

Appendix A

Initial Study and Notice of Preparation
and Comment Letters

Notice of Preparation

To: Office of Planning & Research
(Agency)

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

Sacramento, CA 95812-3044

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency:

Consulting Firm (If applicable):

Agency Name	<u>Imperial County, Planning & Dev Svcs.</u>	Firm Name	<u>HDR</u>
Street Address	<u>801 Main Street</u>	Street Address	<u>591 Camino de la Reina, Suite 300</u>
City/State/Zip	<u>El Centro, CA 92243</u>	City/State/Zip	<u>San Diego, CA 92108</u>
Contact	<u>Patricia Valenzuela</u>	Contact	<u>Tim Gnibus</u>

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

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is attached.

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

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

Project Title: VEGA SES 2, 3, and 5 Solar Energy Project

Project Location: The project area is located on approximately 1,963 acres of privately-owned land in the unincorporated area of Imperial County, CA. The project area is located approximately 5.67 miles southeast of the unincorporated community of Niland between the unincorporated communities of Iris and Slab City. The project area is transected by the Coachella and East Highline Canals and the Union Pacific Railway. As shown on Figure 1, the project area is located entirely within the County's Renewable Energy Overlay Zone.

Project Description (brief): The project applicant, Apex Energy Solutions, LLC, proposes to construct and operate an expansive photovoltaic (PV) solar energy facility and associated infrastructure on approximately 1,963 acres of privately-owned land in the unincorporated area of Imperial County, CA.

Three separate Conditional Use Permits (CUPs) have been filed with the County, which together define the project sites. The three CUP applications or individual site locations consist of the following:

- CUP 20-0021: VEGA SES 2 (APNs 025-010-006, 025-260-011, and 025-270-023)
- CUP 20-0022: VEGA SES 3 (APN 025-010-006)
- CUP 20-0023: VEGA SES 5 (APNs 025-260-019 and 025-260-022)

Collectively, the proposed projects involve the construction of up to 350 megawatt (MW) alternative current (AC) photovoltaic (PV) solar energy facility with an integrated 350 MW battery storage system (not to exceed 700 MW). The projects propose to utilize either thin film or crystalline solar PV technology modules mounted either on fixed frames or horizontal single-axis tracker (HSAT) systems. The projects would include electronic/electrical equipment, on-site substations, interconnection facilities, access roads and fencing. The electrical energy produced by the projects would be conducted through the projects' interconnection facilities to the following:

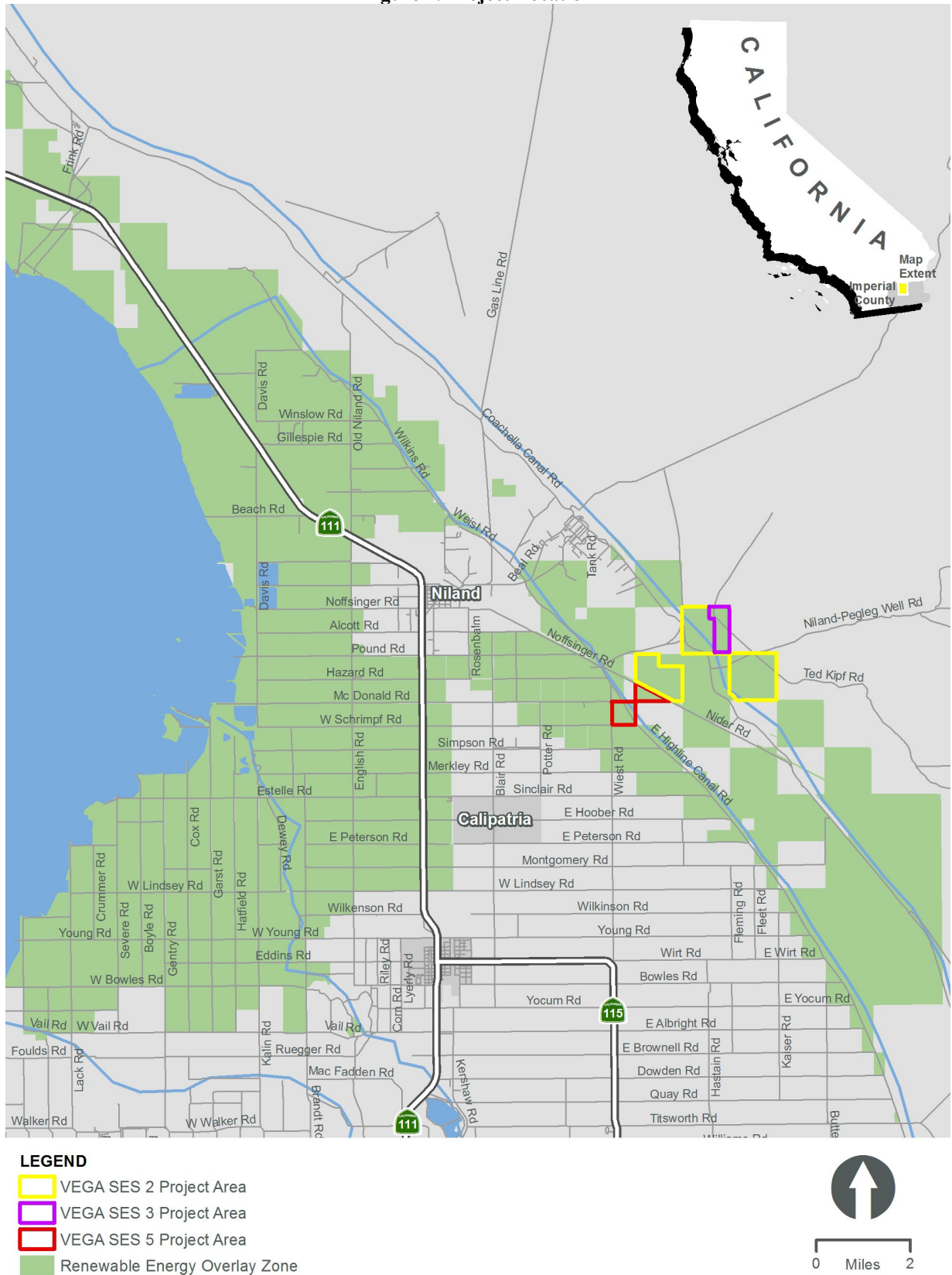
- VEGA SES 2 - IID KN/KS Line
- VEGA SES 3 - IID 161 kV "F" Transmission Line
- VEGA SES 5 - IID 92 kV Midway Substation

Project Applicant: Apex Energy Solutions, LLC

Date		Signature	
		Title	
		Telephone	

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

Figure 1. Project Location



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Imperial County
Planning & Development Services Department

**NOTICE OF PREPARATION OF DRAFT EIR FOR VEGA SES 2,3 & 5 SOLAR ENERGY PROJECT AND
NOTICE OF PUBLIC EIR SCOPING MEETING**

The Imperial County Planning & Development Services Department intends to prepare an Environmental Impact Report (EIR) for the proposed VEGA SES 2, 3 & 5 Solar Energy Project as described below. A public scoping meeting for the proposed EIR will be held by the Imperial County Planning & Development Services Department on **May 13 at 6:00 P.M.** The scoping meeting will be held at the Board of Supervisors Chambers, 2nd Floor, County Administration Center located at 940 Main Street, El Centro, CA 92243. Comments regarding the scope of the EIR will be accepted at this meeting.

