applicant shall prepare a Soil Management Plan (SMP) to guide activities during construction that will disturb potentially pesticide or petroleum hydrocarbon contaminated soils to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. The SMP shall be submitted to the County and BLM for approval prior to Project construction. The purpose of the SMP is to establish appropriate management practices for handling impacted soil or other materials that may be encountered during construction activities.

The SMP shall be implemented during Project construction and shall include, but shall not be limited to, the following components:

- Description of soil testing, which shall include (but not be limited to) the collection of shallow soil samples and analyses for pesticides to verify presence or absence of unknown pesticide soil contamination and the collection of soil samples at locations at and near onsite current and former fuel ASTs for analyses for petroleum hydrocarbons. This soil profiling shall be performed prior to initiation of Project construction.
- Protocols for sampling of in-place soil to facilitate the profiling of the soil for appropriate off-site disposal or reuse, and for construction worker safety, dust mitigation during demolition and construction and potential exposure of contaminated soil to future users of the site prior to Project construction.
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered prior to or during Project construction.
- Sampling and laboratory analyses of any excess soil requiring disposal at an appropriate off-site waste disposal facility.
- Procedures and protocols for the safe storage, stockpiling, and disposal of any contaminated soils.

If contaminants are identified at concentrations exceeding applicable screening levels, the Applicant shall submit the SMP sampling results to the County DEH and BLM and obtain oversight from the appropriate regulatory agencies. Copies of the approved SMP shall be kept at the Project site.

Any contaminated soils identified by testing conducted in compliance with the SMP and found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. Contaminated soil excavated from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

Review of the plan shall be coordinated with the Riverside County Department of Environmental Health.

080 - Planning. 15                      MM HWQ-2: Septic System Review and Permitting    Not Satisfied

Before the start of construction, the Applicant shall submit to Riverside County Department of Environmental Health an evaluation of the Project septic system to ensure that the proposed use of the system is consistent with federal, state, and local requirements for septic system design, including requirements for percolation, vertical distance from the groundwater table, and setback from the nearest groundwater well.

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080 - Planning. 15 MM HWQ-2: Septic System Review and Permitting (cont. Not Satisfied  
Review shall be coordinated with the Riverside County Department of Environmental Health.

080 - Planning. 16 MM HWQ-3: Palo Verde Mesa Groundwater Basin (PVM) Not Satisfied

. If water for the Project, to be obtained from on- or off-site well(s) within the Chuckwalla Valley Groundwater Basin (CVGB), is extracted from on- or off-site well(s) that is/are owned and/or operated by the Applicant, the Applicant shall develop a Colorado River Water Supply Plan (CRWSP) to monitor groundwater extractions from the Applicant owned and/or operated on- or off-site well(s) to prevent impacts to the adjacent PVMGB related to groundwater extraction below the Colorado River Accounting Surface.

The CRWSP shall be submitted to the U.S. Bureau of Reclamation and BLM for review and approval at least 60 days prior to the initiation of construction. No pumping of groundwater below the accounting surface shall occur. A copy of the CRWSP shall also be submitted to the Metropolitan Water District of Southern California for review and comment.

(a) The CRWSP shall describe groundwater monitoring activities and quarterly data reports to be closely reviewed for depth to groundwater information, and proximity of the depth of Project-related groundwater pumping to the Colorado River Accounting Surface. To ensure that Project-related groundwater pumping does not draw water from below the accounting surface, the Applicant shall implement water conservation activities, including cessation of pumping, to reduce the amount of water withdrawn from on- or off-site well(s) that is/are owned and/or operated by the Applicant.

(i) The Colorado River Accounting Surface is at an elevation between approximately 238 and 240 feet above mean sea level (amsl) in the Chuckwalla Valley (Argonne, 2013). Groundwater elevation in the Project area is approximately 489 feet amsl as of the first quarter of 2024. The numerical groundwater model developed for the Project Water Supply Assessment (GSI, 2024; discussed below) included estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the CVGB, including the Project, for the life of the Project through the decommissioning phase. The estimated drawdown at the Project well after the planned 2-year construction period was less than 2 feet. The temporary drawdown at the well during pumping, however, would be greater.

(ii) Assuming a conservatively-large temporary drawdown of 100 feet at the Project well (up to 80 feet of temporary drawdown has been recorded from a well-used for construction of a nearby solar project) during peak water demand during Project construction, the water levels in the Project well would be at least 150 feet above the Colorado River Accounting Surface. The water levels within the Project well would be monitored as part of the GMRMP (MM HWQ-4) per the DRECP LUPA Conservation and Management Action (CMA) Soil and Water (SW) 24. MM HWQ-3 ensures that the Project will not extract water from below the Accounting Surface, as it requires that pumping from Project wells be decreased or stopped well before water levels reached the Colorado River Accounting Surface.

Review shall be coordinated with the Riverside County Department of Environmental Health.

080 - Planning. 17 MM N-1 – Construction Restrictions Not Satisfied

MM N-1: Construction Restrictions.

Prior to building permit issuance, building plans shall include the following note:

Heavy equipment operation, noisy construction work relating to any Project features onsite, and truck trips associated with materials and equipment deliveries shall be restricted to the times delineated below, unless a special permit has been issued by the County of Riverside: during June through September, between 6 a.m. to 6 p.m.; and during October through May,

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080 - Planning. 17                      MM N-1 – Construction Restrictions (cont.)                      Not Satisfied  
between 7:00 a.m. to 6:00 p.m.

Haul truck engines and other engines powering fixed or mobile construction equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.

The construction contractor shall locate equipment staging in areas to create the greatest distance between construction-related noise sources and noise sensitive receivers nearest the Project site during Project construction. Where feasible, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site. No music or electronically reinforced speech from construction workers shall be audible at noise-sensitive properties.

080 - Planning. 18                      REN ENG - Broken PV Plan                      Not Satisfied

Prior to building permit issuance, if photovoltaic (PV) panels containing cadmium telluride (CdTe) are used on the Project site, the Applicant shall prepare and implement a Broken PV Module Detection and Handling Plan. The plan shall describe the Applicant's plan for identifying, handling and disposing of PV modules that may break, chip, or crack at some point during the Project's life cycle to ensure the safe handling, storage, transport, and recycling and/or disposal of the modules and related electrical components in a manner that is compliant with applicable law and protective of human health and the environment. The plan shall be submitted to the County for review and approval prior to commencement of construction activities and prior to delivery of CdTe-containing PV panels to the Project site and shall be distributed to all construction crew members and temporary and permanent employees prior to construction and operation of the Project. All available data from the panel manufacturer(s) regarding materials used and safety procedures and/or concerns shall be appended to the plan to assist the County with identifying potential hazards and abatement measures.

080 - Planning. 19                      REN ENG - Purchase Agreement                      Not Satisfied

Prior to the issuance of building permits, the developer/permit holder shall provide a copy of either the Power Purchase Agreement (PPA) or Interconnection Agreement, or confirmation with the utility purveyor that such agreement is finalized to the Riverside County Planning Department to ensure that construction and operation of the facility is able to connect and deliver prior . One hard copy and/or one PDF shall be provided. The Planning Department shall place the agreement on file for future reference and clear this condition.

080 - Planning. 20                      REN ENG - Remediation Bonding                      Not Satisfied

Prior to the issuance of building permits, the developer/permit holder shall bond or provide another appropriate and sufficient security in a form acceptable to the County in the County's sole discretion to cover the costs of all foreign material removal and site restoration including but not limited to removal of foundations, towers, transformers, inverters, cables, and all items pertaining to the project development. The amount shall be as specified and agreed upon in an engineering estimate prepared by a California Registered Engineer and that has been reviewed and approved by the County. The bond shall be held for life of the permit but may be released sooner by the Board of Supervisors upon approval of a final demolition and site restoration inspection by the Department of Building and Safety. Thereafter, and with no interruption in the bonding security of the project, bonds shall be renewed in five (5) year increments to include the expiration date of the permit(s) granted, as referenced herein. If the Planning Director determines, at any time during the term of the bond or other security, that the

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080 - Planning. 20	REN ENG - Remediation Bonding (cont.)	Not Satisfied
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amount of the bond or other security has become insufficient, the permit holder shall increase the amount of the bond or other security within thirty (30) days after being notified that the amount is insufficient, but the required increase shall not exceed the increase in the U.S. Department of Labor Consumer Price Index for the Los Angeles-Long Beach Metropolitan Area.

080 - Planning. 21	School Mitigation	Not Satisfied
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Impacts to the Desert Center School District shall be mitigated in accordance with California State law.

080 - Planning. 22	USE - CEQA Filing	Not Satisfied
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Prior to building permit issuance, the applicant shall confirm filing of an NOD/NOE as applicable for the original entitlement application and filing of applicable filing fees.

Survey

080 - Survey. 1	RCTD-USE - Evidence of Legal Access	Not Satisfied
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Provide evidence of legal access through BLM land.

080 - Survey. 2	RCTD-USE - Survey Monumentation	Not Satisfied
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It shall be the responsibility of the licensed professional legally authorized to practice land surveying work to install street centerline monuments as required by Riverside County Ordinance No. 461.11. If construction centerline differs, provide a tie to existing centerline of right-of-way. Prior to any construction, survey monuments including centerline monuments, tie points, property corners and benchmarks shall be tied out and a pre-construction corner record or record of survey filed with the County Surveyor pursuant to Section 8771 of the Business & Professional Code.

In accordance with 6730.2 and 8771 (b) of the Business & Professional Code, survey monuments shall be preserved, and a permanent monument shall be reset at the surface of the new construction. Survey monuments destroyed during construction shall be tied out and reset, and a post-construction corner record filed for those points prior to completion and acceptance of the improvements. All existing survey monumentation in the proposed area of disturbance (on-site or off-site) shall be shown on the project plans.

Transportation

080 - Transportation. 1	MM TRA-1 Construction Traffic Control Plan	Not Satisfied
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Construction Traffic Control Plan. Prior to the start of construction, the Project owner shall submit a Construction Traffic Control Plan for review and approval by Caltrans and Riverside County for affected roads and intersections that would be directly affected by the construction activities and/or would require permits and approvals. The Construction Traffic Control Plan shall include, but not be limited to:

- If multiple construction projects occur at the same time and conditions at the intersection warrant, plans for installation of a temporary signal or use of manual intersection control during the construction period at the I 10 westbound ramp at SR 177. Additionally, if conditions warrant, geometry changes shall be considered in coordination with Caltrans and Riverside County, and implemented, if necessary, in addition to signalization at the I 10

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080 - Transportation. 1 MM TRA-1 Construction Traffic Control Plan (cont.) Not Satisfied  
westbound ramp and SR 177. These geometry changes could include a turn pocket.

- The locations and use of flaggers, warning signs, barricades, delineators, cones, arrow boards, etc., according to standard guidelines outlined in the Manual on Uniform Traffic Control Devices, the Standard Specifications for Public Works Construction, and/or the California Joint Utility Traffic Control Manual.
- The locations of all road or traffic lane segments that would need to be temporarily closed or disrupted due to construction activities.
- The locations where guard poles, netting, or similar means to protect transportation facilities for any construction or conductor installation work requiring the crossing of a local street highway is proposed.
- The use of continuous traffic breaks operated by the California Highway Patrol on state highways (if necessary).
- Additional methods to reduce temporary traffic delays to the maximum extent feasible during morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 p.m. to 6:00 p.m.) peak traffic periods, or as directed in writing by the affected public agency in encroachment or other permits). This should also include feasible ways to reduce construction-related trips on I 10, SR 177, and Kaiser Road during peak traffic periods.
- Plans to encourage or provide ridesharing/carpooling opportunities for construction and operational workers.
- Incorporation wildlife protection measures, as required in MM BIO-6.
- Plans to provide written notification to property owners and tenants at properties affected by access restrictions to inform them about the timing and duration of obstructions and to arrange for alternative access if necessary. The coordination shall occur at least one week prior to any blockages.
- Plans to coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. Police departments and fire departments shall be notified in advance by the Project owner of the proposed locations, nature, timing, and duration of any roadway disruptions, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies.
- Define the method to maintaining close coordination, prior to and during construction, with Caltrans and Riverside County to minimize cumulative impacts of multiple simultaneous construction projects affecting shared portions of the circulation system. Coordination with adjacent development projects to spread work shifts into multiple hours (instead of peak hour) or the installation of additional temporary traffic signals or manual traffic control officers during peak hours to mitigate the temporary impacts.

080 - Transportation. 2 RCTD-CWQ - CONDITIONAL WQMP REQUIREMENTS Not Satisfied

WQMP is not required for entitlement. However, an approved WQMP is required prior to any grading or building permit, if the development of the parcel meets or exceeds any of the thresholds for a WQMP. Submit the applicable WQMP applicability checklist, found on <https://rctlma.org/trans/Land-Development/WQMP>, if your project proposes an auto-repair shop, adding 5,000 sq.ft. of impervious area, or disturbing more than 1 acre. If a WQMP is required, submit a single file PDF on two CD/DVD copies to the Transportation Department for review and approval.



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080 - Transportation. 2 RCTD-CWQ - CONDITIONAL WQMP REQUIREMENTS Not Satisfied  
This condition applies if a WQMP is required, but a grading permit is not required.

080 - Transportation. 3 RCTD-USE - Road Improvements (Plan) Not Satisfied  
Improvements plans for the following roadways shall be submitted for review and approval.

Kaiser Road shall be improved with 38 ft half-width of AC pavement, within a 59 ft half-width dedicated right-of-way, 8 in curb and gutter, 5 FT meandering sidewalk per Standard No. 404 to meet the County Major Highway designation and Standard No. 93, Ordinance No. 461.11. Cash-in-lieu may be accepted.

Rice Road (SH-177) shall be widened to accommodate turn lanes at permanent access locations as approved by CalTrans. Encroachment permits are required by CalTrans.

Onsite access roads shall be improved with 20 ft aggregate base.

Permanent access driveways shall comply with Standard No. 207A, Ordinance No. 461.11.

The Project shall provide/acquire sufficient dedicated public right-of-way, environmental clearances, and signed approval of all street improvement plans for the above improvements. The limits of the improvements shall be consistent with the approved tentative map unless otherwise specified in these conditions. Should the applicant fail to acquire the necessary off-site right of way, the map will be returned for redesign.

or as approved by the Director of Transportation.

080 - Transportation. 4 RCTD-USE - Utility Plan Not Satisfied

All electrical power, telephone, communication, street lighting, and cable television lines shall be designed to be placed underground on the Improvement Plans in accordance with Ordinance No. 460 for subdivisions and/or Ordinance No. 461.11 for road improvements. This also applies to all overhead lines 34 kilovolts or below along the project frontage and all offsite overhead lines in each direction of the project site to the nearest offsite pole. The Project shall coordinate with the serving utility companies to complete the final installations. This condition will be cleared after both of the following requirements are met:

- The Street Improvement Plans are approved .
- Transportation Department receives written proof that the Project has filed an application for the relocation of said utilities or said utility companies have initiated their relocation design.

Waste Resources

080 - Waste Resources. 1 Waste Recycling Plan Not Satisfied

Prior to issuance of a building permit, a Waste Recycling Plan (WRP) shall be submitted to the Riverside County Department of Waste Resources for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins: one for waste disposal and the other for the

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Waste Resources

080 - Waste Resources. 1	Waste Recycling Plan (cont.)	Not Satisfied
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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. Arrangements can be made through the franchise hauler.

90. Prior to Building Final Inspection

BS-Grade

090 - BS-Grade. 1	PRECISE GRADE APPROVAL	Not Satisfied
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Prior to final building inspection, the applicant shall obtain precise grade approval and/or clearance from the Building and Safety Department. The Building and Safety Department must approve the precise grading of your project before a building final can be obtained. Precise Grade approval can be accomplished by complying with the following:

1. Requesting and obtaining approval of all required grading inspections.
2. Submitting a "Wet Signed" copy of the Precise (Final) Grade Certification for the entire site from a Registered Civil Engineer certifying that the precise grading was completed in conformance with the approved grading plan.

Prior to release for building final, the applicant shall have met all precise grade requirements to obtain Building and Safety Department clearance.

E Health

090 - E Health. 1	Hazmat BUS Plan	Not Satisfied
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The facility will require a business emergency plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances.

090 - E Health. 2	Hazmat Clearance	Not Satisfied
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Obtain clearance from the Hazardous Materials Management Division.

090 - E Health. 3	Hazmat Review	Not Satisfied
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If further review of the site indicates additional environmental health issues, the Hazardous Materials Management Division reserves the right to regulate the business in accordance with applicable County Ordinances.

Planning

090 - Planning. 1	Development Agreement	Not Satisfied
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Prior to building permit final inspection, any applicable provisions required prior to building permit issuance shall be required to be complied with. In order to secure public health, safety, and welfare, this project shall be subject to the requirements of Board of Supervisors Policy Number B-29 (Solar Power Plant Policy). The applicant has proposed entering into a Development Agreement (DA2200016) with the County. Board of Supervisors Policy No. B-29 states, "No approval required by Ordinance Nos. 348 or 460 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective." County staff has reached an agreement with the applicant on the provisions of the

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90. Prior to Building Final Inspection

Planning

090 - Planning. 1                      Development Agreement (cont.)                      Not Satisfied  
development agreement that are consistent with Board of Supervisor Policy No. B-29. In the event it is determined that any provisions of DA2200016 are inconsistent with Board of Supervisors Policy No. B-29, the provisions of DA2200016 shall control.

090 - Planning. 2                      Lighting Plan Compliance                      Not Satisfied  
Prior to final building permit inspection, the applicant shall provide a report showing compliance with solar power plants lighting plan noting, but not limited to, lighting fixtures, height of light standards (poles), hoods or shielding for lighting fixtures, sensors or timers for lighting for the solar project site.

090 - Planning. 3                      MM VIS-1 – Fencing Coating                      Not Satisfied  
VIS-1: Weathering Coating of Security Fencing. To reduce operational visual impacts of the Project to the community of Lake Tamarisk, the Project owner will apply a weathering coating (Natina or substantially similar) to the Project security fencing located closest to the community. The coating would reduce reflectance, which would be visually distracting, and the earth-tone color of the coating would reduce the industrial character of the fencing and help it to blend more effectively with the surrounding landscape. The total length of fencing that will be coated is approximately one mile and may be contiguous or in separate sections, depending on the final Project design and the location(s) of most visible security fencing.

090 - Planning. 4                      Ord. No. 659 (DIF)                      Not Satisfied  
Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall comply with the provisions of Riverside County Ordinance No. 659, which requires the payment of the appropriate fee set forth in the Ordinance. Riverside County Ordinance No. 659 has been established to set forth policies, regulations and fees related to the funding and installation of facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new development project described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

The amount of the fee for commercial or industrial development shall be calculated on the basis of the "Project Area," as defined in the Ordinance, which shall mean the net area, measured in acres, from the adjacent road right of way to the limits of the project development. The Project Area for Conditional Use Permit No. 220021 has been calculated to be at a total of 990 net acres.