SUBJECT: VEGA SES 2, 3 & 5 Solar Energy Project EIR

BOARD OF SUPERVISORS CONSIDERATION: To Be Determined.

PROJECT LOCATION: The project area is located on approximately 1,963 acres of privately-owned land in the unincorporated area of Imperial County, CA. The project area is located approximately 5.67 miles southeast of the unincorporated community of Niland between the unincorporated communities of Iris and Slab City. The project area is transected by the Coachella and East Highline Canals and the Union Pacific Railway. The project area is located entirely within the County's Renewable Energy Overlay Zone.

PROJECT DESCRIPTION: The project applicant, Apex Energy Solutions, LLC, proposes to construct and operate an expansive photovoltaic (PV) solar energy facility and associated infrastructure on approximately 1,963 acres of privately-owned land in the unincorporated area of Imperial County, CA.

Three separate Conditional Use Permits (CUPs) have been filed with the County, which together define the project sites. The three CUP applications or individual site locations consist of the following:

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- VEGA SES 2 - IID KN/KS Line
- VEGA SES 3 - IID 161 kV "F" Transmission Line
- VEGA SES 5 - IID 92 kV Midway Substation

Project Applicant: Apex Energy Solutions, LLC

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

BOARD OF SUPERVISORS DISTRICT: District 4, Supervisor Ryan E. Kelley

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

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

NOTICE OF PREPARATION REVIEW PERIOD: May 4, 2021 through June 7, 2021

Initial Study



Initial Study and NOP

VEGA SES 2, 3, & 5 Solar Energy Project

Imperial County, CA

December 2022

Reviewed by:

County of Imperial

Planning & Development
Services Department

801 Main Street

El Centro, CA 92243

Prepared by:

HDR Engineering, Inc.

591 Camino de la Reina,
Suite 300

San Diego, CA 92108

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Introduction

A. Purpose

This document is a ☐ policy-level; ☒ project-level Initial Study for evaluation of potential environmental impacts resulting with the proposed VEGA SES 2, 3, & 5 Solar Energy Project.

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

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

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

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

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

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

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

C. Intended Uses of Initial Study and Notice of Preparation

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

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

D. Contents of Initial Study and Notice of Preparation

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

SECTION 1

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

SECTION 2

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

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

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

SECTION 3

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

E. Scope of Environmental Analysis

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

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

F. Policy-Level or Project-Level Environmental Analysis

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

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

G. Tiered Documents and Incorporation by Reference

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

1. Tiered Documents

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

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

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

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

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

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

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

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

2. Incorporation by Reference

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

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

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

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

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

Environmental Checklist Form

1. **Project Title:** VEGA SES 2,3, and 5 Solar Energy Project
2. **Lead Agency name and address:** Imperial County Planning & Development Services
Department, 801 Main Street, El Centro, CA 92243
3. **Contact person and phone number:** Patricia Valenzuela, Planner IV, 442-265-1749
4. **Project location:** The project site is located on approximately 1,963 acres of privately-owned land in the unincorporated area of Imperial County, CA. The project area is located approximately 5.67 miles southeast of the unincorporated community of Niland between the unincorporated communities of Iris and Slab City. The project area is transected by the Coachella and East Highline Canals and the Union Pacific Railway.
5. **Project sponsor's name and address:** Apex Energy Solutions, LLC, 604 Sutter Street, Suite 250, Folsom, CA 95630
6. **General Plan Designation:** Recreation/Open Space, Agriculture
7. **Zoning:** A-2-RE (General Agriculture with a Renewable Energy Zone Overlay), A-3-RE (Heavy Agriculture with a Renewable Energy Zone Overlay), and S-2-RE (Open Space/Preservation with a Renewable Energy Zone Overlay)
8. **Description of project:** The project applicant, Apex Energy Solutions, LLC, proposes to construct and operate an expansive photovoltaic (PV) solar energy facility and associated infrastructure on approximately 1,963 acres of privately-owned land in the unincorporated area of Imperial County, CA.

Three separate Conditional Use Permits (CUPs) have been filed with the County, which together define the project sites. The three CUP applications or individual site locations consist of the following:

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- VEGA SES 2 - IID KN/KS Line
- VEGA SES 3 - IID 161 kV "F" Transmission Line
- VEGA SES 5- IID 92 kV Midway Substation

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The project area is characterized by flat agricultural and vacant land. The project area is generally surrounded by agricultural lands to the west, vacant land to the north, east and south.

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

- Department of Public Works – Ministerial permits (building, grading, encroachment)
- Imperial County Air Pollution Control District – Fugitive dust control plan, Authority to construct
- California Regional Water Quality Control Board – Notice of Intent for General Construction Permit
- Imperial Irrigation District – Water supply agreement/permit for water use lease agreement
- Bureau of Land Management – Right-of-way/easement

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

Yes, the Torrez Martinez Desert Cahuilla Indians and Quechan Indian Tribe. These tribes were sent an AB 52 consultation request letter on April 7, 2021. On April 8, 2021, the Quechan Indian Tribe requested consultation with the County on the project.



Environmental Factors Potentially Affected

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

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

Environmental Evaluation Committee Determination

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

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

CALIFORNIA DEPARTMENT OF FISH AND GAME DE MINIMIS IMPACT FINDING:

☐ Yes ☐ No

EEC VOTES

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

Jim Minnick, Director of Planning/EEC Chairman

Signature

Date:

Project Summary

Project Location

The project site is located on approximately 1,963 acres of privately-owned land in the unincorporated area of Imperial County, CA. The project area is located approximately 5.67 miles southeast of the unincorporated community of Niland between the unincorporated communities of Iris and Slab City. The project area is transected by the Coachella and East Highline Canals and the Union Pacific Railway.

Project Summary

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- VEGA SES 5 - IID 92 kV Midway Substation

Environmental Setting

The project area is characterized by flat agricultural and vacant land. The project area is generally surrounded by agricultural lands to the west, vacant land to the north, east and south.

General Plan Consistency

The proposed projects are located within an unincorporated area of the County. The existing General Plan land use designations are Recreation/Open Space and Agriculture. The project sites are currently zone A-2-RE (General Agriculture with a Renewable Energy Zone Overlay), A-3-RE (Heavy Agriculture with a Renewable Energy Zone Overlay), and S-2-RE (Open Space/Preservation

with a Renewable Energy Zone Overlay) . Construction of a solar facility would be allowed within the existing zoning under a Conditional Use Permit.

Figure 1. Regional Location

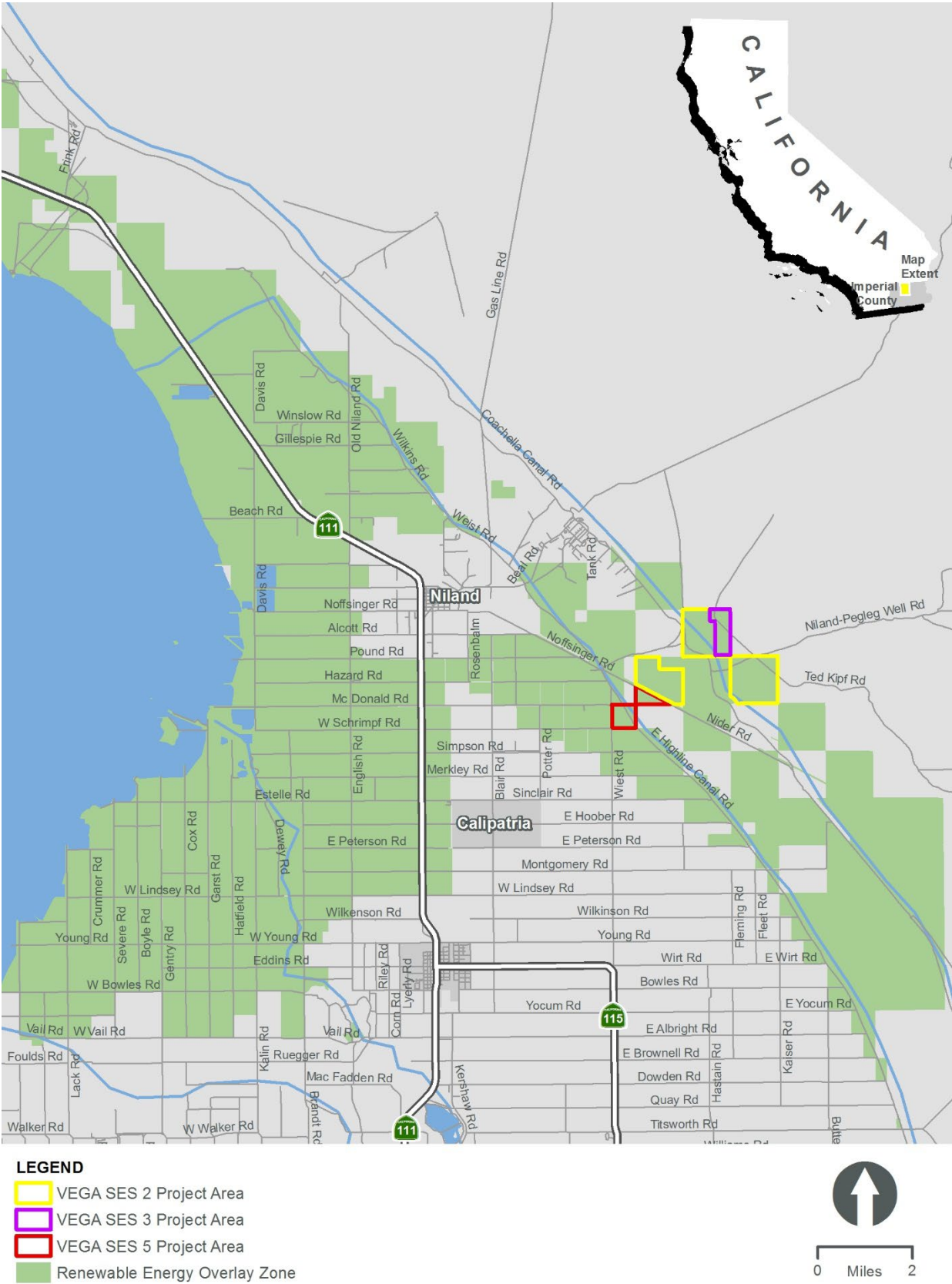
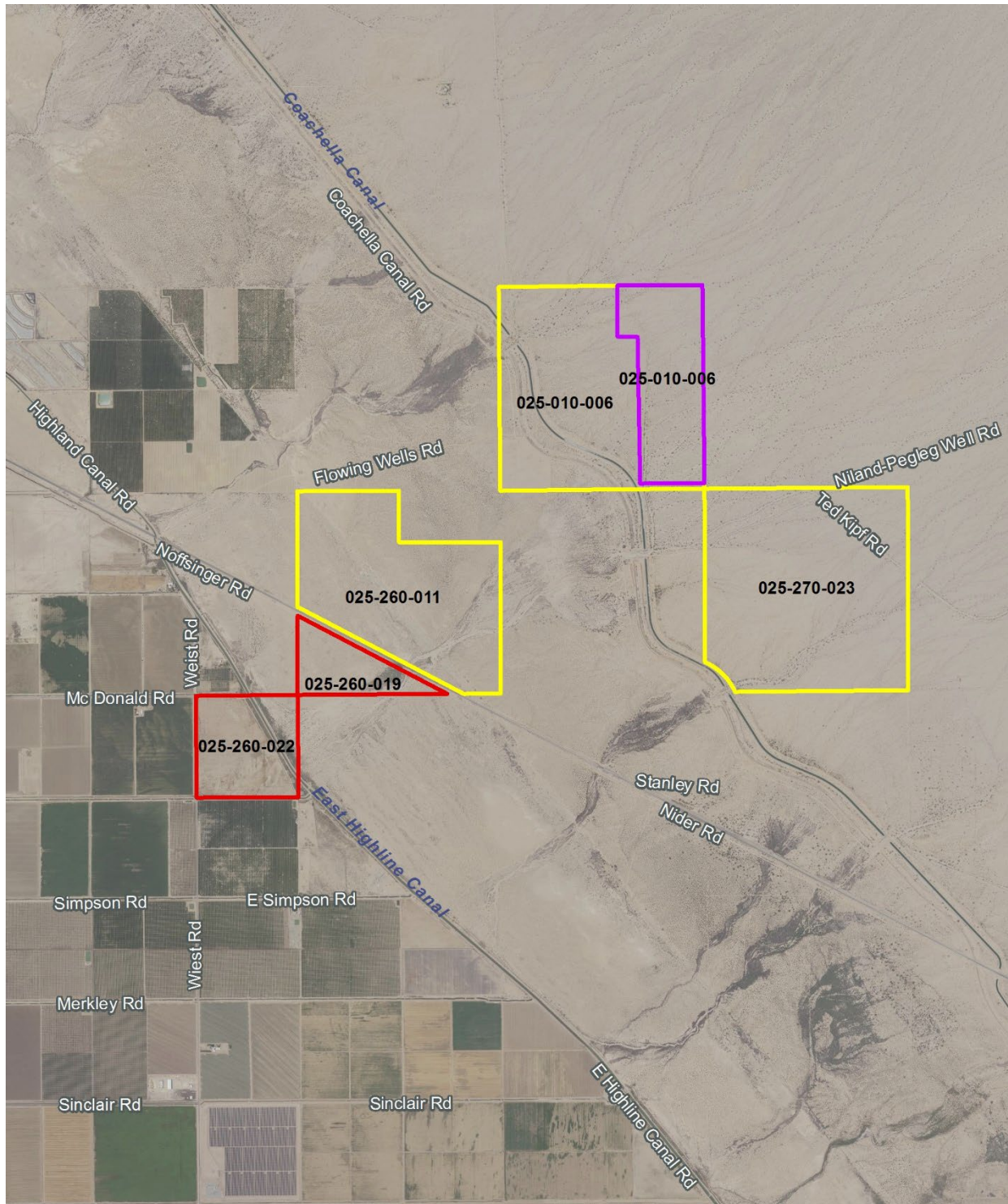