090 - Planning. 5                      Perimeter Fencing and Landscaping                      Not Satisfied  
Perimeter fencing and landscaping locations (if any) shall be in conformance with APPROVED EXHIBIT(s).

090 - Planning. 6                      Remove Outdoor Advertise                      Not Satisfied  
All existing outdoor advertising displays, signs or billboards shall be removed.

090 - Planning. 7                      REN ENG - Clear Construction Area                      Not Satisfied  
Prior to scheduling and final inspection, the developer/permit holder shall ensure the entire site

Plan: CUP220021

Parcel: 808023005

90. Prior to Building Final Inspection

Planning

090 - Planning. 7                      REN ENG - Clear Construction Area (cont.)                      Not Satisfied  
and construction staging area has been cleared from all construction related materials including, but not limited to, trash, fencing, trailers and etc. The Planning Department shall verify this condition as part of the final inspection, and shall clear this condition upon determination of compliance.

090 - Planning. 8                      Site Inspection                      Not Satisfied  
Prior to final inspection, the Planning Department shall conduct a final site inspection to confirm the solar facility was constructed per the approved entitlement (i.e., landscaping, parking, design layout, etc.).

Planning-EPD

090 - Planning-EPD. 1                      Compensation for Impacts to Desert Pavement                      Not Satisfied  
Prior to the issuance of any final building permits or inspections the applicant must provide to EPD proof that compensatory mitigation has been provided to the California Department of Fish and Wildlife and U.S. Bureau of Land Management for impacts to Desert Pavement at a minimum of a 1:1 ratio.

Transportation

090 - Transportation. 1                      MM TRA-2 Repair Roadways and Transportation Facilities Not Satisfied  
If roadways, sidewalks, medians, curbs, shoulders, or other such transportation features are damaged by Project construction activities, as determined by the affected public agency, such damage shall be repaired and restored to their pre-Project condition by the Project owner. Prior to construction, the Project owner shall confer with Caltrans and Riverside County regarding the roads within 500 feet in each direction of Project access points (where heavy vehicles will leave public roads to reach Project sites) and regarding the roads to be crossed by the proposed gen-tie line. At least 30 days prior to construction, or as requested by Riverside County or Caltrans, the Project owner shall photograph or video record all affected roadway segments and shall provide Riverside County and Caltrans with a copy of these images, if requested.  
At the end of major construction, the Project owner shall coordinate with each affected jurisdiction to confirm whether repairs are required. Any damage demonstrable to the Project is to be repaired to the pre-construction condition within 60 days from the end of all construction, or on a schedule mutually agreed to by the Project owner and the affected jurisdiction. If multiple projects are using the transportation features, the Easley Project owner shall pay its fair share of the required repairs. the Project owner shall provide Riverside County and Caltrans (as applicable) proof when any necessary repairs have been completed.

090 - Transportation. 2                      RCTD-CWQ - CONDITIONAL WQMP COMPLETION                      Not Satisfied  
WQMP is not required for entitlement. However, if a WQMP is required during the plan check phase, the project shall acceptably install all structural BMPs described in the Project-Specific WQMP, provide an Engineer WQMP certification, GPS location of all BMPs, ensure that the requirements for inspection and cleaning the BMPs are established, and for businesses registering BMPs with the Transportation Department's Business Storm Water Compliance Program Section.

090 - Transportation. 3                      RCTD-USE - Regional Transportation Fees                      Not Satisfied

Plan: CUP220021

Parcel: 808023005

90. Prior to Building Final Inspection

Transportation

090 - Transportation. 3 RCTD-USE - Regional Transportation Fees (cont.) Not Satisfied  
Prior to the time of issuance of a Certificate of Occupancy or upon final inspection, whichever occurs first, the Project shall pay fees in accordance with the fee schedule in effect at the time of payment:

All Transportation Uniform Mitigation Fees (TUMF) in accordance with Ordinance No. 673.

090 - Transportation. 4 RCTD-USE - Utility Installation Not Satisfied

Electrical power, telephone, communication, street lighting, and cable television lines shall be installed underground in accordance with Ordinance Nos. 460 and 461.11, or as approved by the Transportation Department. This also applies to all overhead lines 34 kilovolts or below along the project frontage and all offsite overhead lines in each direction of the project site to the nearest offsite pole. A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion for clearance.

In addition, the Project shall ensure that streetlights are energized and operational along the streets of those lots where the Project is seeking Building Final Inspection (Occupancy).

Waste Resources

090 - Waste Resources. 1 Waste Reporting Form and Receipts Not Satisfied

Prior to final building inspection, evidence (i.e., waste reporting form along with receipts or other types of verification) to demonstrate project compliance with the approved Waste Recycling Plan (WRP) shall be presented by the project proponent to the Planning Division of the Riverside County Department of Waste Resources. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled.

## Summary of Intersect Power's Interactions with Local Lake Tamarisk & Desert Center Community During Easley Permitting Process

Since mid-2022 (when Easley CUP application was submitted), Intersect Power has:

- Exchanged **numerous (150+)** phone calls, emails, and texts with members of the Lake Tamarisk and Desert Center communities and responded to numerous questions, etc raised by local community members
- Met in-person with the local community in Lake Tamarisk/Desert Center area **eight** times, including hosting an open house for community members to learn about and provide feedback on the proposed project, **four** meetings to discuss the project, as well as **three** tours with community members to understand visual, recreation, hydrological, and other resources important to the community
- Met over zoom with the local Lake Tamarisk and Desert Center communities **nine** times, including **two** zoom calls with members of Lake Tamarisk Desert Resort, **two** zoom meetings with stakeholders from the Chuckwalla Valley Raceway, **three** zoom meetings with stakeholders from Desert Center Unified School District, and **two** zoom meetings with leadership of the Set Free Desert Center Church
- Organized **two local volunteer events** in which members of the Intersect Power team traveled to the Desert Center and Blythe areas and distributed food to individuals/families in need in coordination with FIND Food Bank and completed campus restoration projects for Eagle Mountain School
- **Donated over \$350,000** to Riverside County non-profit organizations, school district, museum, and towards local events
- Provided **twelve** courtesy notifications to the local community regarding NEPA/CEQA milestones and on-site surveys/activity
- Had **seven** meetings (combination of in-person/zoom) with local environmental NGO and tribal stakeholders regarding the proposed Easley project

**2022:**

- **Oct:**
  - Initial correspondence & conversations with members of Lake Tamarisk & Desert Center community about the proposed Easley project. Most of the correspondence centered around the community's questions and concerns regarding the initial project details and upcoming permitting process.
- **Nov:**
  - Phone discussion with Lake Tamarisk Board President, Kim Frazier
  - Various phone, email conversations with members of Lake Tamarisk (including Teresa Pierce)
- **Dec:**
  - In-person meeting with Lake Tamarisk Solar Committee (Mark Carrington, Teresa Pierce, Vicki Bucklin, others) at Teresa Pierce's home in LT
  - Zoom meeting with Lake Tamarisk community members to discuss hydrology concerns

- Various phone, email, text conversations with members of Lake Tamarisk and property owners near Easley (including 3 phone calls, multiple texts with Teresa Pierce, various texts with Mark Carrington, phone call with Gary Warner, others)

## 2023:

- **Jan:** Various phone, email, text conversations with members of Lake Tamarisk answering questions and planning Feb open house
- **Feb:**
  - In-person open house at Lake Tamarisk rec center to discuss project (~100 attendees from Lake Tamarisk and Desert Center communities)
  - LT takes IP representatives on tour of nearby ATV trails
  - Various phone, email, text conversations with members of Lake Tamarisk (including multiple with Teresa Pierce, Mark Carrington)
- **Mar:**
  - IP discusses compromise alternative (now Alt B, reduced footprint alt) with Lake Tamarisk community. Alt B increases project setback from community & moves substation further away out of line of sight directly in response to feedback received from community members in late 2022, early 2023
  - Various phone, email, text conversations with members of Lake Tamarisk (including phone calls with Don Sneddon and Gary Warner, and 4+ phone calls, multiple text message exchanges with Mark Carrington, correspondence with Teresa Pierce, others)
  - Todd Casper, IP Construction Manager, meets in person with and gives a tour of the Oberon project to Vicki Buckland and Mark Carrington at their request
- **Apr:**
  - Various phone, email, text conversations with members of Lake Tamarisk (including multiple phone calls, text conversations with Mark Carrington and others)
  - \$5,000 donation to Eagle Mountain School to create a school community garden
  - \$15,000 donation to FIND Food Bank
  - Todd Casper, IP Construction Manager, provides tour of Oberon site to LT Resort Members, Vicki Buckland & Mark Carrington
  - IP provides courtesy notification of onsite activity
  - IP meets virtually with Set Free Desert Center Church to discuss project and understand community needs
- **May-Aug 2023**
  - Communication slows considerably from Lake Tamarisk Community with most resort members gone for summer months
  - IP provides courtesy notifications for several instances of onsite activity as courtesy
- **Sept:**
  - Phone conversation/email correspondence with LT solar committee in which IP offers to pay for vegetative screening on LT property to screen project from view; to date, no response has been received despite follow-up
  - Various phone, email, text conversations with members of Lake Tamarisk

- IP sends notifications to all Lake Tamarisk, Desert Center community members for NEPA scoping meeting; notifies all community members of upcoming on-site surveys
- **Oct:**
  - IP provides emergency port-a-potties to Eagle Mountain School in Desert Center, allowing it to remain open after a plumbing issue
  - Donated pumpkins for the Eagle Mountain School Fall Festival in Desert Center
  - Various phone, email, text conversations with members of Lake Tamarisk (including multiple calls, emails, texts with Mark Carrington and phone discussion with Gary Warner, other emails/texts)
  - Mark Carrington visits Oberon site to discuss soil stabilizers with Todd Casper, IP Construction Manager
  - IP provides courtesy notification of onsite activity
  - IP zoom call with Chuckwalla Valley Raceway to discuss hydrology concerns
- **Nov:**
  - IP sponsors Chiriaco Summit Veterans Day celebration (\$2,000 donation)
  - Follow up zoom call with Chuckwalla Valley Raceway to discuss hydrology concerns
  - Various phone, email, text conversations with members of Lake Tamarisk
- **Dec:**
  - IP coordinates with Lake Tamarisk Lions Club to donate \$2,500 of christmas gifts for local Desert Center children
  - Various phone, email, text conversations with members of Lake Tamarisk

## 2024

- **Jan:**
  - IP provides emergency port-a-potties to Eagle Mountain School in Desert Center, allowing it to remain open after 2nd occurrence of plumbing issue
  - IP sends notifications to all Lake Tamarisk, Desert Center community members for Draft EIR Notice of Availability
  - IP begins monthly Adopt-a-Highway Trash Clean up on I-10 near Desert Center and on Rice Road (\$25,000/yr)
  - IP donates \$10,000 to the Blythe Chamber of Commerce to cover the cost of 4 new City of Blythe signs
- **Mar:**
  - \$155k donation to Desert Center Unified School District for new school bus, after school/summer programming, and grounds improvements
  - IP provides emergency port-a-potties to Eagle Mountain School in Desert Center, allowing it to remain open after 3rd occurrence of plumbing issue
  - IP donates emergency port-a-potties to Eagle Mountain School in Desert Center to ensure school can stay open if plumbing issues recur
- **Apr:**



- Intersect Power does a volunteer day at Eagle Mountain School in Desert Center cleaning up school grounds, re-painting and restoring playground and school garden, installing new lunch tables, etc
- IP provides courtesy notifications ahead of on site activity
- **May:**
  - IP donates \$40,000 to FIND Food Bank specifically for the Blythe Emergency Food Pantry
- **Jun:**
  - IP meets with members of Lake Tamarisk and Allen Grant Development over zoom to discuss questions on Easley project
  - IP donates \$15,000 to the RUHS Foundation for foster children support programs in Riverside County
  - IP provides courtesy notification ahead of on site activity
- **Jul**
  - In-person meeting with Margit Chiriaco and member of Lake Tamarisk in Chiriaco Summit; IP commits to \$50,000 donation to General Patton Memorial Museum and \$7,500 sponsorship of Chiriaco Summit Veterans Day celebration
  - In-person meeting at Chuckwalla Valley Raceway with raceway managers to discuss raceway flooding concerns
  - IP does volunteer day for FIND Food Bank in Blythe, handing out food to seniors
  - IP donates \$50,000 to the FIND Food Bank specifically for the Set Free Desert Center food Pantry in Desert Center
  - IP provides courtesy notification ahead of on site activity

**PROPERTY OWNERS CERTIFICATION FOR  
APN 808-023-005, 018, 031, 032, 808-030-002, 808-240-007, 808-280-001,  
002, 003, 004, 005, 006, 007, 008,811-141-011, 811-270-001, 002, 003, 004,  
005, 006, 007, 015  
CUP220021 / PUP230002 / DA2200016**

I, \_\_\_\_\_ Tim Wheeler \_\_\_\_\_, certify that on  
(Print Name)

05/08/2024 the attached property owners list  
(Date)

was prepared by \_\_\_\_\_ County of Riverside / TLMA-Planning \_\_\_\_\_  
(Print Company or Individual's Name)

Distance Buffered: \_\_\_\_\_ 2400' \_\_\_\_\_

Pursuant to application requirements furnished by the Riverside County Planning Department; Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: \_\_\_\_\_ Tim Wheeler \_\_\_\_\_

TITLE/REGISTRATION \_\_ Project Planner \_\_\_\_\_

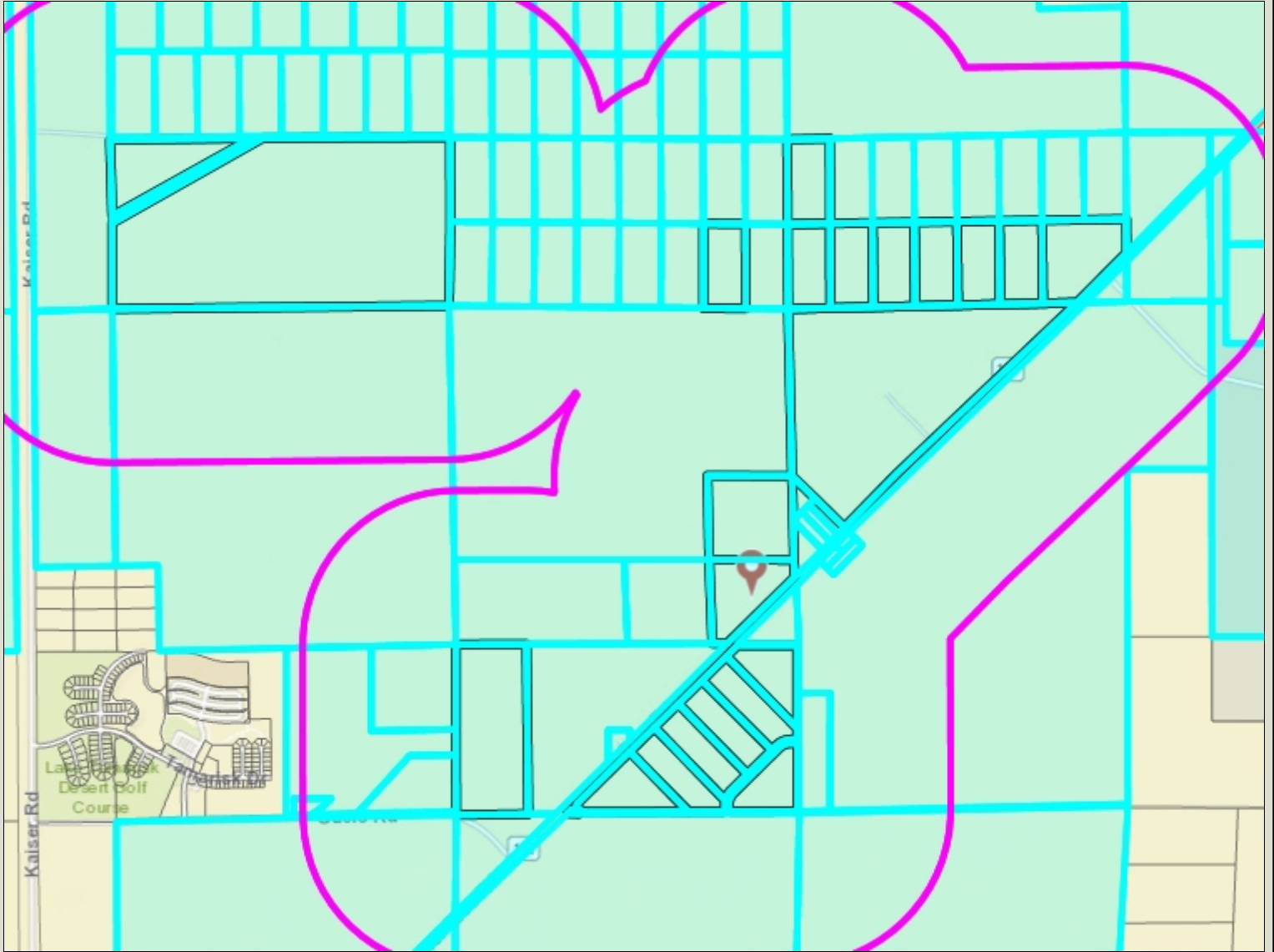
ADDRESS: \_\_\_\_\_ 4080 Lemon Street, 12 Floor \_\_\_\_\_

\_\_\_\_\_ Riverside, CA 92501 \_\_\_\_\_

TELEPHONE (8 a.m. – 5 p.m.): \_\_\_\_\_ (951) 951-6060 \_\_\_\_\_

# Riverside County GIS Mailing Labels

CUP220021 / PUP230002 / DA2200016



- Legend**
- County Boundary
  - Cities
  - Parcels
  - World Street Map

## Notes

2400 foot radius



0 3,009 6,019 Feet

**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

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USA 808  
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808023005  
AMERICAN COAL LIQUEFACTION  
P O BOX 943  
WINCHESTER CA 92596

808023006  
TEMPLO SINAI INC  
2030 S FLOWER ST  
SANTA ANA CA 92707

808023018  
JMP INC  
8000 SE ROOTS RD  
JOHNSON CITY, OR 97222

808023019  
GLOBAL ORGANIC FARM INC  
26301 RICE RD NO 434  
DESERT CENTER CA 92239

808023020  
DESERT CENTER MINI MART INC  
77564 COUNTRY CLUB NO 114  
PALM DESERT CA 92211

808023022  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808023024  
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808023026  
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808023030  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808023031  
ESTOESTA BENEDICTO M & DIVINA A REVOE  
TRUST  
P O BOX 1570  
VALLEY SPRINGS CA 95252