Figure 2. Project Sites



Legend

- VEGA SES 2 Project
- VEGA SES 3 Project
- VEGA SES 5 Project



Evaluation of Environmental Impacts

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

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

I. Aesthetics

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

Impact Analysis

- No Impact.** The project sites are not located within an area that has been formally identified as a federal, state, or county scenic vista. No scenic vistas or areas with high visual quality would be disrupted. Thus, no impact is identified for this issue area and no further analysis is warranted.
- No Impact.** According to the California Department of Transportation (Caltrans) California Scenic Highway Mapping System (Caltrans 2018), the project sites are not located within a state scenic highway corridor, nor are there any state scenic highways located in proximity to the project sites. The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway. Therefore, no impact is identified for this issue area and no further analysis is warranted.
- Potentially Significant Impact.** Although the project sites are not located near a scenic highway or designated scenic vista, the proposed projects may result in a change to the look and rural character of the area. Therefore, a potentially significant impact is identified for this issue area. A visual assessment will be prepared for the projects and this issue will be addressed in the EIR.
- Potentially Significant Impact.** Minimal lighting is required for project operation and is limited to safety and security functions. All lighting will be directed away from any public right-of-way; however, there is no heavily traveled public roadway in immediate proximity to the project sites. The solar panels will be constructed of low reflective materials; therefore, it is not anticipated that they would result in creating glare. The proposed project is located in a rural undeveloped area of Imperial County. There are no established residential neighborhoods immediately adjacent to the project sites. Although the proposed projects are not expected to create a new source of substantial light or glare affecting day or nighttime views, this issue will be analyzed further in the EIR. Therefore, a potentially significant impact is identified for this issue area.

II. Agriculture and Forestry Resources

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

Impact Analysis

- a) **No Impact.** According to the farmland maps prepared by the California Department of Conservation (2016), the majority of the project sites are designated as Other Land. A portion of the VEGA 5 project site (APN 025-260-022) is designated as Farmland of Local Importance. Farmland of Local Importance is not considered an "agricultural land" per CEQA Statute Section 21060.1(a). Furthermore, the project sites do not contain Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Therefore, no impact would result from the conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland to non-agricultural use.

- b) **Potentially Significant Impact.** The project parcels are currently zoned as A-2-RE, A-3-RE, and S-2-RE. Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County: solar energy electrical generator, battery storage facility, and facilities for the transmission of electrical energy. Pursuant to Title 9, Division 5, Chapter 9, the following uses are permitted in the A-3 zone subject to approval of a CUP from Imperial County: solar energy plants and battery storage facility. Transmission lines, including supporting towers, poles, microwave towers, and utility substations are permitted uses in the A-3 zone. Because the project site is located on lands designated for agricultural uses, this issue will be analyzed in further detail in the EIR.

According to the 2016/2017 Imperial County Williamson Act Map produced by the California Department of Conservation's Division of Land Resource Protection, the project sites are not located on Williamson Act contracted land. Therefore, the proposed projects would not conflict with a Williamson Act contract and no impact would occur.

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

III. Air Quality

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

Impact Analysis

- Potentially Significant Impact.** The project sites are located within the jurisdiction of Imperial County Air Pollution Control District (ICAPCD) in the Imperial County portion of the Salton Sea Air Basin. Construction of the proposed project would create temporary emissions of dust, fumes, equipment exhaust, and other air contaminants that may conflict with the ICAPCD's rules and regulations. No stationary source emissions are proposed from the proposed project; however, temporary construction emissions have the potential to result in a significant air quality impact.
- Potentially Significant Impact.** Currently, the Salton Sea Air Basin is either in attainment or unclassified for all federal and state air pollutant standards, with the exception of the federal ozone (O₃), particulate matter less than 10 microns in diameter (PM₁₀) and particulate matter less than 2.5 microns in diameter (PM_{2.5}) standards, and state standards for O₃ and PM₁₀. Air pollutants transported into the Salton Sea Air Basin from the adjacent South Coast Air Basin (Los Angeles County, San Bernardino County, Orange County, and Riverside County) and Mexicali (Mexico) substantially contribute to the non-attainment conditions in the Salton Sea Air Basin. A potentially significant impact is identified for this issue area. An air quality and greenhouse gas study will be prepared to analyze the proposed project's potential air quality impacts and will be included in the EIR analysis.
- Potentially Significant Impact.** The project sites are located in a rural agricultural area of Imperial County. The nearest sensitive receptor is a single-family residence located approximately 523 feet from the southwestern corner of APN 025-260-022. This issue is potentially significant and will be addressed in the air quality and greenhouse gas study and EIR analysis.
- No Impact.** Land uses commonly considered to be potential sources of odorous emissions include wastewater treatment plants, sanitary landfills, food processing facilities, chemical manufacturing plants, rendering plants, paint/coating operations, and concentrated agricultural feeding operations and dairies. The construction and operation of a solar facility is not an odor producer and the project sites are not located near an odor producer. Therefore, no impact is identified for this issue area.