808023032  
ESTOESTA BENEDICTO M & DIVINA A REVOE  
TRUST  
P O BOX 1570  
VALLEY SPRINGS CA 95252

808024003  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808024004  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808030001  
ISABEL FLORES  
10685 CAYENNE WAY  
FONTANA CA 92337

808030002  
AMERICAN COAL LIQUEFACTION  
P O BOX 943  
WINCHESTER CA 92596

808030011  
BONAVENTURE FUND I  
606 N FIRST ST  
SAN JOSE CA 95112

808230002  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808230003  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808230004  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808230005  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808230006  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808240001  
FRED T. TAFAZOLI  
P O BOX 1890  
GARDEN GROVE CA 92842

808240002  
EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

808240003  
EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

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EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

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15445 INNOVATION DR  
SAN DIEGO CA 92128

808240006  
EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

808240007  
TODD CULVER DRASKOVICH  
2201 WHYTE PARK AVE  
WALNUT CREEK CA 94595

808240008  
EAGLE CREST ENERGY CO  
3000 OCEAN PARK BLVD STE 1  
SANTA MONICA CA 90405

808240009  
EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

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EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

808260001  
LAKEVIEW RANCH  
755 S LINCOLN AVE  
MONTEREY PARK CA 91755

808260002  
LAKEVIEW RANCH  
755 S LINCOLN AVE  
MONTEREY PARK CA 91755

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808260015  
LAKEVIEW RANCH  
755 S LINCOLN AVE  
MONTEREY PARK CA 91755



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USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808270012  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808280001  
BLOWERS FAMILY TRUST DATED 01/18/2005  
11720 KITCHING ST  
MORENO VALLEY CA 92557

808280002  
BLOWERS FAMILY TRUST DATED 01/18/2005  
11720 KITCHING ST  
MORENO VALLEY CA 92557

808280003  
BLOWERS FAMILY TRUST DATED 01/18/2005  
11720 KITCHING ST  
MORENO VALLEY CA 92557

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BLOWERS FAMILY TRUST DATED 01/18/2005  
11720 KITCHING ST  
MORENO VALLEY CA 92557

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MORENO VALLEY CA 92557

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11720 KITCHING ST  
MORENO VALLEY CA 92557

808280008  
BLOWERS FAMILY TRUST DATED 01/18/2005  
11720 KITCHING ST  
MORENO VALLEY CA 92557

811121002  
EAGLE CREST ENERGY CO  
700 UNIVERSE BLVD # PSX/JB  
JUNO BEACH FL 33408

811121003  
LORI ANN CARNEY  
24475 RICE RD  
DESERT CENTER CA 92239

811121007  
USA 811  
DEPT OF INTERIOR  
WASHINGTON, DC 21401

811121008  
USA 811  
DEPT OF INTERIOR  
WASHINGTON, DC 21401

811122001  
IP BACKLOG LAND HOLDINGS  
9450 SW GEMINI DR  
BEAVERTON OR 97008

811122005  
USA 811  
DEPT OF INTERIOR  
WASHINGTON, DC 21401

811122006  
CHUCKWALLA VALLEY ASSOC  
PO BOX 307  
DESERT CENTER CA 92239

811122011  
TRANSITO A. CASTELLANOS  
18048 LONGHORN LN  
CHINO HILLS CA 91709

811122013  
IP BACKLOG LAND HOLDINGS  
9450 SW GEMINI DR # 68743  
BEAVERTON OR 97008

811141011  
IP EASLEY LAND  
9450 SW GEMINI DR # 68743  
BEAVERTON OR 97008

811142016  
CHUCKWALLA VALLEY ASSOC  
PO BOX 307  
DESERT CENTER CA 92239

811142018  
IP BACKLOG LAND HOLDINGS  
9450 SW GEMINI DR  
BEAVERTON OR 97008

811170010  
USA 811  
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811170022  
LORAIN S. LOPEZ  
136 N GRAND AVE # 223  
WEST COVINA CA 91791

811260001  
MARK S. SCHIFO  
1217 S GERONIMO AVE  
PARKER AZ 85344

811260003  
MARK S. SCHIFO  
1217 S GERONIMO AVE  
PARKER AZ 85344

811260004  
MARK S. SCHIFO  
1217 S GERONIMO AVE  
PARKER AZ 85344

811260005  
MARK S. SCHIFO  
1217 S GERONIMO AVE  
PARKER AZ 85344

811260006  
MARTIN V. ARAMBULA  
52790 AVENIDA VILLA  
LA QUINTA CA 92253

811260007  
STEPHEN E. LUTH  
P O BOX 92  
DESERT CENTER CA 92239

811260008  
STEPHEN E. LUTH  
P O BOX 92  
DESERT CENTER CA 92239

811260009  
STEPHEN LUTH  
P O BOX 92  
DESERT CENTER CA 92239

811270001  
SPINDLE TOP BAYOU FARM INC  
P O BOX 642  
BRENHAM TX 77834

811270002  
SPINDLE TOP BAYOU FARM INC  
P O BOX 642  
BRENHAM TX 77834

811270003  
SPINDLE TOP BAYOU FARM INC  
P O BOX 642  
BRENHAM TX 77834

811270004  
SPINDLE TOP BAYOU FARM INC  
P O BOX 642  
BRENHAM TX 77834

811270005  
SPINDLE TOP BAYOU FARM INC  
P O BOX 642  
BRENHAM TX 77834

811270006  
FUNLANDOIL  
3621 WINDSPUN DR  
HUNTINGTON BEACH CA 92645

811270007  
SPINDLE TOP BAYOU FARM INC  
P O BOX 642  
BRENHAM TX 77834

811270008  
EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

811270009  
EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

811270010  
EDF RENEWABLES DEV INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

811270011  
PAUL JEROME VANDERHORST  
11070 HIRSCHFELD WAY # 105  
RANCHO CORDOVA CA 95670

811270012  
EDF RENEWABLES DEVELOPMENT INC  
15445 INNOVATION DR  
SAN DIEGO CA 92128

811270013  
FRED T. TAFAZOLI  
P O BOX 1890  
GARDEN GROVE CA 92842

811270014  
SEA VIEW  
80647 HIBISCUS LN  
INDIO CA 92201

811270015  
ROBERT H. COOK  
2185 ADAMS ST  
RIVERSIDE CA 92504

**PROPERTY OWNERS CERTIFICATION FOR  
808-170-024 (Lake Tamarisk Community)  
CUP220021 / PUP230002 / DA2200016**

I, \_\_\_\_\_ Tim Wheeler \_\_\_\_\_, certify that on  
(Print Name)

05/08/2024 the attached property owners list  
(Date)

was prepared by \_\_\_\_\_ County of Riverside / TLMA-Planning \_\_\_\_\_  
(Print Company or Individual's Name)

Distance Buffered: 1200'

Pursuant to application requirements furnished by the Riverside County Planning Department; Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: \_\_\_\_\_ Tim Wheeler \_\_\_\_\_

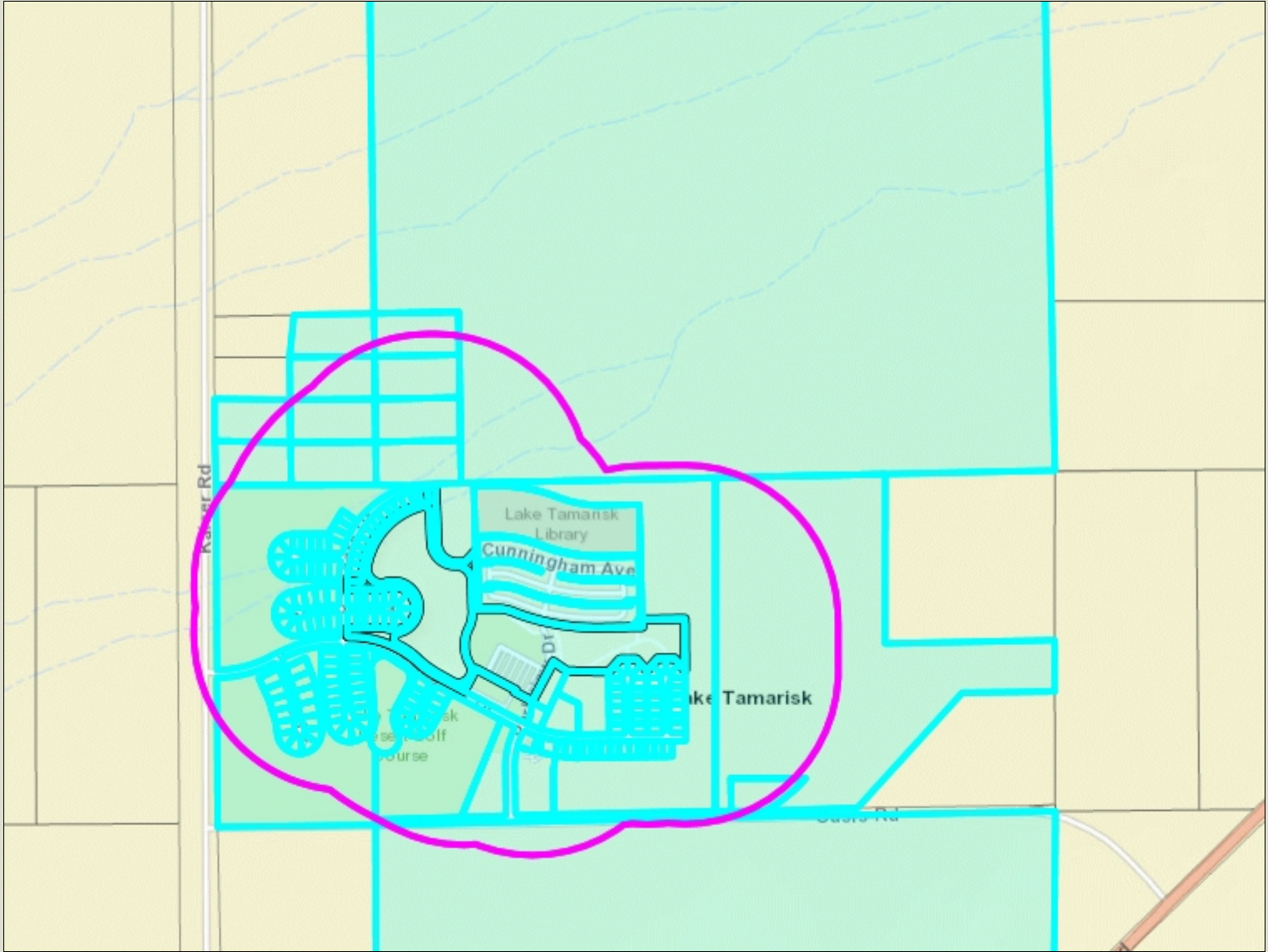
TITLE/REGISTRATION Project Planner

ADDRESS: 4080 Lemon Street, 12 Floor

Riverside, CA 92501

TELEPHONE (8 a.m. – 5 p.m.): (951) 951-6060

Riverside County GIS Mapping Labels  
 Lake Tamarisk Community Radius  
 CUP220021 / PUP230002 / DA2200016



- Legend**
-  County Boundary
  -  Cities
  -  Parcels
  -  World Street Map

**Notes**

1200 foot radius



0 1,505 3,009 Feet



A horizontal scale bar is located at the bottom left, showing increments of 0, 1,505, and 3,009 feet.

**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

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808023026  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808162003  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808162004  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170010  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808170017  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808170018  
LAKE TAMARISK LAND YACHT HARBOR INC  
P O BOX 255  
DESERT CENTER CA 92239

808170020  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808170021  
LAKE TAMARISK LAND YACHT HARBOR INC  
P O BOX 255  
DESERT CENTER CA 92239

808170022  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808170023  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170024  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170025  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170026  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170027  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170028  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170029  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808170030  
GENERAL TELEPHONE CO OF CALIF  
P O BOX 152206  
IRVING TX 75015

808170032  
GENERAL TELEPHONE CO OF CALIF  
P O BOX 152206  
IRVING TX 75015

808170033  
EAGLE MOUNTAIN ACQUISITION  
337 N VINEYARD AVE  
ONTARIO CA 91764

808170034  
COUNTY OF RIVERSIDE  
3403 10TH ST STE 400  
RIVERSIDE CA 92501

808181001  
SERAFIN LIVING TRUST DTD 03/22/04  
44080 PALM DR STE D-507  
DESERT HOT SPRINGS CA 92240

808181002  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181003  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181004  
COY HAMBY  
44080 CRYSTAL WAY  
DESERT CENTER CA 92239

808181005  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181006  
RICHARD TONG  
7794 E SADDLEBACK DR  
KINGMAN AZ 86401

808181007  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181008  
MOHR DONALD L & JULIA REV TRUST DTD  
8/6/19  
42818 CLIFFORD ST  
PALM DESERT CA 92260



808181009  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181010  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181011  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181012  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808181013  
SIMON P. BARGETZI  
1311 MAPLE DR  
GOLDEN BC CANADA

808181014  
JOHN COCHRAN  
44141 CRYSTAL WAY  
DESERT CENTER CA 92239

808181015  
RAGSDALE SUZANNE L 2018 TRUST  
44121 CRYSTAL WAY  
DESERT CENTER CA 92239

808181016  
ROBERT B. AMACHER  
P O BOX 455  
DESERT CENTER CA 92239

808181017  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808182001  
LESLIE ALKANA  
431 W LEADORA AVE  
GLENDDORA CA 91741

808182002  
HENRY MARQUES  
6512 AQUAMARINE AVE  
RANCHO CUCAMONGA CA 91701

808182003  
JONES 2023 LIVING TRUST U/A DTD 02/21/23  
PO BOX 246  
DESERT CENTER CA 92239

808182004  
AUGUST A. ALMEIDA  
PO BOX 1097  
LOWER LAKE CA 95457

808182005  
LESLIE ALKANA  
431 W LEADORA ST  
GLENDDORA CA 91741

808182006  
ANN R. OLLIVIER  
P O BOX 197  
DESERT CENTER CA 92239

808182007  
ALKANA PROP  
431 W LEADORA  
GLENORA CA 91741

808182008  
LES ALKANA  
431 W LEADORA AVE  
GLENORA CA 91741

808182009  
LESLIE ALKANA  
431 W LEADORA  
GLENORA CA 91741

808182010  
LES ALKANA  
431 W LEADORA AVE  
GLENORA CA 91741

808182011  
LES ALKANA  
431 W LEADORA AVE  
GLENORA CA 91741

808182012  
LES ALKANA  
431 W LEADORA AVE  
GLENORA CA 91741

808182013  
JOHN E. PAUL  
5624 VERNER OAK CT  
SACRAMENTO CA 95841

808182014  
WOMACK FAMILY TRUST DTD 3/23/01  
2219 ORANGE AVE  
ESCONDIDO CA 92029

808191001  
CLAUD WILLARD TRUITT  
P O BOX 136  
DESERT CENTER CA 92239

808191002  
JAMES BRUNTON  
P O BOX 475  
DESERT CENTER CA 92239

808191003  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808191004  
ENTRUST ADMINISTRATION INC  
P O BOX 7111  
DESERT CENTER CA 92239

808191005  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808191006  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808191007  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808191008  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808191009  
GERARDO GONZALEZ  
52355 AVENIDA VELASCO  
LA QUINTA CA 92253

808191010  
JENNIFER CHEN  
44121 SHADOW WAY  
DESERT CENTER CA 92239

808191011  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808191012  
ELIZABETH KEPNER  
P O BOX 184  
DESERT CENTER CA 92239

808192001  
DALE A. JENNESKENS  
PO BOX 303  
COLVILLE WA 99114

808192002  
TERESSA CRAGG  
24901 BASSWOOD ST  
MORENO VALLEY CA 92553

808192003  
TIMOTHY M. RUDY  
81280 AVENIDA ESMERALDO  
INDIO CA 92201

808192004  
LESLIE ALKANA  
431 W LEADORA  
GLEN DORA CA 91741

808192005  
GREGORY ALVAREZ  
43980 SHADOW WAY  
DESERT CENTER CA 92239

808192006  
SARAFIN TRUST DTD 3/22/04  
14080 PALM DR STE D-507  
DESERT HOT SPRINGS CA 92240

808192007  
JOSEPH R. CHIRIACO  
62450 CHIRIACO RD  
CHIRIACO SUMMIT CA 92201

808192008  
CHRISTIAN BRAUN  
43 CAMINO REAL  
RANCHO MIRAGE CA 92270

808192009  
CHRISTIAN BRAUN  
43 CAMINO REAL  
RANCHO MIRAGE CA 92270

808192010  
CHRISTIAN LEE BRAUN  
43 CAMINO REAL  
RANCHO MIRAGE CA 92270

808192011  
GODDARD MARK G LIVING TRUST DATED  
07/24/2019  
PO BOX 206  
DESERT CENTER CA 92239

808192012  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808192013  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808192014  
MCDOWELL REVOCABLE LIVING TRUST DTD  
10/16/20  
375 VILLAGE DR  
BLYTHE CA 92225

808201001  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201002  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201003  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201004  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201005  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201006  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201007  
ROBERT KEITH HAMPTON  
26801 FAIRWAY DR  
DESERT CENTER CA 92239

808201008  
DOUGLAS PERCIVAL  
P O BOX 943  
WINCHESTER CA 92596

808201009  
GERARDO GONZALEZ  
52355 AVENIDA VELASCO  
LA QUINTA CA 92253

808201010  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201011  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201012  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201013  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808201014  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202001  
WAYNE D. HOUSE  
P O BOX 503  
DESERT CENTER CA 92239

808202002  
JEFFREY R. MOORE  
26885 PATTERSON ST  
PERRIS CA 92570

808202003  
BRIAN MAURER  
PO BOX 731  
DESERT CENTER CA 92239

808202004  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202005  
GARY WARNER  
P O BOX 81  
UNION WA 98592

808202006  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202007  
BARRY REID  
2198 BUCKLEY SQ  
COULEE CITY WA 99115

808202008  
BARRY L. REID  
2198 BUCKLEY SQ  
COULEE CITY WA 99115

808202009  
PATRICIA ANN AIKIN  
44290 SHASTA DR  
DESERT CENTER CA 92239

808202010  
LAURIE ALFONSO  
44291 SHASTA DR  
DESERT CENTER CA 92239

808202011  
SHAMSY R. OCHOA  
44281 SHASTA DR  
DESERT CENTER CA 92239

808202012  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202013  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202014  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202015  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202016  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808202017  
JEFFERY R. MOORE  
31941 CROYDON ST  
LAKE ELSINORE CA 92530