IV. Biological Resources

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

Impact Analysis

- a) **Potentially Significant Impact.** According to the Conservation and Open Space Element of the General Plan (County of Imperial 2016), numerous special-status species occur in the County of Imperial, and of particular concern are the western burrowing owl and flat-tailed horned lizard which may have the potential to occur within the project sites. A The project sites have the potential to support native habitats and/or sensitive species. Burrowing owls and burrows are commonly found along canals and drains. The VEGA SES 5 project site (APN 025-260-022) is bisected by the East Highline Canal and E. Highline Canal Road, and the VEGA SES 3 project site (APN 025-010-006) is bisected by the Coachella Canal and Coachella

Canal Road. Therefore, the project sites have the potential to be used as burrowing owl foraging habitat, as burrowing owls and burrows are commonly found along canals and drains. Thus, a potentially significant impact is identified for this issue area. A biological resources technical report that will address the proposed project's potential impacts on biological resources will be prepared and this issue will be addressed in the EIR.

- b) **Potentially Significant Impact.** Refer to response IV. a) above.
- c) **Potentially Significant Impact.** According to the National Wetland Inventory, there is one freshwater pond and several Riverine features mapped within the project areas. An aquatic resources delineation that will address the proposed project's potential impacts on state or federally protected wetlands will be prepared and included in the EIR analysis.
- d) **Potentially Significant Impact.** Refer to response IV. a) above.
- e) **Potentially Significant Impact.** Refer to response IV. a) above.
- f) **No Impact.** The project sites are not located in a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact is identified for this issue area.



V. Cultural Resources

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

Impact Analysis

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

VI. Energy

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

Impact Analysis

- a) **Less than Significant Impact.** The use of energy associated with the proposed projects include both construction and operational activities. Construction activities consume energy through the use of heavy construction equipment and truck and worker traffic. The proposed projects will use energy-conserving construction equipment, including standards for construction combustion equipment recommended in the ICAPCD CEQA Air Quality Handbook. The use of better engine technology, in conjunction with the ICAPCD's standards will reduce the amount of energy used for the proposed projects. Additionally, implementation and operation of the proposed projects would promote the use of renewable energy and contribute incrementally to the reduction in demand for fossil fuel use for electricity-generating purposes. Therefore, the proposed projects would generate renewable energy resources and is considered a beneficial effect.

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

- b) **No Impact.** The proposed projects would help California meet its Renewable Portfolio Standard of 60 percent of retail electricity sales from renewable sources by the end of 2030 and 100 percent by 2045. The electricity generation process associated with the projects would utilize solar technology to convert sunlight directly into electricity. Solar PV technology is consistent with the definition of an "eligible renewable energy resource" in Section 399.12 of the California Public Utilities Code (CPUC) and the definition of "in-state renewable electricity generation facility" in Section 25741 of the CPUC. Therefore, the proposed projects would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No Impact is identified for this issue area and no further analysis is warranted.

VII. Geology and Soils

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

Impact Analysis

- ai) **No Impact.** The project sites are not located within a State of California, Alquist-Priolo Earthquake Fault Zone. Therefore, no impact is identified for this issue area.
- a ii) **Potentially Significant Impact.** The project sites are located in the seismically-active Imperial Valley in Southern California and considered likely to be subjected to moderate to strong ground motion from earthquakes in the region. The project sites could be affected by the occurrence of seismic activity to some degree but no more than the surrounding properties. A potentially significant impact has been identified for this issue area. A geotechnical report that will address the proposed project's potential impacts on geology and soils will be prepared and this issue will be addressed in the EIR.
- a iii) **Potentially Significant Impact.** Liquefaction occurs when granular soil below the water table is subjected to vibratory motions, such as vibratory motion produced by earthquakes. With strong ground shaking, an increase in pore water pressure develops as the soil tends to reduce in volume. If the increase in pore water pressure is sufficient to reduce the vertical effective stress (suspending the soil particles in water), the soil strength decreases, and the soil behaves as a liquid (similar to quicksand). Liquefaction can produce excessive settlement, ground rupture, lateral spreading, or failure of shallow bearing foundations.

Four conditions are generally required for liquefaction to occur:

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

All these conditions may exist to some degree at the project sites. Therefore, there is a potentially significant impact associated with liquefaction. A geotechnical report that will address the proposed projects' potential impacts on geology and soils will be prepared and this issue will be addressed in the EIR.

- a iv) **No Impact.** According to Figure 2: Landslide Activity in the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the project sites are not located in an area that is prone to landslide hazards. Furthermore, the project sites and surrounding area are relatively flat. Therefore, no impact is identified for this issue area.
- b) **Less than Significant Impact.** According to Figure 3: Erosion Activity in the Soil the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the project sites are within a generally flat area with low levels of natural erosion. However, soil erosion can result during construction as grading and construction can loosen surface soils and make soils susceptible to wind and water movement across the surface. Impacts are not considered significant because erosion would be controlled on-site in accordance with Imperial County standards including preparation, review, and approval of a grading plan by the Imperial County engineer. Implementation of Imperial County standards would reduce the potential impacts to a less than significant level.
- c) **Potentially Significant Impact.** Near surface soils within the project sites will need to be identified to determine if the soils are unstable. Therefore, this issue is potentially significant and will be analyzed in the EIR.
- d) **Potentially Significant Impact.** Near surface soils within the project sites will need to be identified to determine if they consist of soils having expansion potential. Therefore, this issue is potentially significant and will be analyzed in the EIR.
- e) **No Impact.** The proposed projects would not include the installation of septic tanks or alternative wastewater disposal systems. The proposed solar facilities would be remotely operated, controlled and monitored and with no requirement for daily on-site employees. Therefore, no impact is identified for this issue area.
- f) **Potentially Significant Impact.** Many paleontological fossil sites are recorded in Imperial County and have been discovered during construction activities. Paleontological resources are typically impacted when earthwork activities, such as mass excavation cut into geological deposits (formations) with buried fossils. It is not known if any paleontological resources are located on the project sites. The proposed projects' potential to impact paleontological resources will be addressed in the EIR.

VIII. Greenhouse Gas Emissions

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

Impact Analysis

- a) **Potentially Significant Impact.** In the long-term, the proposed projects are expected to provide a benefit with respect to reduction of greenhouse gas emissions. However, the proposed projects have the potential to generate greenhouse gas emissions during construction, in addition to construction worker trips to and from the project sites. Thus, a potentially significant impact is identified for this issue area. A greenhouse gas emissions/climate change technical report will be prepared for the proposed project, and this issue will be addressed in the EIR.
- b) **Potentially Significant Impact.** Refer to response VIII. a) above.

IX. Hazards and Hazardous Materials

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

Impact Analysis

- a) **Less than Significant Impact.** Construction of the proposed projects will involve the limited use of hazardous materials, such as fuels and greases to fuel and service construction equipment. No extremely hazardous substances are anticipated to be produced, used, stored, transported, or disposed of as a result of project construction. Operation of the projects will be conducted remotely. Therefore, no habitable structures (e.g. housing or operation and maintenance [O&M] building) are proposed on the project sites. Regular and routine maintenance of the proposed projects may result in the potential to handle hazardous materials. However, the hazardous materials handled on-site would be limited to small amounts of everyday use cleaners and common chemicals used for maintenance. The applicant will be required to comply with

State laws and County Ordinance restrictions, which regulate and control hazardous materials handled on-site. Such hazardous wastes would be transported off-site for disposal according to applicable State and County restrictions and laws governing the disposal of hazardous waste during construction and operation of the project. Therefore, this is considered a less than significant impact.

- b) **Less than Significant Impact.** Refer to response IX. a) above.
- c) **No Impact.** The project sites are not located within 0.25 mile of an existing or proposed school. No impact is identified for this issue area.
- d) **No Impact.** Based on a review of the Cortese List conducted in March 2021, the project sites are not listed as a hazardous materials site. No impact is identified for this issue area.
- e) **No Impact.** The project sites are not located within 2 miles of a public airport. The nearest airport to the proposed projects is the Cliff Hatfield Memorial Airport, located approximately 6 miles southwest of the VEGA SES 5 project site. Therefore, implementation of the proposed projects would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact is identified for this issue area.
- f) **Less than Significant Impact.** The proposed projects are not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project applicant will be required, through the conditions of approval, to prepare a street improvement plan for the projects that will include emergency access points and safe vehicular travel. In addition, local building codes would be followed to minimize flood, seismic, and fire hazard. Therefore, the proposed projects would result in a less than significant impact associated with the possible impediment to emergency plans.
- g) **Less than Significant Impact.** The project sites are located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the potential for a major fire in the unincorporated areas of the County is generally low. 10,000-gallon aboveground water storage tanks will be installed to serve all three project sites as required by the Imperial County Fire Department. The water tank(s) would be sized to meet the requirements of the County of Imperial to supply sufficient fire suppression water during operations. Furthermore, proposed project facilities would be designed, constructed, and operated in accordance with applicable fire protection and other environmental, health, and safety requirements. Based on these considerations, a less than significant impact is identified for this issue area.

X. Hydrology and Water Quality

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

Impact Analysis

- Potentially Significant Impact.** The proposed projects have the potential to create urban non-point source discharge (e.g., synthetic/organic chemicals). Potentially significant water quality impacts have been identified and will be addressed in the EIR.
- Less than Significant Impact.** During construction, potable water would be brought to the project sites for drinking and domestic needs, while construction water would be brought to the project sites for soil

conditioning and dust suppression. During operations, potable water would be trucked onto the project sites. Because the solar panels will be pole-mounted above ground, they are not considered "hardscape", such as roads, building foundations, or parking areas, as they do not require a substantial amount of impervious material. The panels and their mounting foundation would not impede groundwater recharge. Therefore, impacts would be less than significant.

- ci) **Less than Significant Impact.** The proposed projects would not substantially alter the existing drainage pattern of the site and would not impact the E. Highline Canal and Coachella Canal. The project applicant would be required to implement on-site erosion control measures in accordance with Imperial County standards including preparation, review, and approval or a grading plan by the Imperial County Engineer. The proposed projects are not anticipated to generate a significant increase in the amount of runoff water from water use involving solar panel washing. Water will continue to percolate through the ground, as the majority of the surfaces on the project sites will remain pervious. Therefore, the proposed projects would not substantially increase the rate of runoff, in a manner which would exceed the capacity of existing or planned stormwater drainage systems and result in flooding on- or off-site. A less than significant impact is identified for this issue area.
- cii) **Less than Significant Impact.** Refer to response X. ci) above.
- ciii) **Less than Significant Impact.** Refer to response X. ci) above.
- civ) **Potentially Significant Impact.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panel 06025C0750C) (FEMA 2008), the majority of the project sites are within Zone X, which is an area determined to be outside of the 0.2 percent annual chance of a flood. However, there are dry wash beds that transect the project sites and designated as Zone A or Special Flood Hazard Areas. Therefore, the proposed projects have the potential to impede or redirect flood flows and this is considered a potentially significant impact.
- d) **Potentially Significant Impact.** The project sites are not located near any large bodies of water. The project sites are located at least 10 miles west of the Salton Sea and over 100 miles inland from the Pacific Ocean. In addition, the project sites are relatively flat. Therefore, the proposed projects would not risk release of pollutants due to project inundation by tsunami or seiche.

As described above in response X. civ) above, there are dry wash beds that transect the project sites and designated as Zone A or Special Flood Hazard Areas. Therefore, the proposed projects have the potential to risk release of pollutants due to project inundation by flood. This is considered a potentially significant impact and will be analyzed in the EIR.
- e) **No Impact.** The proposed projects will not involve the use of groundwater nor require dewatering activities. Water to be used during project-related construction activities will be brought to the sites and limited to the amount necessary for soil conditioning and to conduct dust control activities. Water is anticipated to be provided by adjacent IID irrigation canals or laterals in conformance with IID construction water acquisition requirements. Therefore, the proposed projects will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact is identified for this issue area.

XI. Land Use and Planning

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **No Impact.** The proposed projects are located in a sparsely populated, agriculturally zoned portion of Imperial County. There are no established residential communities located within or in the vicinity of the project sites. Therefore, implementation of the proposed projects would not divide an established community. No impact is identified for this issue area.
- b) **Less than Significant Impact.** The project parcels are currently zoned as A-2-RE, A-3-RE, and S-2-RE.

Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County: solar energy electrical generator, battery storage facility, and facilities for the transmission of electrical energy.

Pursuant to Title 9, Division 5, Chapter 9, the following uses are permitted in the A-3 zone subject to approval of a CUP from Imperial County: solar energy plants and battery storage facility. Transmission lines, including supporting towers, poles microwave towers, and utility substations are permitted uses in the A-3 zone.

Pursuant to Title 9, Division 5, Chapter 19, the following uses are permitted in the S-2 zone subject to approval of a CUP from Imperial County: Major facilities relating to the generation and transmission of electrical energy providing such facilities are not under State or Federal law, to [be] approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:

- Electrical generation plants
- Facilities for the transmission of electrical energy (100-200 kV)
- Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- Communication towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.

The County Land Use Ordinance, Division 17, includes the Renewable Energy Overlay Zone, which authorizes the development and operation of renewable energy projects, with an approved CUP. As shown on Figure 1, the project sites are located entirely within the County's Renewable Energy Overlay Zone. With approval of the CUPs, the proposed solar facilities would be consistent with the Imperial County Land Use Ordinance.