808202018  
PAULINE C. RAGSDALE  
P O BOX 66  
DESERT CENTER CA 92239

808210001  
JEFFERY R. MOORE  
31941 CROYDEN ST  
LAKE ELSINORE CA 92530

808210002  
JEFFERY R. MOORE  
31941 CORYDON ST  
LAKE ELSINORE CA 92530

808210003  
SERAFIN LIVING TRUST DATED 03/22/2004  
PO BOX 175  
PAUMA VALLEY CA 92061

808210004  
SERAFIN LIVING TRUST DATED 03/22/2004  
PO BOX 175  
PAUMA VALLEY CA 92061

808210005  
SARAFIN LIVING TRUST DATED 03/22/2004  
PO BOX 175  
PAUMA VALLEY CA 92061

808210006  
RACHEL FOGLE  
PO BOX 696  
DESERT CENTER CA 92239

808210007  
RENEE BULMER  
26790 FOUNTAIN COVE ST  
DESERT CENTER CA 92239

808210008  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808210009  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808210010  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808210011  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808210012  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221001  
DAN E. HOEFS  
P O BOX 254  
DESERT CENTER CA 92239

808221002  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221003  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221004  
DAVID THOMAS DALY  
26631 CATALINA WAY  
DESERT CENTER CA 92239

808221005  
JEFFERY R. MOORE  
31941 CORYDON ST  
LAKE ELSINORE CA 92530

808221006  
COLE JAMES BRUNTON  
PO BOX 475  
DESERT CENTER CA 92239

808221007  
GREGORY P. DREW  
1734 BALLARD RD  
SAINT ALBANS VT 05478

808221008  
GREGORY P. DREW  
1734 BALLARD RD  
SAINT ALBANS VT 05478

808221009  
GEORGE J. DONALDSON  
PO BOX 7111  
DESERT CENTER CA 92239

808221010  
ENTRUST ADMINISTRATION INC  
P O BOX 7111  
DESERT CENTER CA 92239

808221011  
RICHARD A. SCHAAL  
PO BOX 675  
DESERT CENTER CA 92239

808221012  
CHRISTOPHER PELTACK  
26590 CATALINA WAY  
LAKE TAMARISK CA 92239

808221013  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221014  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221015  
EGAN TRUST DTD 11/13/2023  
43210 FREESIA PL  
INDIO CA 92201

808221016  
EGAN TRUST DTD 11/13/2023  
43210 FREESIA PL  
INDIO CA 92201

808221017  
HILMA MORALES  
26731 GREENVALE WAY  
DESERT CENTER CA 92239

808221018  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221019  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260



808221020  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221021  
FRANCISCO ORDAZ ARELLANES  
P O BOX 554  
DESERT CENTER CA 92239

808221022  
FREDERICA FURGIUELE  
26561 GREENVALE WAY  
DESERT CENTER CA 92239

808221023  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221024  
SARAFIN LIVING TRUST DTD 3/22/2004  
24323 PENNSYLVANIA AVE  
LOMITA CA 90717

808221025  
AUGUST A. ALMEIDA  
PO BOX 1097  
LOWER LAKE CA 95457

808221026  
AUGUST ANTHONY ALMEIDA  
PO BOX 1097  
LOWER LAKE CA 95457

808221027  
JOHN B. OTTINGER  
9401 HOLLOW SPRINGS WAY  
ELK GROVE CA 95624

808221028  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221029  
FREDA HAMILTON  
PO BOX 234  
DESERT CENTER CA 92239

808221030  
KEVIN KIVISTO  
26660 GREENVALE WAY  
DESERT CENTER CA 92239

808221031  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808221032  
BOB MORRISSEY  
403 N CENTRE ST  
SAN PEDRO CA 90731

808222001  
LARRY D. EARNHART  
P O BOX 462  
DESERT CENTER CA 92239

808222002  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808222003  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808222004  
AVERITT-RIDDLE PAULA RUTH & TIMOTHY  
PAUL RIDDLE LIV TR DTD 12/15  
35804 BAY SABLE LN  
FALLBROOK CA 92028

808222005  
EMMANUEL RIVAS  
43661 TAMARISK DR  
DESERT CENTER CA 92239

808222006  
RUBEN RIVERA  
PO BOX 752  
DESERT CENTER CA 92239

808222007  
RUBEN RIVERA  
43641 TAMARISK DR  
DESERT CENTER CA 92239

808222008  
ADAM DAVID MAC SINKIE  
1702-575 DELESTRE AVE  
COQUITLAM BC V3K 0A6

808222009  
ADAM DAVID SINKIE  
1702-575 DELESTRE AVE  
COQUITLAM BC V3K0A6

808222010  
BRYON CASTOR  
43611 TAMARISK DR  
DESERT CENTER CA 92239

808222011  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808222012  
GLENN M. CASTOR  
43591 TAMARISK DR  
DESERT CENTER CA 92239

808222013  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808230004  
LAKE TAMARISK SOLAR PLUS  
72605 HIGHWAY 111 STE B-3  
PALM DESERT CA 92260

808230006  
COUNTY OF RIVERSIDE  
P O BOX 1180  
RIVERSIDE CA 92502

808270002

25980 KAISER RD  
DESERT CENTER CA 92239

808270003

ARACELI ROWE  
1527 TIBIDABO DR  
ESCONDIDO CA 92027

808270004

AUGUST A. ALMEIDA  
PO BOX 1097  
LOWER LAKE CA 95457

808270008

USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

808270009

GARY C. WARNER  
P O BOX 81  
UNION WA 98592

808270010

GARY ROBERT KOHOUTEK  
671 E COUNTRY CLUB DR E  
UNION WA 98592

808270011

GARY C. WARNER  
P O BOX 81  
UNION WA 98592

808270012

USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON, DC 21401

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Coachella, CA 92236  
Attn: Omar Aceves

Agua Caliente Band of Cahuilla Indians  
5401 Dinah Shore Drive  
Palm Springs, CA 92264  
Attn: Pattie Garcia-Plotkin

Santa Rosa Band of Mission Indians  
P.O Box 391820  
Anza, CA 92539  
Attn: Lovina Redner & Steven Estrada

Colorado River Indian Tribes (CRIT)  
26600 Mohave Road  
Parker, AZ 85344  
Attn: Brian Etsitty, Acting THPO Dir.

Fort Yuma Quechan Indian Nation  
P.O. Box 1899  
Yuma, AZ 85366  
Attn: Jill McCormick-THPO

South Coast Air Quality Management  
District  
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Attn: Ms. Lijin Sun

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Attn: Sheila Sannadan, Legal Assistant

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Indio, CA 92203  
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Highland, CA 92346  
Attn: Ryan Nordess -Cultural Analyst

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Indians  
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Anza, CA 92539  
Attn: John Gomez-Environmental Mgr

Cahuilla Band of Indians  
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Attn: Bobby Ray Esparza

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Sacramento, CA 95812-3044

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Attn: Gary Resveloso & Alesia Reed

Soboba Band of Luiseño Indians  
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Attn: Joe Ontiveros-Cultural Res. Dir.

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Banning, CA 92220  
Attn: Ann Brierty-THPO

Twenty- Nine Palms Band of Mission  
Indians Desert  
46-200 Harrison Place  
Coachella, CA 92236  
Attn: Sarah Bliss Cultural Resource

Golden State Environmental Justice  
Alliance  
P.O. Box 79222  
Corona, CA 92877

Southern California Edison  
2244 Walnut Grove Ave. Room 312  
PO. Box 600  
Rosemead, CA. 91770

Aspen Environmental  
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Attn: Hedy Koczwar

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1939 Harrison Street, Suite 150  
Oakland, CA 94612  
Attn: Komalpreet Toor

Teresa Pierce  
9729 W. Sultana Dr.  
Garden City, ID 83714

Jim and Vicki Bucklin  
PO Box 52  
Desert Center, CA 92239

1 ORDINANCE NO. 664.109

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 APPROVING DEVELOPMENT AGREEMENT NO. 2200016

4  
5 The Board of Supervisors of the County of Riverside ordains as follows:

6 Section 1. Pursuant to Government Code Section 65867.5, Development Agreement  
7 No. 2200016, a copy of which is on file with the Clerk of the Board of Supervisors and incorporated herein  
8 by reference, is hereby approved.

9 Section 2. The Chairman of the Board of Supervisors is hereby authorized to execute  
10 said Development Agreement on behalf of the County of Riverside within ten (10) days after the Effective  
11 Date of this ordinance, provided that all owners listed in Development Agreement No. 2200016 have  
12 executed said Development Agreement within thirty (30) days after adoption of this ordinance.

13 Section 3. Effective Date. This ordinance shall take effect thirty (30) days after its  
14 adoption.

15 BOARD OF SUPERVISORS OF THE COUNTY  
16 OF RIVERSIDE, STATE OF CALIFORNIA

17 By: \_\_\_\_\_  
Chairman, Board of Supervisors

18 ATTEST:  
19 KIMBERLY RECTOR  
Clerk of the Board

20  
21 By: \_\_\_\_\_

22  
23 (SEAL)

24 APPROVED AS TO FORM  
25 August 21, 2024

26  
27 By:  \_\_\_\_\_  
AARON C. GETTIS  
28 Chief Deputy County Counsel

Recorded at request of  
Clerk, Board of Supervisors  
County of Riverside

When recorded return to  
Assistant TLMA Director – Planning and Land Use  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501

DEVELOPMENT AGREEMENT NO. 2200016

A DEVELOPMENT AGREEMENT BETWEEN

COUNTY OF RIVERSIDE

IP EASLEY, LLC,

IP EASLEY II, LLC

AND IP EASLEY III, LLC

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DEVELOPMENT AGREEMENT NO. 2200016

This Development Agreement (hereinafter "Agreement") is entered into effective on the date it is recorded with the Riverside County Recorder (hereinafter the "Effective Date") by and among the COUNTY OF RIVERSIDE (hereinafter "COUNTY"), IP EASLEY, LLC, IP EASLEY II, LLC, and IP EASLEY III, LLC (hereinafter "EASLEY PARTIES" or "OWNERS") and the persons and entities listed below (hereinafter "PROPERTY OWNERS" and each, respectively, a "PROPERTY OWNER"):

American Coal Liquefaction, LLC  
Terri McDonagh, Blowers Family Trust Dated 01/18/2002  
Michele Coudures, MiJo Investments, LP  
Todd Culver Draskovich and John Steven Draskovich  
The Benedicto M. Estoesta and Divina Gracia A. Estoesta Revocable Living Trust  
IP Easley Land, LLC  
JMP, Inc.

RECITALS

WHEREAS, COUNTY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Article 11, Section 7 of the California Constitution and Section 65864, et seq. of the Government Code; and,

WHEREAS, COUNTY has adopted Procedures and Requirements of the County of Riverside for the Consideration of Development Agreements (hereinafter "Procedures and Requirements"), pursuant to Section 65865 of the Government Code; and,

WHEREAS, OWNERS have requested COUNTY to enter into a development agreement and proceedings have been taken in accordance with the Procedures and Requirements of COUNTY; and,

WHEREAS, by electing to enter into this Agreement, COUNTY shall bind future Boards of Supervisors of COUNTY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of COUNTY; and,

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by COUNTY and the Board of Supervisors and have been found to be fair, just and reasonable; and,

WHEREAS, the best interests of the citizens of Riverside County and the public health, safety and welfare will be served by entering into this Agreement; and,

WHEREAS, all of the procedures of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) have been met with respect to the Project and the Agreement; and,

WHEREAS, this Agreement and the Project are consistent with the Riverside County General Plan and any specific plan applicable to the Project; and,

WHEREAS, all actions taken and approvals given by COUNTY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and,

WHEREAS, this Agreement will confer substantial private benefits on OWNERS by granting vested rights to develop the Property in accordance with the provisions of this Agreement; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to COUNTY and will further important policies and goals of COUNTY; and,

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, et seq. of the Government Code are intended; and,

WHEREAS, OWNERS have incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and,

WHEREAS, OWNERS have incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement; and

WHEREAS, OWNERS have entered into option agreements to purchase the Property from all of the PROPERTY OWNERS and intend to exercise those options needed for development of the Project; and

WHEREAS, at such time as OWNERS exercise their options to purchase the Property, they will become both PROPERTY OWNERS and OWNERS under this Agreement, but will remain subject to all rights and responsibilities as OWNERS, regardless of the limitations on the rights and responsibilities of PROPERTY OWNERS.

#### COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

#### 1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “Base Payment” means an amount equal to \$150 multiplied by the entire Solar Power Plant Net Acreage and which is payable to COUNTY annually pursuant to Subsections 4.2.1 and 4.2.2 of this Agreement and increased annually by 2% from and after 2013 (currently \$187 per acre in 2024).

1.1.3 “COUNTY” means the County of Riverside, a political subdivision of the State of California.

1.1.4 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. When authorized by a Subsequent Development Approval as provided by this Agreement, “development” includes the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with development of the Property as a Solar Power Plant including, but not limited to:

- (a) Specific plans and specific plan amendments;
- (b) Zoning, including variances;
- (c) Conditional use permits, public use permits, and plot plans;
- (d) Tentative and final subdivision and parcel maps;
- (e) Lot line adjustments;
- (f) Grading and building permits;
- (g) Any permits or entitlements necessary from COUNTY for Southern California Edison’s distribution-level electrical services to the Project;
- (h) Any permits or other entitlements or easements necessary from COUNTY for gen-tie and access road crossing and improvements, including encroachment permits;
- (i) Environmental cleanup review; and
- (j) Right of Entry to access COUNTY owned wells in the Project vicinity for groundwater well monitoring.

1.1.6 “Development Exaction” means any requirement of COUNTY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 “Development Plan” means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.8 “Effective Date” means the date this Agreement is recorded with the County Recorder.

1.1.9 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Development Approvals incorporated herein as Exhibit “D” and all other Development Approvals which are a matter of public record on the Effective Date.

1.1.10 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Land Use Regulations incorporated herein as Exhibit “E” and all other Land Use Regulations which are a matter of public record on the Effective Date.

1.1.11 “Fiscal Year” means the period beginning on July 1 of each year and ending on the next succeeding June 30.

1.1.12 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of COUNTY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings and structures, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the property. “Land Use Regulations” does not include any COUNTY ordinance, resolution, code, rule, regulation, or official policy, governing:

- (a) The conduct of businesses, professions, and occupations;
- (b) Taxes and assessments;
- (c) The control and abatement of nuisances;
- (d) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;
- (e) The exercise of the power of eminent domain.

1.1.13 “Local Sales and Use Taxes” means the one percent sales and use taxes imposed pursuant to and governed by the Bradley-Burns Uniform Local Sales and Use Tax Law, Revenue and Taxation Code Section 7200 et seq.

1.1.14 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.15 “OWNERS” means the persons and entities listed as OWNERS on the first page of this Agreement and their successors in interest to all or any part of the Property.

1.1.16 “Project” means the development of the Property contemplated by the Development Plan as such Plan may be further defined, enhanced, or modified pursuant to the provisions of this Agreement.

1.1.17 “Property” means the real property described on Exhibit “A” and shown on



Exhibit “B” to this Agreement.

1.1.18 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNERS under this Agreement and reserved to COUNTY under Section 3.6 of this Agreement.

1.1.19 “Solar Power Plant” means the Project together with the related solar power plant real property and facilities described and shown on Exhibit “F”.

1.1.20 “Solar Power Plant Net Acreage” means the area of all parts of the Property, and any other real property which is part of the Solar Power Plant, that is involved in the production, storage, or transmission of power. “Solar Power Plant Net Acreage” includes, but is not limited to, all areas occupied by the power block, solar collection equipment, spaces contiguous to solar collection equipment, transformers, transmission lines and piping, transmission facilities, buildings, structures, service roads (regardless of surface type and including service roads between collectors), and fencing surrounding all such areas. “Solar Power Plant Net Acreage” shall not include any access roads outside the Property and shall not include any areas specifically designated and set aside as environmentally sensitive land, conservation land or open space land, and shall not include the fencing of such designated lands. The projected Solar Power Plant Net Acreage under the Existing Development Approvals is approximately 1,856.6 acres and is described and shown on Exhibit “G” to this Agreement. In the event the Project is modified by any Subsequent Development Approval, the Assistant TLMA Director – Planning and Land Use, in consultation with the County Executive Officer and County Counsel, shall recalculate the Solar Power Plant Net Acreage as part of such Subsequent Development Approval and such recalculated Solar Power Plant Net Acreage shall be used for all purposes under this Agreement after the effective date of such Subsequent Development Approval.

1.1.21 “Subsequent Development Approvals” means all Development Approvals approved subsequent to the Effective Date in connection with development of the Property and not required to develop, maintain, repair or restore the Solar Power Plant in accordance with the Development Plan as it exists on the Effective Date.

1.1.22 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.23 “Transfer” means sale, assignment, lease, sublease or any other transfer of a legal or equitable interest in the Property.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” -- Legal Description of the Property

Exhibit “B” -- Maps Showing the Project’s Land Ownership and Disturbance Area

Exhibit “C” -- APN Table

Exhibit “D” -- Existing Development Approvals

Exhibit “E” -- Existing Land Use Regulations

Exhibit “F” -- Solar Power Plant

Exhibit “G” -- Solar Power Plant Net Acreage

Exhibit “H” -- Solar Power Plant Phased Net Acreage

Exhibit “I” -- Annual Review Report Template

Exhibit “J” -- Property Owner Contact Information

## 2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNERS represent and covenant that they are the owners of a legal or equitable interest in the Property or a portion thereof.

2.3 Term. This Agreement shall commence on the Effective Date and shall continue for a period of thirty (30) years from the issuance of the first grading permit, first building permit, or notice to proceed from the COUNTY, whichever occurs first, unless this term is modified or extended pursuant to the provisions of this Agreement.

### 2.4 Transfer.

2.4.1 Right to Transfer. PROPERTY OWNERS shall have the right to transfer the Property and OWNERS shall have the right to transfer the Project, in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq., or Riverside County Ordinance No. 460), to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such transfer shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No transfer of any right or interest under this Agreement shall be made unless made together with the transfer of all or a part of the interest in the Property.

(b) Concurrent with any such transfer, or within fifteen (15) business days thereafter, the transferring PROPERTY OWNER(S) and/or OWNER(S) shall notify COUNTY, in writing, of such transfer and shall provide COUNTY with an

executed agreement by the transferee in a form acceptable to the COUNTY, with such acceptance not to be unreasonably withheld, providing therein that the transferee expressly and unconditionally assumes all the duties and obligations of PROPERTY OWNER(S) and/or OWNERS(S), as appropriate, under this Agreement.