Based on these considerations, the proposed project would not conflict with any applicable land use plan, policy, or regulation. Thus, a less than significant impact is identified for this issue area.

XII. Mineral Resources

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

Impact Analysis

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

XIII. Noise

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

Impact Analysis

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

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

- b) **Less than Significant Impact.** Groundborne vibration and noise could originate from earth movement during the construction phase of the proposed projects. However, significant vibration is typically associated with activities such as blasting or the use of pile drivers, neither of which would be required during project construction. The proposed projects would be expected to comply with all applicable requirements for long-term operation, as well as with measures to reduce excessive groundborne vibration and noise to ensure that the proposed projects would not expose persons or structures to excessive groundborne vibration. Therefore, a less than significant impact has been identified for this issue area.
- c) **No Impact.** The project sites are not located within 2 miles of a public airport or private airstrip. The nearest airport to the proposed site is the Cliff Hatfield Memorial Airport, located approximately 6 miles southwest of the VEGA SES 5 project site. Therefore, the proposed projects would not expose people residing or working in the project area to excess noise levels and no impact is identified for this issue area.

XIV. Population and Housing

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

Impact Analysis

- a) **No Impact.** Development of housing is not proposed as part of the proposed projects. No full-time employees are required to operate the proposed projects since the project facilities will be monitored remotely. However, it is anticipated that maintenance of the facilities will require minimal site presence to perform periodic visual inspections and minor repairs. On intermittent occasions, the presence of additional workers may be required for repairs or replacement of equipment and panel cleaning; however, due to the nature of the facility, such actions will likely occur infrequently. Therefore, the proposed projects would not result in a substantial growth in the area, as the number of employees required to operate and maintain the facility is minimal. No impact is identified for this issue area.
- b) **No Impact.** No housing exists within the project sites. Therefore, the proposed projects would not displace any existing people or housing, which would require the construction of replacement housing elsewhere. No impact is identified for this issue area.

XV. Public Services

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

Impact Analysis

- ai) **Less than Significant Impact.** Fire protection and emergency medical services in the project area are provided by the Imperial County Fire Department. The proposed projects are located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the potential for a major fire in the unincorporated areas of the County is generally low.
- However, 10,000-gallon aboveground water storage tanks would be installed to serve all three project sites as required by the Imperial County Fire Department. The water tank(s) would be sized to meet the requirements of the County of Imperial to supply sufficient fire suppression water during operations. Both the access and service roads (along the perimeter of the project facility) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and minimum 20-foot-wide access road). The project applicant will be required to consult with the fire department to address any fire safety and service concerns so that adequate service is maintained. Based on these considerations, the projects would not result in a need for fire facility expansion and a less than significant impact is identified for this issue area.
- aii) **Potentially Significant Impact.** Police protection services in the project area is provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed projects may attract vandals or other security risks and the increase in construction related traffic could increase demand on law enforcement services. Therefore, on-site security systems would be provided and access would be limited to the areas surrounding the project sites during construction and operation, thereby minimizing the need for police surveillance. The proposed projects' potentially significant impacts on sheriff services will be addressed in the EIR.
- aiii) **No Impact.** The proposed projects do not include the development of residential land uses that would result in an increase in population or student generation. Additionally, construction of the proposed projects would not result in an increase in student population within the Imperial County's School District since it is anticipated that construction workers would commute in during construction operations. Therefore, no impact is identified for this issue area.
- aiv) **No Impact.** Although maintenance of the project facilities will require minimal site presence to perform periodic visual inspections and minor repairs, no full-time employees are required to operate the proposed projects because the project facilities will be monitored remotely. Therefore, substantial permanent

increases in population that would adversely affect local parks is not expected. No impact is identified for this issue area.

- av) **No Impact.** Although maintenance of the project facilities will require minimal site presence to perform periodic visual inspections and minor repairs, no full-time employees are required to operate the proposed projects because the project facilities will be monitored remotely. Therefore, substantial permanent increases in population that would adversely affect libraries and other public facilities (such as post offices) is not expected. The proposed projects are not expected to have an impact on other public facilities such as post offices, and libraries. No impact is identified for this issue area.

XVI. Recreation

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

Impact Analysis

- a) **No Impact.** The proposed projects would not generate new employment on a long-term basis. As such, the proposed projects would not significantly increase the use or accelerate the deterioration of regional parks or other recreational facilities. The temporary increase of population during construction that might be caused by an influx of workers would be minimal and not cause a detectable increase in the use of parks. Additionally, the proposed projects would not include or require the expansion of recreational facilities. No impact is identified for this issue area.
- b) **No Impact.** Refer to response XVI. a) above.



XVII. Transportation

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

Impact Analysis

- a) **Potentially Significant Impact.** Construction of the proposed projects would result in a small increase of traffic to the area, which may result in a potentially significant impact. Therefore, a traffic impact study that will address the proposed project's potential impacts on traffic will be prepared, and this issue will be addressed in the EIR.
- b) **Potentially Significant Impact.** Section 15064.3(b) of the CEQA Guidelines provides guidance on determining the significance of transportation impacts and focuses on the use of vehicle miles traveled (VMT), which is defined as the amount and distance of automobile travel associated with a project. Given the nature of the projects, after construction, there would be a nominal amount of vehicle trips generated by the projects. Once the proposed projects are implemented, the proposed projects would require intermittent maintenance requiring a negligible amount of traffic trips on an annual basis. However minimal, the proposed projects would increase the number of vehicular trips related to construction and the need for intermittent maintenance on an annual basis. Therefore, this issue is potentially significant and will be addressed in the traffic impact study and EIR analysis.
- c) **No Impact.** To accommodate emergency access, PV panels would be spaced to maintain proper clearance. Access roads, up to 30-feet wide, would be constructed along the perimeter fence and solar panels to facilitate vehicle access and maneuverability for emergency unit vehicles. Internal access roads would be graded and compacted (native soils) as required for construction, operations, maintenance, and emergency vehicle access. These access roads would not increase hazards because of design features or incompatible uses. Therefore, no impact will occur.
- d) **Less than Significant Impact.** To accommodate emergency access, PV panels would be spaced to maintain proper clearance. 30-foot wide internal access roads would be constructed along the perimeter fence and solar panels to facilitate vehicle access and maneuverability for emergency unit vehicles. The internal access roads would be graded and compacted (native soils) as required for construction, operations, maintenance, and emergency vehicle access. The access and service roads would also have turnaround areas at any dead-end to allow clearance for fire trucks per fire department standards. Based on this context, impacts are considered less than significant.