Any transfer not made in strict compliance with the foregoing conditions shall constitute a default by the transferring OWNER(S) under this Agreement. Notwithstanding the failure of any transferee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such transferee, but the benefits of this Agreement shall not inure to such transferee until and unless such agreement is executed. As noted above, although OWNERS have options to purchase all of the Property required for the Project from the PROPERTY OWNERS that do not expire until 2027, the OWNERS intend to exercise these options and purchase the Property in 2025.

2.4.2 Release of Transferring Owner. Notwithstanding any transfer, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring OWNER is given a release in writing by COUNTY, which release shall be provided by COUNTY upon the full satisfaction by such transferring OWNER of the following conditions:

- (a) OWNER no longer has a legal or equitable interest in all or any part of the Property.
- (b) OWNER is not then in default under this Agreement.
- (c) OWNER has provided COUNTY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.
- (d) The transferee provides COUNTY with security equivalent in all respects to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Subsequent Transfer. Any subsequent transfer after an initial transfer shall be made only in accordance with and subject to the terms and conditions of this Section.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only by written consent of the COUNTY and the OWNERS in the manner provided for in Government Code Section 65868. All PROPERTY OWNERS hereby, in consideration of the mutual undertakings and benefits related to OWNERS entitling of the Property, assign to OWNERS any and all past, present or future rights to amend this Development Agreement to support or advance the Project. This provision shall not limit any remedy of COUNTY or OWNER as provided by this Agreement.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

- (a) Expiration of the stated term of this Agreement as set forth in

Section 2.3.

(b) Entry of a final judgment by a court of competent jurisdiction setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) An OWNER's election to terminate this Agreement with respect to its ownership interests. In addition, if an OWNER elects not to develop all or a portion of the Project, except with regard to acreage reductions as set forth in Section 4.4(d), that OWNER shall provide notice of such election to COUNTY and such notice shall (i) seek to terminate this Agreement as to the portion of the Property and the Project that is the subject of such notice of termination; and (ii) shall acknowledge that the Conditional Use Permit (CUP No. 220021) and the Public Use Permit (PUP No. 230003) shall be null and void as to the portion of the Project and the related Property that is the subject of such notice of termination. Following receipt of an OWNER's notice of election to terminate this Agreement, that OWNER and COUNTY shall execute an appropriate instrument in recordable form evidencing such termination and shall cause such instrument to be an amendment to this Agreement to be processed in accordance with COUNTY's "Procedures and Requirements for the Consideration of Development Agreements (Solar Power Plants)" set forth in COUNTY Resolution No. 2012-047.

(e) Cancellation of the Agreement by the parties or the COUNTY and a particular OWNER with respect to that OWNER'S interest in accordance with section 2.5 of this Agreement.

Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below; (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; (iii) on the next business day when delivered by overnight United States mail or courier service; or (iv) on the date of delivery shown in the facsimile or

email records of the party sending the facsimile or email after transmission by facsimile or email to the recipient named below. All notices shall be addressed as follows:

If to COUNTY:

Clerk of the Board of Supervisors  
Riverside County Administrative Center  
4080 Lemon Street, First Floor  
Riverside, CA 92502  
Fax No. (951) 955-1071

with copies to:

County Executive Officer  
Riverside County Administrative Center  
4080 Lemon Street, 4th Floor  
Riverside, CA 92501  
Fax No. (951) 955-1105

and

Assistant TLMA Director – Planning and Land Use  
Transportation and Land Management Agency  
Riverside County Administrative Center,  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501  
Fax No. (951) 955-1817

and

County Counsel  
County of Riverside  
3960 Orange Street, Suite 500  
Riverside, CA 92501  
Fax No. (951) 955-6363

If to OWNER:

Camille Wasinger, Senior Director  
IP Easley, LLC, IP Easley II, LLC, and IP Easley III, LLC  
c/o Intersect Power, LLC  
9450 SW Gemini Drive PMB #68743  
Beaverton, OR 97008-7105  
camille@intersectpower.com

with copies to:

Robert A. Bernheimer, Esq.  
Robert A. Bernheimer, APLC  
45025 Manitou Drive, Suite 3  
Indian Wells, CA 92210  
Fax No. (760) 262-3957  
[Rob@RobBernheimer.com](mailto:Rob@RobBernheimer.com)

and

IP Easley, LLC, IP Easley II, LLC, and IP Easley III, LLC  
c/o Intersect Power, LLC  
9450 SW Gemini Drive PMB #68743  
Beaverton, OR 97008-7105  
[legal@intersectpower.com](mailto:legal@intersectpower.com)

If to PROPERTY OWNER, see Exhibit J for appropriate PROPERTY OWNER contact information. Copies of notices to any PROPERTY OWNER should also be sent to the OWNER contacts listed above.

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by any such change.

### 3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNERS shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Existing Development Approvals shall not expire and shall remain valid for the Term of this Agreement so long as the Project remains in compliance with all conditions of approval for the Existing Development Approvals and in compliance with this Agreement. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings and structures, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, COUNTY shall exercise its discretion in accordance with the

Development Plan, and as provided by this Agreement including, but not limited to, the Reservations of Authority. COUNTY shall accept for processing, review, and take action on all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters. As set forth in Board of Supervisors Policy No. B-29, any agreements, permits or other approvals from COUNTY necessary to site, develop and operate the Solar Power Plant shall be eligible for an expedited entitlement process under the Fast Track Program.

3.3 Timing of Development. The parties acknowledge that OWNERS cannot at this time predict when or the rate at which the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNERS, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNERS shall have the right to develop the Property in such order and at such rate and at such times as OWNERS deem appropriate within the exercise of their subjective business judgment, subject only to any timing or phasing requirements set forth in the Development Plan or the Phasing Plan set forth in Section 3.4.

3.4 Phasing Plan. Development of the Property shall be subject to all timing and phasing requirements established by the Development Plan. In addition, Development of the Property may occur in phases. Each phase will be defined by the relevant OWNER at the time the OWNER either (1) submits design plans to COUNTY for grading and building permits or (2) requests a notice to proceed from BLM to allow Solar Power Plant construction in a particular area. The construction of site access roads, substation, generation tie-line, operations and maintenance building and distribution lines would occur as the solar arrays are being assembled. Construction is anticipated to begin in mid-2025 and occur over 18 to 24 months, regardless of whether it is phased. If the development of the Solar Power Plant occurs in phases, the Annual Public Benefits Payments called for in Section 4.2 shall be based on the Solar Power Plant Net Acreage of each OWNER-defined phase.

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event an OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, that OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "D" and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,

- (b) Increase the density or intensity of use of the Property as a whole; or,
  - (c) Increase the maximum height and size of permitted buildings or structures;
- or,
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
  - (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

### 3.6 Reservations of Authority.

3.6.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

(a) Processing fees and charges of every kind and nature imposed by COUNTY to cover the estimated actual costs to COUNTY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations governing construction standards and specifications including, without limitation, the Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and Grading Code applicable in the County.

(d) Regulations imposing Development Exactions. However, given the remoteness of the location of the Project and its current agricultural use of lands within COUNTY's jurisdiction, it is not anticipated that COUNTY will adopt any Development Exactions applicable to the development of the Property within the next three years. For that reason, no subsequently adopted Development Exaction shall be applicable to development of the Property for a period of five years from the Effective Date of this Agreement ("Exaction Safe Harbor"). After the Exaction Safe Harbor expires, no subsequently adopted Development Exaction shall be applicable to development of the Property unless such Development Exaction is applied uniformly to development, either throughout the COUNTY or within a defined area of benefit which includes the Property. No such subsequently adopted Development Exaction shall apply if its application to the Property would physically prevent development of the Property for the uses and to the density or intensity of development set forth in the Development Plan.

(e) Regulations which may be in conflict with the Development Plan but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide



OWNERS with the rights and assurances provided under this Agreement.

(f) Regulations which are not in conflict with the Development Plan. Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Property shall be deemed to conflict with the Development Plan and shall therefore not be applicable to the development of the Property.

(g) Regulations which are in conflict with the Development Plan provided OWNER has given written consent to the application of such regulations to development of the Property.

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.6.4 Intent. The parties acknowledge and agree that COUNTY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to COUNTY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to COUNTY all such power and authority which cannot be restricted by contract.

3.7 Public Works. If OWNERS are required by this Agreement to construct any public works facilities which will be dedicated to COUNTY or any other public agency upon completion, and if required by applicable laws to do so, OWNERS shall perform such work in the same manner and subject to the same requirements as would be applicable to COUNTY or such other public agency if it would have undertaken such construction.

3.8 Provision of Real Property Interests by COUNTY. In any instance where OWNERS are required to construct any public improvement on land not owned by OWNERS, OWNERS shall at their sole cost and expense provide or cause to be provided, the real property interests necessary for the construction of such public improvements. In the event OWNERS are unable, after exercising reasonable efforts to acquire the real property interests necessary for the construction of such public improvements, and if so instructed by OWNERS and upon OWNERS'

provision of adequate security for costs COUNTY may reasonably incur, COUNTY shall negotiate the purchase of the necessary real property interests to allow OWNERS to construct the public improvements as required by this Agreement and, if necessary, in accordance with the procedures established by law, use its power of eminent domain to acquire such required real property interests. OWNERS shall pay all costs associated with such acquisition or condemnation proceedings. This Section 3.8 is not intended by the parties to impose upon the OWNERS an enforceable duty to acquire land or construct any public improvements on land not owned by OWNERS, except to the extent that the OWNERS elect to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the COUNTY upon the development of the Project under the Subdivision Map Act, Government Code Section 66410 et seq., or other legal authority.

3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of COUNTY possess authority to regulate aspects of the development of the Property separately from or jointly with COUNTY and this Agreement does not limit the authority of such other public agencies. For example, pursuant to Government Code Section 66477 and Section 10.35 of Riverside County Ordinance No. 460, another local public agency may provide local park and recreation services and facilities and in that event, it is permitted, and therefore shall be permitted by the parties, to participate jointly with COUNTY to determine the location of land to be dedicated or in lieu fees to be paid for local park purposes, provided that COUNTY shall exercise its authority subject to the terms of this Agreement.

3.10 Tentative Tract Map Extension. Notwithstanding the provisions of Section 66452.6 of the Government Code, no tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be granted an extension of time except in accordance with the Existing Land Use Regulations.

3.11 Vesting Tentative Maps. If any tentative or final subdivision map, or tentative or final parcel map, heretofore or hereafter approved in connection with development of the Property, is a vesting map under the Subdivision Map Act (Government Code Section 66410, et seq.) and Riverside County Ordinance No. 460 and if this Agreement is determined by a final judgment to be invalid or unenforceable insofar as it grants a vested right to develop to OWNER, then and to that extent the rights and protections afforded OWNER under the laws and ordinances applicable to vesting maps shall supersede the provisions of this Agreement. Except as set forth immediately above, development of the Property shall occur only as provided in this Agreement, and the provisions in this Agreement shall be controlling over any conflicting provision of law or ordinance concerning vesting maps.

3.12 Limited Role of PROPERTY OWNERS. The parties recognize that the PROPERTY OWNERS are required to sign this Agreement pursuant to the terms of the COUNTY'S Procedures and Requirements for the Consideration of Development Agreements (Solar Power Plants) (Resolution 2012-047) and Government Code section 65865. The PROPERTY OWNERS are nevertheless not solar power plant owners as described in Board of Supervisors Policy No. B-29 and neither the burdens nor the benefits of this Agreement shall inure to such PROPERTY OWNERS except that any transfer of the Property or any portion thereof by any PROPERTY OWNER shall be subject to the provisions of Section 2.4 of this Agreement. Additionally, should any OWNER acquire, lease, or otherwise have control of the Property of any PROPERTY OWNER, or a portion of any Property of a PROPERTY OWNER, such OWNER shall still be subject to all provisions, obligations, and rights of this Agreement as an OWNER.

#### 4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will detrimentally affect public interests which will not be fully addressed by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNERS which should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNERS by providing more fully for the satisfaction of public interests.

##### 4.2 Annual Public Benefit Payments.

4.2.1 Initial Annual Public Benefit Payment. Prior to the issuance of the first grading or building permit, whichever occurs first, for any part of the Solar Power Plant, OWNER shall pay to COUNTY an amount equal to the Base Payment calculated on the entire Solar Power Plant Net Acreage; provided, however, that such initial annual public benefit payment shall be prorated based on the number of whole months remaining between the date of payment and the first following September 30th.

If the development of the Solar Power Plant occurs in phases, prior to issuance of the first grading permit or the first building permit, whichever occurs first, for any part of the Solar Power Plant, the relevant OWNER shall give notice to COUNTY in writing of OWNER'S decision to develop the Solar Power Plant in phases and shall pay to COUNTY an amount equal to the Base Payment calculated on the entire Solar Power Plant Net Acreage for the phased unit that the OWNER seeks to develop; provided however, that such initial annual public payment shall be prorated based on the number of whole months remaining between the date of payment and the first following September 30th. Prior to issuance of the first grading permit or the first building permit for each successive phased unit, whichever occurs first, for any part of the Solar Power Plant, the relevant OWNER shall pay to COUNTY an amount equal to the Base Payment calculated on the entire Solar Power Plant Net Acreage for each such successive phased unit; provided however, that such initial annual public benefit shall be prorated based on the number of whole months remaining between the date of payment and the first following September 30th.

4.2.2 Subsequent Annual Public Benefit Payments. Prior to the first September 30th following the initial annual public benefit payment paid by each respective OWNER

and each September 30th thereafter during the term of the Agreement, each OWNER shall pay to COUNTY an amount equal to the Base Payment paid on their respective phase(s) (developed area(s)).

4.2.3 Suspension of Power Production. In the event the County takes action which compels a Solar Power Plant included in the Solar Power Plant Net Acreage to stop all power production for a period longer than 90 consecutive days for any reason other than a default under this Agreement or a violation of the conditions of approval of any Existing Development Approval or Subsequent Development Approval, the next payment due under Subsection 4.2.2 may be reduced up to 50 percent based on the period of time the Solar Power Plant was compelled to remain inoperative.

4.2.4 Continuation of Payments. Should all or any portion of Property become part of a city or another county, the payments payable pursuant to Subsection 4.2.2 shall be paid to COUNTY prior to the effective date of incorporation or annexation. During any incorporation or annexation proceeding, OWNERS shall agree that any incorporation or annexation may be conditioned so as to require OWNERS to make said payments to COUNTY prior to the effective date of incorporation or annexation.

4.3. Local Sales and Use Taxes. OWNERS and COUNTY acknowledge and agree that solar power plant owners have substantial control with respect to sales and use taxes payable in connection with the construction of a solar power plant and a corresponding responsibility to assure that such sales and use taxes are reported and remitted to the California Department of Tax and Fee Administration (CDTFA) as provided by law. To ensure allocation directly to COUNTY, to the maximum extent possible under the law, of the sales and use taxes payable in connection with the construction of the solar power plant project, OWNERS shall do the following, consistent with law:

(a) If an OWNER meets the criteria set forth in applicable CDTFA regulations and policies, that OWNER shall obtain a CDTFA permit, or sub-permit, for the solar power plant jobsite and report and remit all such taxable sales or uses pertaining to construction of the solar power plant using the permit or sub-permit for that jobsite to the maximum extent possible under the law.

(b) Each OWNER shall contractually require that all contractors and subcontractors whose contract with respect to the solar power plant exceeds \$100,000.00 ("Major Subcontractors") who meet the criteria set forth in applicable CDTFA regulations and policies must obtain a CDTFA permit, or sub-permit, for the solar power plant jobsite and report and remit all such taxable sales or uses pertaining to construction of the solar power plant using the permit or sub-permit for that jobsite to the maximum extent possible under the law.

(c) Prior to the commencement of any grading or construction of the solar power plant, each OWNER shall deliver to COUNTY a list that includes, as applicable and without limitation, each contractor's and Major Subcontractor's business name, value of contract, scope of work on the solar power plant, procurement list for the solar power plant, CDTFA account numbers and permits

or sub-permits specific to the solar power plant jobsite, contact information for the individuals most knowledgeable about the solar power plant and the sales and use taxes for such solar power plant, and, in addition, shall attach copies of each permit or sub-permit issued by the CDTFAs specific to the solar power plant jobsite. Said list shall include all the above information for the relevant OWNER, its contractors, and all Major Subcontractors. Each OWNER shall provide updates to COUNTY of the information required of that OWNER under this section within thirty (30) days of any changes to the same, including the addition of any contractor or Major Subcontractor.

(d) Each OWNER shall certify in writing that it understands the procedures for reporting and remitting sales and use taxes in the State of California and will follow all applicable state statutes and regulations with respect to such reporting and remitting.

(e) Each OWNER shall contractually require that each contractor or Major Subcontractor certify in writing that they understand the procedures for reporting and remitting sales and use taxes in the State of California and will follow all applicable state statutes and regulations with respect to such reporting and remitting.

(f) Each OWNER shall deliver to COUNTY or its designee (as provided in section (g) below) copies of all sales and use tax returns pertaining to the solar power plant filed by the OWNER, its contractors and Major Subcontractors. Such returns shall be delivered to COUNTY or its designee within thirty (30) days of filing with the CDTFAs. Such returns may be redacted to protect, among other things, proprietary information and may be supplemented by additional evidence that payments made complied with this policy.

(g) OWNERS understand and agree that COUNTY may, in its sole discretion, select and retain the services of a private sales tax consultant with expertise in California sales and use taxes to assist in implementing and enforcing compliance with the provisions of this Agreement and that OWNERS shall be responsible for all reasonable costs incurred for the services of any such private sales tax consultant and shall reimburse COUNTY within thirty (30) days of written notice of the amount of such costs.

4.4 Development Impact Fees and Additional Community Benefit Fee. Ordinance No. 659 is the COUNTY'S Development Impact Fee (DIF) Program adopted under the authority of the Mitigation Fee Act. DIF applies to all development in the COUNTY under the COUNTY'S land use jurisdiction. Per Ordinance No. 659, 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."

OWNERS and COUNTY acknowledge and agree that solar power plants do not present the same Facilities needs as other new residential, commercial, or industrial development. OWNERS and COUNTY have agreed to an "Adjusted DIF" for this Project of \$756.66 per acre as determined by

the Solar Power Plant Net Acreage. In addition, OWNERS will pay an Additional Community Benefit Fee (CBF) of \$430.00 per acre as determined by the Solar Power Plant Net Acreage. The OWNERS shall pay these fees as follows:

(a) One-eleventh (1/11) of the CBF will be due on or before the issuance of the first grading or building permit, whichever comes first, for the Project or any phase of the Project.

(b) The Adjusted DIF will be due on or before the issuance of any grading or building permit, whichever comes first, and will be prorated based on the acreage covered by said grading or building permit. The Adjusted DIF will be paid in phases as identified in subsection (d) below. The Adjusted DIF has been calculated to cover the entire development on lands subject to COUNTY jurisdiction, including but not limited to all generation-tie transmission line facilities, Project improvements and solar arrays as identified in the EIR.

(c) Prior to the issuance of a certificate of occupancy for all or any portion of the Project, the OWNERS shall pay the remainder of the CBF ten-elevenths (10/11) in an amount proportional to the amount of the Project, in terms of gross acres, that is subject to the certificate of occupancy.

(d) The Parties anticipate that Phase 1 of the Project will encompass development of 73.21% of the Project covering 484.8 gross acres; Phase 2 of the Project will encompass development of 23.53% of the Project covering 155.8 gross acres; and Phase 3 of the Project will encompass development of 3.26% of the Project covering 21.6 gross acres;. Unless notified of other arrangements by the OWNERS, the COUNTY will use these proportions to determine each OWNER'S share of the development fees. Upon notice to and in consultation with the Assistant TLMA Director – Planning and Land Use, the County Executive Officer and County Counsel, OWNERS may reduce the Solar Power Plant Acreage to the extent that OWNERS later decide not to develop all acres approved for development. In such event, the B-29, DIF and CBF shall be adjusted according to the per-acre amounts set forth in Section 4.4 above.

(e) The COUNTY'S agreement to accept an Adjusted DIF for the Project is contingent upon diligent development efforts by the OWNERS. Therefore, the Adjusted DIF will be void if the OWNERS have not paid the Adjusted DIF for either Phase 1, Phase 2 or Phase 3 of the Project within five (5) years of executing this Agreement. If the Adjusted DIF is void, the OWNER(S) will be required to pay the DIF category that is applicable to utility scale solar power plant projects, either by ordinance or in practice, at the time payment of a DIF is required, unless otherwise modified by agreement of the Parties.

## 5. FINANCING OF PUBLIC IMPROVEMENTS.

If deemed appropriate, COUNTY and OWNERS will cooperate in the formation of any

special assessment district, community facilities district or alternate financing mechanism to pay for the construction and/or maintenance and operation of public infrastructure facilities required as part of the Development Plan. OWNERS also agree that they will not initiate and/or cooperate in the formation of any such special assessment district, community facilities district or alternate financing mechanism involving any other public agency without the prior written consent of the COUNTY.

Should the Property be included within such a special assessment district, community facilities district or other financing entity, the following provisions shall be applicable:

(a) In the event that one or more OWNER or PROPERTY OWNER conveys any portion of the Property and/or public facilities constructed on any portion of the Property to COUNTY or any other public entity and said Property or facilities are subject to payment of taxes and/or assessments, such taxes and/or assessments shall be paid in full by the conveying OWNER(S) and/or PROPERTY OWNERS prior to completion of any such conveyance.

(b) If an OWNER or PROPERTY OWNER is in default in the payment of any taxes and/or assessments, that OWNER or PROPERTY OWNER shall be considered to be in default of this Agreement and COUNTY may, in its sole discretion, initiate proceedings pursuant to Section 8.4 of this Agreement.

Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring COUNTY or the COUNTY Board of Supervisors to form any such district or to issue and sell bonds.

## 6. REVIEW FOR COMPLIANCE.

6.1 Annual Review. The TLMA Director, in consultation with the COUNTY Executive Officer and County Counsel, shall review this Agreement annually, on or before September 15th of each year commencing on September 15th at least six (6) months after the Effective Date, in order to ascertain the good faith compliance by OWNERS with the terms of the Agreement. On or before July 1st of each year, OWNERS shall submit an annual monitoring report, in a form specified by the TLMA Director and consistent with the template attached hereto as Exhibit "I", providing all information necessary to evaluate such good faith compliance as determined by the TLMA Director.

6.2 Special Review. The Board of Supervisors may order a special review of compliance with this Agreement at any time. The TLMA Director, in consultation with the County Executive Officer and County Counsel, shall conduct such special reviews.

### 6.3 Procedure.

(a) During either an annual review or a special review, OWNERS shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on each OWNER.

(b) Upon completion of an annual review or a special review, the TLMA

Director shall submit a report to the Board of Supervisors setting forth the evidence concerning good faith compliance by OWNERS with the terms of this Agreement and his recommended finding on that issue.

(c) If the Board finds on the basis of substantial evidence that an OWNER has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded for that OWNER.

(d) If the Board makes a preliminary finding that an OWNER has not complied in good faith with the terms and conditions of this Agreement, the Board may modify or terminate this Agreement as provided in Section 6.4 and Section 6.5. Notice of default as provided under Section 8.4 of this Agreement shall be given to the non-complying OWNER prior to or concurrent with, proceedings under Section 6.4 and Section 6.5.

6.4 Proceedings Upon Modification or Termination. If, upon a preliminary finding under Section 6.3, COUNTY determines to proceed with modification or termination of this Agreement, COUNTY shall give written notice to the PROPERTY OWNER(S) and OWNER(S) of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

(a) The time and place of the hearing;

(b) A statement as to whether or not COUNTY proposes to terminate or to modify the Agreement; and,

(c) Such other information as is reasonably necessary to inform OWNER or PROPERTY OWNER of the nature of the proceeding.

6.5 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the PROPERTY OWNER and OWNER subject to the hearing shall be given an opportunity to be heard and shall be entitled to present written and oral evidence. The PROPERTY OWNER and OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the PROPERTY OWNER and OWNER. If the Board of Supervisors finds, based upon substantial evidence, that the PROPERTY OWNER and OWNER have not complied in good faith with the terms or conditions of the Agreement, the Board may terminate or modify this Agreement with respect to that PROPERTY OWNER and OWNER and impose such conditions as are reasonably necessary to protect the interests of COUNTY. The decision of the Board of Supervisors shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.6 Certificate of Agreement Compliance. If, at the conclusion of an annual or special review, an OWNER is found to be in compliance with this Agreement, COUNTY shall, upon request by an OWNER, issue a Certificate of Agreement Compliance ("Certificate") to the requesting OWNER stating that after the most recent annual or special review and based upon the information known or made known to the TLMA Director and Board of Supervisors that (1) this Agreement remains in effect and (2) the requesting OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after an annual or



a special review and shall state the anticipated date of commencement of the next annual review. An OWNER may record any Certificate with the County Recorder.

Whether or not the Certificate is relied upon by transferees or an OWNER, COUNTY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the TLMA Director or Board of Supervisors.

## 7. INCORPORATION AND ANNEXATION.

7.1 Intent. If all or any portion of the Property is annexed to or otherwise becomes a part of a city or another county, it is the intent of the parties that this Agreement shall survive and be binding upon such other jurisdiction.

7.2 Incorporation. If at any time during the term of this Agreement, a city is incorporated comprising all or any portion of the Property, the validity and effect of this Agreement shall be governed by Section 65865.3 of the Government Code.

7.3 Annexation. Impacted OWNER(S) and PROPERTY OWNER(S) and COUNTY shall oppose, in accordance with the procedures provided by law, the annexation to any city of all or any portion of the Property unless the OWNER(S), PROPERTY OWNER(S) and COUNTY give written consent to such annexation.

## 8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that COUNTY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that COUNTY shall not be liable in damages to PROPERTY OWNERS or OWNERS, or to any successors in interest of PROPERTY OWNERS or OWNERS, or to any other person, and PROPERTY OWNERS and OWNERS covenant not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application, validity, interpretation or effect of the provisions of this Agreement.

Notwithstanding anything in this Article 8 to the contrary, an OWNER'S liability to COUNTY in connection with this Agreement shall be limited to direct damages and shall exclude any other liability, including, without limitation, liability for special indirect, punitive or consequential damages in contract, tort warranty, strict liability or otherwise. PROPERTY OWNERS are not liable to COUNTY for damages under this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against COUNTY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the Project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, PROPERTY OWNERS and OWNERS may be foreclosed from other choices they may have had to utilize the Property or portions thereof. OWNERS have invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate an OWNER for such efforts.

8.3 General Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided for in Section 4.2.6 (c) and Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the COUNTY, its officers, agents, employees, and independent contractors from any and all claims, demands, actions, or suits of any kind or nature whatsoever arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other monetary liability or damages, whatsoever, upon the COUNTY because it entered into this Agreement or because of the terms of this Agreement. OWNER hereby waives the provisions of Section 1542 of the Civil Code which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

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OWNER Initials

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OWNER Initials

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OWNER Initials

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PROPERTY OWNER Initials

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PROPERTY OWNER Initials

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.5 herein, COUNTY may terminate or modify this Agreement with respect to a given OWNER for any failure of that OWNER to perform any material duty or obligation of that OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as “default”); provided, however, COUNTY may terminate or modify this Agreement pursuant to this Section only after providing written notice to a defaulting OWNER of default, setting forth the nature of the default and the actions, if any, required by the defaulting OWNER to cure such default. Such termination will be effective within sixty (60) days after the effective date of such notice (1) where the default can be cured, but the defaulting OWNER has failed to take such actions and cure such default within sixty (60) days after the effective date of such notice or (2) in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, and the defaulting OWNER has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of COUNTY. An OWNER may terminate this Agreement with respect to its interests in the Project only in the event of a default by COUNTY in the performance of a material term of this Agreement and only after providing written notice to COUNTY of default setting forth the nature of the default and the actions, if any, required by COUNTY to cure such default. Such termination will be effective within sixty (60) days after the effective date of such notice (1) where the default can be cured, but COUNTY has failed to take such actions and cure such default within sixty (60) days after the effective date of such notice or (2) in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, and COUNTY has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default.

8.6 Attorneys’ Fees. In any action at law or in equity to enforce or interpret this Agreement, or otherwise arising out of this Agreement, including without limitation any action for declaratory relief or petition for writ of mandate, the parties shall bear their own attorneys’ fees.

## 9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. COUNTY has determined that this Agreement is consistent with its General Plan, and that the General Plan meets all requirements of law. OWNERS and PROPERTY OWNERS have reviewed the General Plan and concur with COUNTY’s determination. The parties acknowledge that:

- (a) Litigation may be filed challenging the legality, validity and adequacy of the General Plan; and,

(b) If successful, such challenges could delay or prevent the performance of this Agreement and the development of the Project.

COUNTY shall have no liability in damages under this Agreement for any failure of COUNTY to perform under this Agreement or the inability of OWNERS and PROPERTY OWNERS to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNERS shall defend, at their expense, including attorneys' fees, indemnify, and hold harmless COUNTY, its officers, agents, employees and independent contractors from any claim, action or proceeding against COUNTY, its officers, agents, employees, or independent contractors to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. To the extent that any challenged approvals are required by more than one separately owned phases or portions of the Project (for example, the EIR, the CUP, and other Project-wide approvals), all OWNERS shall be jointly and severally obligated to defend the County pursuant to this paragraph. COUNTY shall promptly notify impacted OWNER(S) of any claim, action or proceeding covered by this paragraph, and COUNTY shall cooperate in the defense. If COUNTY fails to promptly notify OWNERS of any such claim, action or proceeding, or if COUNTY fails to cooperate in the defense, OWNERS shall not thereafter be responsible to defend, indemnify, or hold harmless COUNTY. COUNTY may in its discretion participate in the defense of any such claim, action or proceeding. In response to any third-party litigation concerning this Agreement, an OWNER may alternatively, in its sole discretion, settle with third party litigants, provided that such settlement does not require changes in the Development Plan that must be approved by COUNTY. An OWNER may also, in conjunction with other OWNERS where applicable and in its sole discretion when challenged approvals do not impact any other phase or portion of the Project, terminate the challenged portion of the Project in accordance with paragraph 2.6(d).

9.3 Indemnity. In addition to the provisions of 9.2 above, each OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of that OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNERS' employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of COUNTY. OWNERS shall defend, at their expense, including attorneys' fees, COUNTY, its officers, agents, employees, and independent contractors in any legal action based upon such alleged acts or omissions. To the extent that the activities contemplated hereunder involve shared Project infrastructure, the OWNERS shall be jointly and severally liable for the COUNTY'S defense. COUNTY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. Each OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability, based or asserted, upon any act or omission of that OWNER, its officers, agents, employees,

subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and each OWNER that allegedly committed or contributed such act or omission shall defend, at its expense, including attorneys' fees, COUNTY, its officers, agents, employees and independent contractors in any action based or asserted upon any such alleged act or omission. To the extent that the activities contemplated hereunder involve violations involving more than one owner or shared activities or obligations, the OWNERS shall be jointly and severally liable for the COUNTY'S defense. COUNTY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, COUNTY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend COUNTY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse COUNTY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of Sections 8.1 through 8.3, inclusive, Section 8.6 and Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

9.7 Exclusion of PROPERTY OWNERS. Consistent with Section 3.12, COUNTY is not obligated to defend Development Approvals on behalf of PROPERTY OWNERS in their role as PROPERTY OWNERS and PROPERTY OWNERS accordingly have no obligation to defend or indemnify COUNTY in any matter. Nothing in this section shall be construed to limit the obligations of OWNERS to defend and indemnify COUNTY as set forth in Sections 9.2, 9.3, and 9.4 above.

## 10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit a PROPERTY OWNER or an OWNER, in any manner, at that PROPERTY OWNER'S or OWNER'S sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. COUNTY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with a requesting PROPERTY OWNER or OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. COUNTY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property,

or any part thereof, which Mortgagee, has submitted a request in writing to the COUNTY in the manner specified herein for giving notices, shall be entitled to receive written notification from COUNTY of any default by PROPERTY OWNER or OWNER with an interest in the Property or relevant part thereof in the performance of that PROPERTY OWNER'S or OWNER'S obligations under this Agreement.

(c) If COUNTY timely receives a request from a Mortgagee requesting a copy of any notice of default given to an OWNER or a PROPERTY OWNER under the terms of this Agreement, COUNTY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to that OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of a mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. No Mortgagee (including one who acquires title or possession to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, lease termination, eviction or otherwise) shall have any obligation to construct or complete construction of improvements, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to solar power plant use except in full compliance with this Agreement. A Mortgagee in possession shall not have an obligation or duty under this Agreement to perform any of an OWNER'S obligations or other affirmative covenants of an OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by an OWNER is a condition precedent to the performance of a covenant by COUNTY, the performance thereof shall continue to be a condition precedent to COUNTY'S performance hereunder. All payments called for under Sections 4.1, 4.2, 4.3, and 4.4 of this Agreement, to the extent that such payments are due, shall be a condition precedent to COUNTY'S performance under this Agreement. Any transfer by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

## 11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment, modification, termination or cancellation thereof shall be recorded with the County Recorder by the Clerk of the Board of Supervisors within the period required by Section 65868.5 of the Government Code.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected

thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4.2 of this Agreement, including the payments set forth therein, are essential elements of this Agreement and COUNTY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid; void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Gender and Number. As used herein, the neuter gender includes the masculine and feminine, the feminine gender includes the masculine, and the masculine gender includes the feminine. As used herein, the singular of any word includes the plural.

11.7 Joint and Severable Obligations. The OWNERS currently contemplate developing the Project in at least three phases, with Phase 1 to be constructed by IP EASLEY, LLC, Phase 2 to be constructed by IP EASLEY II, LLC and Phase 3 to be constructed by IP EASLEY III, LLC. Project acreage per phase shall be determined after the Agreement execution and will be described in "Exhibit H" to this Agreement. Obligations of the OWNERS under this Agreement with respect to the generation-tie transmission line and Project improvements excluding the solar fields shall be joint and several, and the default of any such OWNER shall be the default of all such OWNERS, curable by either OWNER. Unless otherwise set forth in this Agreement, obligations with respect to each OWNER'S identified Phase (solar array field) will be severable and one OWNER shall not be required to cure the default of the other OWNER with regard to obligations specific to the other OWNER'S Phase.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. Unless expressly stated herein, this Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.



11.11 Force Majeure. No party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force). If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Riverside Historic Courthouse of the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between COUNTY on the one hand and OWNERS and PROPERTY OWNERS on the other is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this



Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by COUNTY of its power of eminent domain. In the event of a Material Condemnation, meaning a condemnation of all or a portion of the Property that will have the effect of preventing development of the Project in accordance with this Agreement, the affected OWNER may (i) request the COUNTY to amend this Agreement and/or to amend the Development Plan, which amendment shall not be unreasonably withheld, (ii) decide, in its sole discretion, to challenge the condemnation, or (iii) request that COUNTY agree to terminate this Agreement by mutual agreement, which agreement shall not be unreasonably withheld, by giving a written request for termination to the COUNTY.

11.19 Agent for Service of Process. In the event a PROPERTY OWNER or an OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, the PROPERTY OWNER or OWNER shall file with the TLMA Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon that PROPERTY OWNER or OWNER. If for any reason service of such process upon such agent is not feasible, then in such event the PROPERTY OWNER or OWNER may be personally served with such process out of this County and such service shall constitute valid service upon that PROPERTY OWNER or OWNER. Each PROPERTY OWNER or OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. Each PROPERTY OWNER or OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Designation of COUNTY Officials. Except for functions to be performed by the Board of Supervisors, COUNTY may, at any time and in its sole discretion, substitute any COUNTY official to perform any function identified in this Agreement as the designated responsibility of any other official. COUNTY shall provide notice of such substitution pursuant to Section 2.7; provided, however, the failure to give such notice shall not affect the authority of the substitute official in any way.