XVIII. Tribal Cultural Resources

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

Impact Analysis

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

In accordance with AB 52, Imperial County, as the CEQA lead agency, sent an AB 52 consultation request letter to appropriate tribes with the potential for interest in the region on March 26, 2021. On April 8, 2021, the Quechan Indian Tribe requested consultation with the County on the project. The County is in the process of consulting with the Quechan Indian Tribe on the project. This issue will be further analyzed in the EIR.

XIX. Utilities and Service Systems

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

Impact Analysis

- a) **Potentially Significant Impact.** No IID drains or canals (e.g. East Highline Canal and Coachella Canal) will be impacted by the proposed projects. The proposed projects do not require expanded or new storm drainage facilities because the proposed solar facilities would not generate a significant increase in the amount of impervious surfaces that would increase runoff during storm events and exceed the capacity of existing or planned stormwater drainage systems. Water from solar panel washing would continue to percolate through the ground, as a majority of the surfaces within the project sites would remain pervious.

The wastewater generated during construction would be contained within portable toilet facilities and disposed of at an approved site. The minimal volume of wastewater generated during construction would not require the relocation expansion, or construction of wastewater treatment facilities. Further, no habitable structures (e.g. housing or O&M buildings) are proposed on the project sites. Therefore, the proposed projects would not require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

Although water for solar panel washing and fire protection (on-site storage) during project operation is not anticipated to result in a significant increase in water demand/use, IID would provide the water required for operations and maintenance and potable water will be trucked onto the site. Thus, a potentially significant impact is identified for the availability of sufficient water supplies to serve the proposed projects for the reasonably foreseeable future. A water supply assessment that will address the proposed projects' potential impacts on water supplies will be prepared and included in the EIR analysis.

- b) **Potentially Significant Impact.** Refer to response XIX. a) above.
- c) **Less than Significant Impact.** The proposed projects would generate a minimal volume of wastewater during construction. During construction activities, wastewater would be contained within portable toilet facilities and disposed of at an approved site. Further, no habitable structures (e.g. housing or O&M buildings) are proposed on the project sites; therefore, there would be no wastewater generation from the proposed projects during operation. The proposed projects would not exceed wastewater treatment requirements of the RWQCB. Therefore, a less than significant impact is identified for this issue area.
- d) **Less than Significant Impact.** Solid waste generation would be minor for the construction and operation of the proposed project. Solid waste will be disposed of using a locally-licensed waste hauling service, most likely Allied Waste. Trash would likely be hauled to the Niland Solid Waste Site (13-AA-0009) located approximately 4.7 miles northwest of the project site in Niland. The Niland Solid Waste Site has approximately 211,439 cubic yards of remaining capacity and is estimated to remain in operation through 2046 (CalRecycle n.d.). Therefore, there is ample landfill capacity in the County to receive the minor amount of solid waste generated by construction and operation of the proposed projects.

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

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



XX. Wildfire

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

Impact Analysis

- a) **No Impact.** According to the Fire Hazard Severity Zone Viewer provided by the California Department of Forestry and Fire Protection, the proposed project area is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2020). Therefore, the proposed projects would not substantially impair an adopted emergency response plan or emergency evacuation plan. No impact is identified for this issue area
- b) **No Impact.** The proposed projects are not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2020). Therefore, the proposed projects would not exacerbate wildfire risks. No impact is identified for this issue area
- c) **Less than Significant Impact.** Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The proposed projects are not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2020). Further, the proposed projects are located in an unincorporated area of Imperial County, which has a generally low potential for a major fire (County of Imperial 2016).

The project involves the installation of solar PV panels on fixed frames or single-axis horizontal trackers, an on-site substation and inverters, transformers, underground or aboveground electrical cables, and 10,000-gallon aboveground water storage tanks as required by the Imperial County Fire Department. The water tank(s) would be sized to meet the requirements of the County of Imperial to supply sufficient fire suppression water during operations. Further, each project site would be accessible from a primary and secondary (if required) access driveway that would have turnaround areas to allow clearance for fire trucks per fire department standards and 30-foot double swing gates with keyed entry. In addition, operation and maintenance would not affect the ability of fire personnel to respond to fires. Therefore, the proposed

projects would not exacerbate fire risk and would continue to be adequately supported by the existing fire protection services. A less than significant impact is identified for this issue area.

- d) **No Impact.** The proposed project is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2020). Additionally, the proposed project would not 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. No impact is identified for this issue area.



XXI. Mandatory Findings of Significance

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

Impact Analysis

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

References

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List of Preparers

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

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Comment Letters Received on Notice of Preparation



NATIVE AMERICAN HERITAGE COMMISSION

May 3, 2021

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Re: 2021050013, VEGA SES 2, 3, and 5 Solar Energy Project, Imperial County

Dear Ms. Valenzuela:

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

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

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

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

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

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

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

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

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

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
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July 22, 2021

11-IMP-111

PM 39.2

VEGA SES 2, 3, and 5 Solar Energy Project
May 2021 SCH 2021050013

Patricia Valenzuela
Imperial County
801 Main Street
El Centro, CA 92243

Dear Ms. Valenzuela:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Vega SES 2, 3, & 5 Solar Energy project located in Imperial County. The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic/Hauling

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

<http://www.dot.ca.gov/trafficops/permits/index.html>

Ms. Patricia Valenzuela
July 22, 2021
Page 2

Right-of-Way

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

If you have any questions, please contact Roger Sanchez at (619) 987-1043 or by email at roger.sanchez-rangel@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development and Intergovernmental Review

From: [Diana Robinson](#)
To: vandvfarmsllc@gmail.com
Cc: [Michael Abraham](#); [Gnibus, Tim](#); [Del Rosario, Sharyn](#)
Subject: RE: Conditional Use Permit #20-0020
Date: Thursday, May 27, 2021 12:11:54 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

The project consists on a proposed solar farm with battery storage. The environmental consultant is preparing the Environmental Impact Report (EIR) which will be released in draft form after the commenting period of the Notice of Preparation ends on June 7th. If you have specific questions or concerns, please let us know. Once the draft EIR is ready for review, we can provide so you are aware of the foreseeable impacts.

Thank you,
Diana

From: vandvfarmsllc@gmail.com <vandvfarmsllc@gmail.com>
Sent: May 26, 2021 9:26 AM
To: Diana Robinson <DianaRobinson@co.imperial.ca.us>
Subject: Conditional Use Permit #20-0020

CAUTION: This email originated outside our organization; please use caution.

Hi,

We were just wanting to know how this project is going to affect our parcel, that is the little red triangle along the canal on the north side on the map that you sent out.

Thank you,

Wildia Maness
Office Manager
V & V Farms, LLC
PO Box 445
Holtville, CA 92250-0445
760-356-7080 Office
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