11.21 Authority to Execute. The person executing this Agreement on behalf of each PROPERTY OWNER or OWNER warrants and represents that he or she has the authority to execute this Agreement on behalf of his or her corporation, partnership or business entity and warrants and represents that he or she has the authority to bind PROPERTY OWNER or OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

COUNTY OF RIVERSIDE

Dated:

By \_\_\_\_\_

\_\_\_\_\_  
CHUCK WASHINGTON  
Chairman, Board of Supervisors

ATTEST:  
KIMBERLY RECTOR  
Clerk of the Board

By \_\_\_\_\_  
Deputy  
(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Ara 8.21.24  
AARON C. GETTIS DATE

OWNER:

**IP EASLEY, LLC**

A Delaware limited liability company

By: IP Pipeline Portfolio Holdco, LLC

IP Portfolio I, LLC

A Delaware limited liability company, its sole member

By: IP Renewable Energy Holdings, LLC

A Delaware limited liability company, its sole member

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sheldon Kimber  
CEO

Dated: \_\_\_\_\_

\_\_\_\_\_  
Simon Ross  
CCO

OWNER:

**IP EASLEY II, LLC**

A Delaware limited liability company

By: By: IP Pipeline Portfolio Holdco, LLC

IP Portfolio I, LLC

A Delaware limited liability company, its sole member

By: IP Renewable Energy Holdings, LLC

A Delaware limited liability company, its sole member

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sheldon Kimber  
CEO

Dated: \_\_\_\_\_

\_\_\_\_\_  
Simon Ross  
CCO

OWNER:

**IP EASLEY III, LLC**

A Delaware limited liability company

By: By: IP Pipeline Portfolio Holdco, LLC

IP Portfolio I, LLC

A Delaware limited liability company, its sole member

By: IP Renewable Energy Holdings, LLC

A Delaware limited liability company, its sole member

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sheldon Kimber  
CEO

Dated: \_\_\_\_\_

\_\_\_\_\_  
Simon Ross  
CCO

PROPERTY OWNER:

**American Coal Liquefaction, LLC, a Wyoming limited liability company**

Dated: \_\_\_\_\_

\_\_\_\_\_  
William P. Percival

Dated: \_\_\_\_\_

\_\_\_\_\_  
Douglas W. Percival

Dated: \_\_\_\_\_

\_\_\_\_\_  
Philip P. Percival

PROPERTY OWNER:

**Family Trust of Richard T. Blowers, fka The Blowers Family Trust dated January 18,2005,  
and restated February 18, 2015**

Dated: \_\_\_\_\_

Teresa L. McDonagh, Trustee  
Family Trust of Richard T. Blowers, fka The Blowers  
Family Trust dated January 18,2005, and restated February  
18, 2015

PROPERTY OWNER:

**MiJo Investments, LP, a California limited partnership**

Dated: \_\_\_\_\_

By: MiJo Investments, LLC, a California limited liability company

Dated: \_\_\_\_\_

Michele A. Coudures (formerly known as Michele C. Maynard) Trustee of the Michele C. Maynard Revocable Trust u/d/t/ dated November 12, 2024, its Member

Dated: \_\_\_\_\_

John A. Coudures Trustee of the John M. Coudures, III Trust under Revocable Trust Agreement date November 12, 2024



PROPERTY OWNER:

**Sally Skinner Draskovich and Todd Culver  
Draskovich Revocable Living Trust, establish November 18, 2015**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sally Skinner Draskovich Co-Trustee

Dated: \_\_\_\_\_

\_\_\_\_\_  
Todd Culver Draskovich Co-Trustee

Dated: \_\_\_\_\_

\_\_\_\_\_  
John Stephen Draskovich Co-Trustee

PROPERTY OWNER:

**The Benedicto M. Estoesta and Divina Gracia a. Esoesta Revocable Living Trust**

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

PROPERTY OWNER:

**IP Easley Land, LLC**

By: IP Project Land Holdings, LLC

Dated: \_\_\_\_\_

\_\_\_\_\_

PROPERTY OWNER:

**JMP, INC.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Diane Chen Hsu, Chief Executive Officer

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sunny KW Hsu, Secretary

Development Agreement No. DA2200016

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

**Private Lands**

The lands referred to herein is situated in the State of California, County of Riverside Unincorporated Area and described as follows:

**American Coal Liquefaction**

**Parcel 1:**

The Northeast quarter of the Southeast quarter of Section 12, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official Plat thereof.

APN: 808-023-005

**Parcel 2**

That portion of the Southeast quarter of the Southeast quarter of Section 12, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official Plat thereof, lying northwesterly of the northwesterly line of the Desert Center Rice Road.

APN: 808-030-002

\*\*\*

**Mijo Investments, LP, a California limited partnership, as to an undivided 74.5% interest; and Richard T. Blowers, Trustee of the Family Trust of Richard T. Blowers dated May 8, 2018, as to an undivided 25.5% interest**

Parcels 1 through 7 of Parcel Map No. 23452, in the County of Riverside, State of California, on file in Book 165, Pages 56 through 62 of Parcel Maps, Records of said County.

APN: 808-280-002; 808-280-003; 808-280-004; 808-280-005; 808-280-006; 808-280-007; 808-280-008; 808-280-001

\*\*\*

**IP Easley, LLC, a Delaware limited liability company**

Parcel 15 of Parcel Map No. 16129, in the County of Riverside, State of California, as shown by map on

file in Book 96 Page(s) 76 to 80, of Parcel Maps, Records of Riverside County, California.

APN: 811-270-015

\*\*\*

**John Stephen Draskovich, as to a one-half interest; and Todd Culver Draskovich and Sally Skinner Draskovich, as Co-Trustees of the Sally Skinner Draskovich and Todd Culver Draskovich Revocable Living Trust, established November 18, 2015, by Todd Culver Draskovich and Sally Skinner Draskovich, his entire one-half (1/2) interest as a tenant in common**

Parcel 22 of Parcel Map No. 16129, in the County of Riverside, State of California, as shown by Map on file in Book 96, Page 76 through 80, inclusive of Parcel Maps, in the Office of the County Recorder of said County.

Excepting therefrom any and all mineral rights, including but not limited to coal, phosphates, oil, and gas, oil slate, sodium, sulpher, potassium, native asphalt, solid and semisolid bitumen, and bituminous rocks (including but not limited to coal, phosphates, oil, and gas, oil slate, sodium, sulpher, potassium, native asphalt, solid and semisolid bitumen, and bituminous rocks (including oil impregnated rock or sands from which oil is recoverable only by special and zinc, together with any and all geothermal rights, as excepted by that certain grant deed recorded December 24, 1980 as Instrument No. 80-241822 of Official Records.

APN: 808-240-007

\*\*\*

**Benedicto M. Estoesta, Divina Garcia A. Estoesta, Revocable Living Trust**

Lots 3, 4, 5 and 6 of the Southwest Quarter and the South Half of the Southwest Quarter and the Southeast Quarter of Section 2, Township 5 South, Range 15 East, San Bern8ldino Meridian, in the County of Riverside. State of California, according to the Official Plat of said land.

Excepting therefrom all mineral deposits, with the right to mine and remove such deposits, as reserved by the United States Patent recorded November 21, 1983, as Instrument No. 242600, of Official Records of Riverside County, California.

APN: 808-023-032 and 808-023-031

\*\*\*

**IP Easley, LLC, a Delaware limited liability company**

Parcel 6 of Parcel Map 16129, in the County of Riverside, State of California, as shown by map on file in book 96 page(s) 76 to 80, of Parcel Maps, Records of Riverside County, California.

Excepting therefrom all mineral rights, including but not limited to coal, phosphates, oil and gas, oil slate, sodium, sulphur, potassium, native asphalt, solid and semisolid bitumen, and bituminous rocks (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), gold, silver, quicksilver, lead and zinc, together with any and all geothermal rights, as excepted by that certain Grant Deed recorded December 24, 1980 as Instrument No. 80-241822 of Official Records.

Also, excepting therefrom all mineral rights, including but not limited to coal, phosphates, oil and gas, oil slate, sodium, sulphur, potassium, native asphalt, solid and semisolid bitumen, and bituminous rocks (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), gold, silver, quicksilver, lead and zinc, together with any and all geothermal rights, as conveyed to Imperial Farm Management, Inc., a California corporation, by deed recorded May 3, 1983 as Instrument No. 85295 of Official Records.

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**IP Easley, LLC, a Delaware limited liability company**

**Parcel 1:**

That portion of the North half of Section 7, Township 5 South, Range 16 East, San Bernardino Base and Meridian, lying North and Northwest of the northwesterly line of the county highway, 100 feet wide, as designated by resolution of the County of Riverside, a certified copy of which was filed for record March 27, 1945 as Instrument No. 2957 of Official Records.

Also including a portion of the Southwest quarter of said Section 7, lying North and Northwest of the northwesterly line of said county highway and northeasterly of the following described line:

Commencing at the Southwest corner of the Northwest quarter of said Section 7; thence South 43°29'00" East, 1151 feet, to its intersection of the northwesterly line of said county highway.

APN: 811-141-011

**Parcel 2:**

That portion of the East half of Government Lot 2 in the Northeast quarter of Section 5, Township 5 South, Range 16 East, San Bernardino Base and Meridian, according to United States Government Survey thereof, approved July 12, 1856, lying Northwesterly of the Northwesterly

line of Desert Center-Rice Road, as described in resolution recorded March 27, 1945 in Book 665, Page 274 of Official Records of Riverside County, California.

APN: 811-121-004

\*\*\*

**JMP, Inc.**

The West 70.00 acres of the North half of Section 13, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official Plat thereof.

APN: 808-023-018

\*\*\*

**Spindle Top Bayou Farm, Inc., a Texas Corporation**

Parcels 1, 2, 3, 4, 5 and 7 of Parcel Map 16129, as shown by map on file in Book 96, Pages 76 through 80, inclusive, of Maps, Records of Riverside County, California.

APN: 811-270-001; 811-270-002; 811-270-003; 811-270-004; 811-270-005; 811-270-007

**Public Lands**

The lands referred to herein is situated in the State of California, County of Riverside Unincorporated Area and described as follows:

A portion Governmental Lot 3 in the Southwest Quarter of Section 31, Township 4 South, Range 16 East of the San Bernardino Base and Meridian, being all that portion of Governmental Lot 3 lying South of lands owned by the Metropolitan Water District of Southern California as described in that certain Notice of Ownership of Real Property dated July 13, 2004, recorded as Document No. 2004-0671288, in the Office of the Recorder for Riverside County, State of California.

APN: 807-191-029

\*\*\*

**Parcel 1:**

Lots 1 and 2 of the Northeast quarter of Section 3, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, lying East of Kaiser Road, said road being more fully described in Resolution dated June 18, 1962, filed on June 20, 1962, and recorded in the Office of the Imperial County Recorder in Book 3164, on Page 201.

**Parcel 2:**

The Southeast quarter of Section 3, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, lying East of Kaiser Road, said road being more fully described in Resolution dated



June 18, 1962, filed on June 20, 1962, and recorded in the Office of the Imperial County Recorder in Book 3164, on Page 201.

APN: 808-023-022

\*\*\*

A strip of land 80 feet wide, in the north-half of Section 2, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official Plat thereof, the Northerly line of said strip of land 80 feet wide being parallel with and distant northwesterly 25 feet, measured at right angles, from the following described survey line:

Beginning at a point on the westerly line of said Section 2, said point being distant thereon N 0° 48' W 1402.70 feet from the southwest corner of said Section 2; thence North 60° 48' E, 6022.90 feet to a point on the east line of said Section 2, said point being distant thereon S 0° 27' E 941.10 feet from the northeast corner of said Section 2.

The sidelines of said 80-foot-wide strip of land shall be prolonged or shortened so as to terminate northeasterly and southwesterly in the easterly and southerly lines, respectively, of said north half of Section 2, as described in Quitclaim Deed recorded as Document No. 1980221030 in Public Records of Riverside County, California.

APN: 808-023-030

\*\*\*

The East half of the East half of Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, lying East of Kaiser Road;

Except therefrom the following:

The North half of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian.

The South Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, issued by Patent dated July 24, 1969, recorded as Serial No. R 1252 (Accession No. 04-70-0035) with the General Land Office of the Bureau of Land Management.

The South Half of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, issued by Patent dated July 22, 1970, recorded as Serial No. R 2046 (Accession No. 04-71-0016) with the General Land Office of the Bureau of Land Management.

The South Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, issued

by Patent dated November 17, 1983, recorded as Serial No. CA 13602 (Accession No. 04-84-0011) with the General Land Office of the Bureau of Land Management.

The North Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, issued by Patent dated October 20, 1983, recorded as Serial No. CA 13601 (Accession No. 04-84-0006) with the General Land Office of the Bureau of Land Management.

The North Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, issued by Patent dated December 16, 1983, recorded as Serial No. CA 13598 (Accession No. 08-84-0020) with the General Land Office of the Bureau of Land Management.

The South Half of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, issued by Patent dated December 16, 1983, recorded as Serial No. CA 13599 (Accession No. 04-84-0021) with the General Land Office of the Bureau of Land Management.

The North Half of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 10, Township 5 South, Range 15 East, of the San Bernardino Base and Meridian, issued by Patent dated December 16, 1983, recorded as Serial No. CA 13600 (Accession No. 04-84-0022) with the General Land Office of the Bureau of Land Management.

APN: 808-270-007

\*\*\*

The Northeast Quarter of the Northeast Quarter of Section 14, Township 5 South, Range 15 East, San Bernardino Base and Meridian.

APN: 808-230-005

\*\*\*

A portion of the Southwest quarter of Section Thirteen (13), Township Five (5) South, Range Fifteen (15) East, of the San Bernardino Base and Meridian, lying Northwest of Desert Center-Rice Road in Riverside County, California.

APN: 808-023-027

\*\*\*

Parcel 1:

Lots 1 and 2 of the Northwest quarter Section 6, Township 5 South, Range 16 East, San Bernardino Base and Meridian.

Parcel 2:

Lots 1 and 2 of the Northeast quarter of Section 6, Township 5 South, Range 16 East, San Bernardino Base and Meridian;

Except therefrom the North Half of East Half of Lot 2 of the Northeast Quarter of Section 6, Township 5 South, Range 16 East of the San Bernardino Base and Meridian, as described in Notice of Ownership of Real Property Right-of-Way Engineering dated July 13, 2004, recorded as Document No. 2004-0671288, in the Office of the Recorder of Riverside County, State of California.

APN: 811-121-008

\*\*\*

That portion of the West Half of the Southwest Quarter of Section 5, Township 5 South, Range 16 East, San Bernardino Base and Meridian, lying Northwesterly of the Desert Center-Rice Road as shown on map on the file in Record of Survey Book 12, page 81, Records of Riverside County, California.

APN: 811-121-007

\*\*\*

That portion of the West Half of the Southwest Quarter of Section 5, Township 5 South, Range 16 East, San Bernardino Base and Meridian, lying Southeasterly of the Desert Center-Rice Road as shown on map on the file in Record of Survey Book 12, page 81, Records of Riverside County, California.

APN: 811-122-005

\*\*\*

All of Section 35, Township 04 North, Range 15 East of the San Bernardino Base and Meridian:

Except therefrom: the Northwest Quarter of the Northeast Quarter of the Northeast Quarter and;

the East half of the Northeast Quarter of the Northeast Quarter of said Section 35, as set aside by Federal Serial File No. LA 053581 and the North half of the Northwest Quarter of the Northeast Quarter of said Section 35, as set aside by Federal Serial File No. R 07041, as detailed in Notice of Ownership of Real Property Right-of-Way Engineering dated July 13, 2004, filed as Document No. 2004-0671288, in the Recorders Office in the County of Riverside, State of California.

APN: 807-172-027

\*\*\*

A portion of Section 34, Township 4 South, Range 15 East of the San Bernardino Base and Meridian, lying East of Kaiser Road, said road being more fully described in Resolution dated

June 18, 1962, filed in Book 3164, on Page 201, with the Recorder's Office of Riverside County, California.

APN: 807-172-015

\*\*\*

Parcel 1:

Lot 3 of the Northwest Quarter of Section 30, Township 4 South, Range 16 East of the San Bernardino Base and Meridian.

Parcel 2:

Lot 3 of the Southwest Quarter of Section 30, Township 4 South, Range 16 East of the San Bernardino Base and Meridian.

APN: 807-191-022

\*\*\*

A portion of Governmental Lot 3 in the Northwest Quarter of Section 31, Township 4 South, Range 16 East, of the San Bernardino Base and Meridian, being all that portion of Governmental Lot 3 lying North of lands owned by the Metropolitan Water District of Southern California as described in that certain Notice of Ownership of Real Property dated July 13, 2004, recorded August 25, 2004 as Document No. 2004-0671288, in the Office of the Recorder for Riverside County, State of California.

APN: 807-191-028

\*\*\*

All of Section 12, Township 5 South, Range 15 East of the San Bernardino Base and Meridian, except therefrom the South half of the Southwest quarter, the South half of the Southeast quarter and the Northeast quarter of the Southeast quarter, as issued to Frank J. Kanne, Jr., by Patent dated March 5, 1963, filed with the Bureau of Land Management as Serial No. LA 096353.

APN: 808-023-024

\*\*\*

All of Section Eleven (11), Township Five (5) South, Range Fifteen (15) East, of the San Bernardino Base and Meridian;

Except therefrom : South half of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 11, as issued to the Desert Center Congregation of Jehovah's Witnesses, Inc., by Patent dated November 15, 1971, filed with the General Land Office of the Bureau of Land Management as Serial Patent No. 04-72-0036.

Except therefrom: The North half of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section 11, as issued to Demetrios M. Yermanos and Anastasia D. Yermanos by Patent dated December 16, 1983, filed with the General Land Office of the Bureau of Land Management as Serial Patent No. 08-84-0017.

Except therefrom: The South half of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section 11, as issued to Demetrios M. Yermanos and Anastasia D. Yermanos by Patent dated December 16, 1983, filed with the General Land Office of the Bureau of Land Management as Serial Patent No. 04-84-0018.

Except therefrom: The North half of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 11, as issued to Demetrios M. Yermanos and Anastasia D. Yermanos by Patent dated December 16, 1983, filed with the General Land Office of the Bureau of Land Management as Serial Patent No. 04-84-019.

APN: 808-270-012

\*\*\*

Parcel 1:

The South half of Section 13, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Riverside, State of California.

APN: 808-024-004 and 808-023-027

\*\*\*

Parcel 2:

Section 19, in Township 5 South, Range 16 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official plat thereof.

APN: 811-190-006

\*\*\*

Parcel 3:

Section 20, Township 5 South, Range 16 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official plat thereof.

APN: 811-190-007 & 811-190-008

\*\*\*

Parcel 4:

That portion of Section 29 and 30, lying Northerly of the State Highway in Township 5 South, Range 16 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official plat thereof.

APN: 811-201-001 & 811-201-002

\*\*\*

Parcel 5:

That portion of Section 28, lying Northerly of the State Highway in Township 5 South, Range 16 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, according to the Official plat thereof.

APN: 811-211-001

\*\*\*

Parcel 6:

The North half of Section 23, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Reveries, State of California.

APN: 808-053-004 and 808-054-003

\*\*\*

Parcel 7:

The Southeast 1/4 of Section 23, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Riverside, State of California.

APN: 808-072-006

\*\*\*

Parcel 8:

All of Section 24, Township 5 South, Range 15 East, San Bernardino Base and Meridian, in the County of Riverside, State of California. Excepting therefrom that portion conveyed by the United States of America, by patent recorded in Book 1285, Page 467, of Official Records, described as follows: The Northwest 1/4 of Southeast 1/4 of Section 24 Township 5 South, Range 15 East.

APN: 808-054-004

\*\*\*

EXHIBIT "B"

Figure 1: Land Ownership

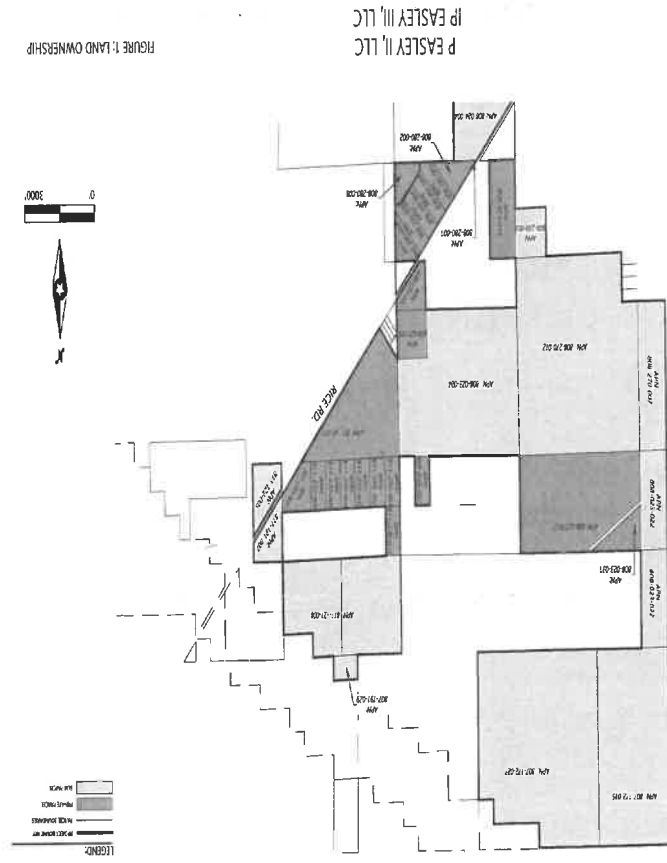




Figure 2: Disturbance Area

BRANCE AREA

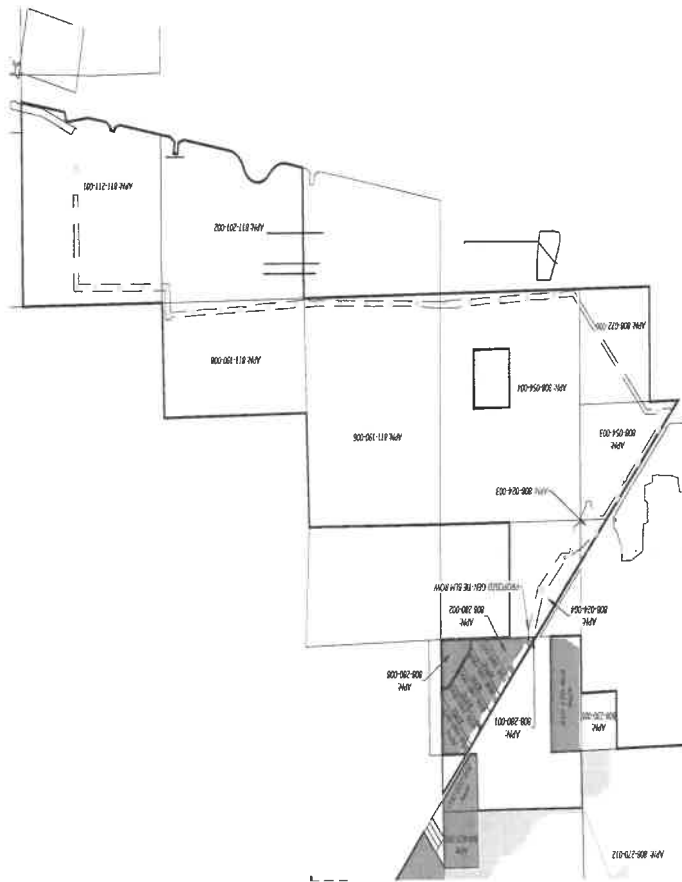
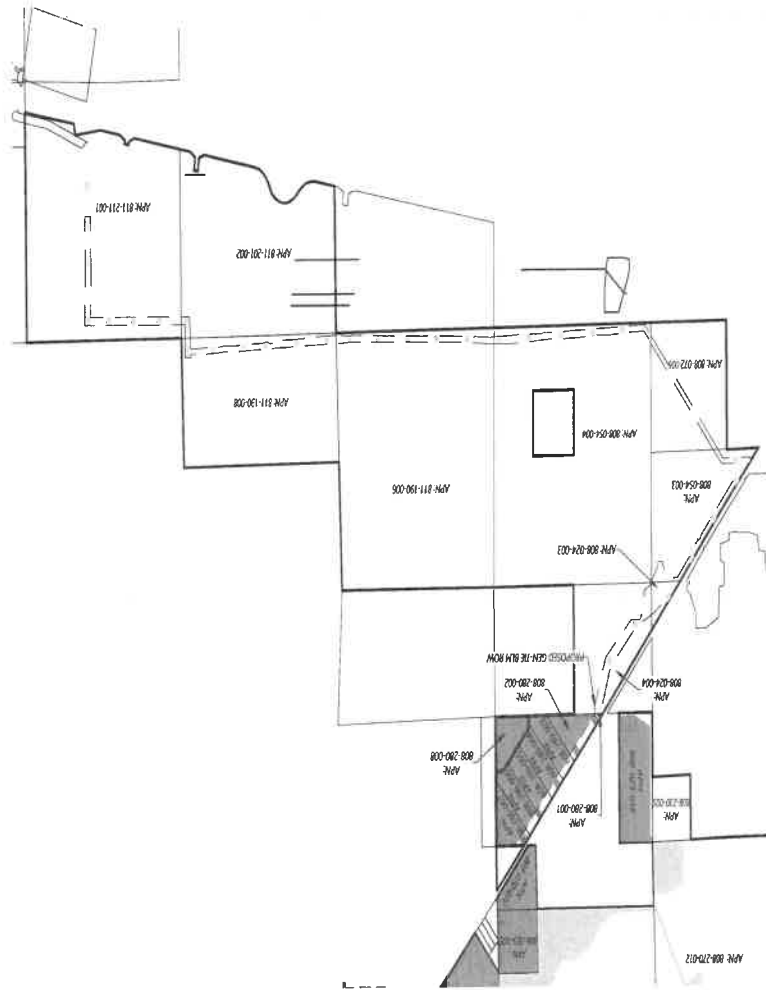


FIGURE 2: DISTURBANCE AREA



REANCE AREA



Development Agreement No. DA2200016

EXHIBIT "C"

APN TABLE

APN	Public or Private	Total Acreage	Disturbed Acreage
807172015	Public	382	120.7
807172027	Public	592	328.4
808023022	Public	147.2	80.3
808270007	Public	112.6	22
808270012	Public	625	140.9
808023024	Public	440.2	137.5
811121008	Public	297.3	263.4
807191029	Public	16.5	15.5
811121007	Public	35.5	30.3
811122005	Public	40.1	37.1
808230005	Public	40.3	0.2
080023030	Public	4.8	0.1
808023031	Private	31.5	22
808023032	Private	284.2	56.9
808240007	Private	20.1	17

811270015	Private	20.1	18.1
811270001	Private	20.1	11.7
811270002	Private	20.1	19.3
811270003	Private	20.1	19.3
811270004	Private	20.1	19.3
811270005	Private	20.1	19.3
811270006	Private	20.0	19.3
811270007	Private	31.5	28
811141011	Private	199.8	167.5
808023005	Private	39.6	39.3
808030002	Private	26.9	24.9
808023018	Private	69.8	61.4
808280007	Private	18.2	16.6
808280006	Private	18.7	16.9
808280005	Private	18.8	17.1
808280004	Private	18.8	17.4
808280003	Private	18.6	16.3
808280002	Private	19.1	14.7
808280001	Private	0.2	0.2
808280008	Private	19.6	19.6
<b>Gen-Tie Parcels Below</b>			
808024004	Public	17.8	1.0
808024003	Public	8.8	0.4

808054003	Public	18.8	2.2
808072006	Public	8.5	1.2
808054004	Public	17.3	2.8
811190006	Public	15.2	2.1
811190008	Public	17	3.3
811201002	Public	2.	0.7
811211001	Public	20.5	4.4

<b>Subtotals</b>	
<b>Total Public Acreage</b>	2859.9
<b>Disturbed Public Acreage</b>	1194.4
<b>Total Private Acreage</b>	973.4
<b>Disturbed Private Acreage</b>	662.1
<b>Grand Total Acreage</b>	3835.6
<b>Grand Total Disturbed Acreage</b>	1856.6

Development Agreement No. DA2200016

EXHIBIT "D"

EXISTING DEVELOPMENT APPROVALS

Conditional Use Permit No. 220021

Public Use Permit No. 230002

CEQA (EIR) SCH 2022110240

The development approvals listed above include the approved maps and all conditions of approval.

COPIES OF THE EXISTING DEVELOPMENT APPROVALS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

Development Agreement No. DA2200016

EXHIBIT "E"

EXISTING LAND USE REGULATIONS

1. Riverside County General Plan as amended through Resolution No. 2021-108
2. Ordinance No. 348 as amended through Ordinance No. 348.5018
3. Ordinance No. 448 as amended through Ordinance No. 448.A
4. Ordinance No. 457 as amended through Ordinance No. 457.106
5. Ordinance No. 458 as amended through Ordinance No. 458.17
6. Ordinance No. 460 as amended through Ordinance No. 460.154
7. Ordinance No. 461 as amended through Ordinance No. 461.11
8. Ordinance No. 509 as amended through Ordinance No. 509.2
9. Ordinance No. 547 as amended through Ordinance No. 547.7
10. Ordinance No. 555 as amended through Ordinance No. 555.20
11. Ordinance No. 617 as amended through Ordinance No. 617.4
12. Ordinance No. 650 as amended through Ordinance No. 650.7
13. Ordinance No. 659 as amended through Ordinance No. 659.13
14. Ordinance No. 663 as amended through Ordinance No. 663.10
15. Ordinance No. 671 as amended through Ordinance No. 671.22
16. Ordinance No. 673 as amended through Ordinance No. 673.7
17. Ordinance No. 679 as amended through Ordinance No. 679.4
18. Ordinance No. 682 as amended through Ordinance No. 682.6
19. Ordinance No. 726 as amended through Ordinance No. 726
20. Ordinance No. 742 as amended through Ordinance No. 742.1
21. Ordinance No. 743 as amended through Ordinance No. 743.3
22. Ordinance No. 748 as amended through Ordinance No. 748.1
23. Ordinance No. 749 as amended through Ordinance No. 749.1
24. Ordinance No. 752 as amended through Ordinance No. 752.2



25. Ordinance No. 754 as amended through Ordinance No. 754.3
26. Ordinance No. 787 as amended through Ordinance No. 787.10
27. Ordinance No. 806 as amended through Ordinance No. 806
28. Ordinance No. 810 as amended through Ordinance No. 810.3
29. Ordinance No. 817 as amended through Ordinance No. 817.1
30. Ordinance No. 824 as amended through Ordinance No. 824.17
31. Ordinance No. 847 as amended through Ordinance No. 847.1
32. Ordinance No. 859 as amended through Ordinance No. 859.3
33. Ordinance No. 875 as amended through Ordinance No. 875.1
34. Ordinance No. 915 as amended through Ordinance No. 915
35. Ordinance No. 925 as amended through Ordinance No. 925.1
36. Ordinance No. 926 as amended through Ordinance No. 926
37. Ordinance No. 927 as amended through Ordinance No. 927.2
37. Ordinance No. 931 as amended through Ordinance No. 931
34. Resolution No. 2020 -0124 Establishing Procedures and Requirements of the County of Riverside for the Consideration of Development Agreements
39. Board of Supervisors Policy No. B-29 as amended May 21, 2013

COPIES OF THE EXISTING LAND USE REGULATIONS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

Development Agreement No. DA2200016

EXHIBIT "F"

SOLAR POWER PLANT

The OWNERS propose to construct, operate, maintain, and decommission an up-to 400 megawatt (MW) photovoltaic (PV) electrical generation and storage facility and associated infrastructure in unincorporated Riverside County, California, to be known as the Easley Renewable Energy Project. Approximately 662.2 acres of privately owned land would be included in the project, with the remainder of the project to be developed on public land, including within a Right-of-Way covering up to approximately 1,856.6 acres administered by the Bureau of Land Management. (BLM). The Project would generate, store, and ultimately deliver solar-generated power to the California electrical grid through an interconnection at the Red Bluff Substation owned by Southern California Edison. The Project's generation tie line would initially connect to the Oberon Renewable Energy Project onsite substation prior to delivering power to the Red Bluff Substation, which is adjacent to the Easley Project and owned by Intersect Power.

The project would be constructed in three phases. Phase 1 would be owned by IP Easley, LLC, Phase 2 would be owned by IP Easley II, LLC and Phase 3 would be owned by IP Easley III, LLC. Shared facilities would be owned jointly and constructed by IP Easley, LLC.

The Project would operate year-round and would produce up to a total of 400 MW of electricity.

Development Agreement No. DA2200016

EXHIBIT "G"

SOLAR POWER PLANT NET ACREAGE

Easiey Parties	
Private Land Solar, Electrical Facility, battery energy storage system (BESS) (max)	662.2
BLM Land Soler (max)	1,194.4
Private Land Gen-tie Pole/Buried Line Disturbance (max)	2.60
BLM Land Gen-tie Pole/Buried Line Disturbance (max)	18

Upon notice to and in consultation with the Assistant TLMA Director – Planning and Land Use, the County Executive Officer and County Counsel, OWNERS may reduce the Solar Power Plant Net Acreage to the extent that OWNERS later decide not to develop all acres approved for development.

Development Agreement No. DA2200016

EXHIBIT "H"

SOLAR POWER PLANT PHASED NET ACREAGE

Phased acreages:

**Phase 1: IP Easley, LLC**

Private Land Solar, Electrical Facility, BESS (max).....483.5  
BLM Land Solar (max).....375.4  
Private Land Gen-tie Pole/Buried Line Disturbance (max).....1.3  
BLM Land Gen-tie Pole/Buried Line Disturbance (max).....9.0

*Phase 1 Subtotal*.....**869.2ac**

**Phase 2: IP Easley II, LLC**

Private Land Solar, Electrical Facility, BESS (max).....154.5 BLM Land  
Solar (max).....801.0 Private Land Gen-tie  
Pole/Buried Line Disturbance (max).....1.3 BLM Land Gen-tie Pole/Buried Line  
Disturbance (max).....9.0

*Phase 2 Subtotal*.....**965.8ac**

**Phase 3: IP Easley III, LLC**

Private Land Electrical Facility, BESS/ substation(max).....21.6 ac BLM Land  
Electrical Facility, BESS (max).....0 ac Private Land Gen-tie  
Pole/Buried Line Disturbance (max) .....0 ac BLM Land Gen-tie Pole/Buried Line  
Disturbance (max) .....0 ac

*Phase 3 Subtotal*.....**21.6 acres**

Development Agreement No. DA2200016

EXHIBIT "I"

ANNUAL REVIEW TEMPLATE

**ANNUAL REVIEW REPORT – SOLAR POWER PLANT PROJECTS**

To be completed by the Solar Power Plant Developer/Owner by July 1<sup>st</sup> of each year and submitted to the County of Riverside for review in accordance with Government Code section 65865.1.

Date: \_\_\_\_\_

Development Agreement No. DA1900001

Effective Date of Development Agreement: \_\_\_\_\_

Developer/Owner: \_\_\_\_\_

Project Name: \_\_\_\_\_

Permit Number(s): \_\_\_\_\_

APN Number(s): \_\_\_\_\_

Twelve-Month Period Covered by this Annual Review Report: \_\_\_\_\_

Date Annual Public Benefit Payment Submitted to County For This Reporting Period:  
\_\_\_\_\_

\* \* \*

**Owner Representation:** I warrant and represent that I have authority to execute this Annual Review Report on behalf of Developer/Owner. I certify that the information filed is true and correct to the best of my knowledge and that Developer/Owner is in good faith compliance with the terms of the above referenced Development Agreement, including all conditions of approval for the above listed permits which are part of the Existing Development Approvals and Development Plan covered by the Development Agreement. I understand that the County may require additional information to supplement this Annual Review Report to aid in the County's determination.

Signature of Developer/Owner: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

\* \* \*

[TO BE COMPLETED BY COUNTY]

**County Determination:** Developer is found to be in good faith substantial compliance with the terms and conditions of the Development Agreement for the period covered by this Review Report.

TLMA Director: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Development Agreement No. DA2200016  
EXHIBIT "J"

PROPERTY OWNER CONTACT INFORMATION

<b>Landowner Address</b>	<b>APN</b>	<b>Phone Number</b>	<b>Email</b>
American Coal Liquefaction, LLC Attn: Phil Percival PO Box 943 Winchester, CA 92565	808-023-005 808-030-002	(951) 923-9200	<a href="mailto:asset19@gmail.com">asset19@gmail.com</a>
Blowers Family Trust Dated 01/18/2002 Attn: Terri McDonagh 11720 Kitching Street Moreno Valley, CA 92557 and MiJo Investments, LP Attn: Michele Coudures 2273 Suree Ellen Lane Altadena, CA 91001	808-280-001 808-280-002 808-280-003 808-280-004 808-280-005 808-280-006 808-280-007 808-280-008	<b>Michele:</b> (626) 437-1646 <b>Terri:</b> (951) 961-2651	<a href="mailto:ma.coudures946@gmail.com">ma.coudures946@gmail.com</a> <a href="mailto:terrilmcdonagh@gmail.com">terrilmcdonagh@gmail.com</a>
Todd Culver Draskovich 2201 Whyte Park Ave, Walnut Creek, CA 94595  John Steven Draskovich 7614 General Meade Lane St. Louis, MO 63123	808-240-007-3	<b>Todd:</b> (925) 938-5181 <b>John:</b> (314) 270-3237	<a href="mailto:tajexpress@comcast.net">tajexpress@comcast.net</a> <a href="mailto:jdrasko@gmail.com">jdrasko@gmail.com</a>
The Benedicto M. Estoesta and Divina Gracia A. Estoesta Revocable Living Trust PO Box 1570 Valley Spring, CA 95252	808-023-031 808-023-032	<b>Divina:</b> (209) 772-8827 <b>Miranda:</b> (209) 772-8906 <b>Gracie:</b> (209) 479-2310 <b>Clinic:</b> (209) 772-8906	<a href="mailto:graceestoesta@sbcglobal.net">graceestoesta@sbcglobal.net</a>
IP Easley Land, LLC Attn: Amber Buric c/o Intersect Power 945 SW Gemini Drive, PMB #68743 Beaverton, OR 97008	811-141-011 811-121-004	(412) 779-7516	<a href="mailto:amber@intersectpower.com">amber@intersectpower.com</a>
JMP, INC. Attn: Brian Johnson 8011 SE Posey St., Milwaukee, Oregon, 97267	808-023-018	<b>Brian:</b> (503) 656-1010 <b>Kevin:</b> (503) 781-7916	<a href="mailto:johnsonmobilestates@gmail.com">johnsonmobilestates@gmail.com</a>