# CHAPTER 9.0 RESPONSE TO COMMENTS

This chapter contains all comments received on the Draft Programmatic Environmental Impact Report (DPEIR) and responses thereto and is organized as follows:

- 9.1 List of Commenters
- 9.2 Common Responses
- 9.3 Comment Letters Received and Responses to Comments

The focus of the responses to comments in Chapter 9.0 is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines. Detailed responses are not provided to comments on the merits of the Proposed Project. When a comment is not directed to significant environmental issues, the responses indicate that the comment has been acknowledged and no further response is necessary.

A number of comments received on the DPEIR were similar in nature and expressed similar environmental concerns. Rather than repeat responses, the themes of recurring comments have been summarized and common responses on these topics are provided in Section 9.2 of this chapter. Cross-references to these common responses are provided in response to specific comments. Section 9.3 provides responses to all comments received.

## 9.1 List of Commenters

During the public review period, more than 200 comment letters were received on the DPEIR. These comment letters and their corresponding responses are presented chronologically and organized in the following categories:

A. Federal agencies and officials

B. State agencies and officials

C. County, City and Local agencies

D. Community groups

E. Non-profit and Private organizations

F. Individuals

G. Postcards

H. Late letters (accepted after the close of public review).

Each comment letter has been assigned a unique letter-number designation based on category. A list of commenters and the unique letter-number designators for each letter are listed in Table 9-1, List of Commenters. Individual comments within each letter are bracketed and subsequently numbered in the right-hand margin of the comment letter. Bracketed/numbered comment letters are placed adjacent to the responses of the same letter in Section 9.3.

## 9.2 Common Responses to Recurring Comments

A number of the comments received on the Draft EIR addressed the same or similar issues and environmental concerns. Rather than repeat responses to recurring comments in each letter, the common responses outlined in Sections 9.2.1 through 9.2.5 were prepared. The common response section numbers and topics are as follows and include common response codes (e.g., ALT) for each topic:

- 9.2.1 Alternatives (ALT)
- 9.2.2 Visual Resources (AES)
- 9.2.3 Biological Resources (BIO)
- 9.2.4 Water Resources (WR)
- 9.2.5 Transportation (TR)

### 9.2.1 Alternatives

**ALT1** **Alternative locations.** The County disagrees with the comments asserting that the County improperly eliminated from consideration alternative locations for the Proposed Project, aside from the Los Robles site, in violation of CEQA, or that the County improperly ignored alternative locations as infeasible based only on the applicant's inability to acquire, control, or otherwise have access to alternative sites.

The County has analyzed a reasonable range of alternatives to the Proposed Project, including alternatives to the location of the Proposed Project in accordance with CEQA Guidelines § 15126.6. Aside from the Los Robles site, ~~A~~alternative locations were eliminated from further analysis based on their failure to meet Project objectives, together with the applicant's inability to acquire the sites. (DPEIR, pp. 4.0-12.). Alternative locations were not eliminated from consideration based solely on the applicant not owning or having the ability to easily acquire other sites. Under CEQA, the DPEIR "need not consider every conceivable alternative to the project." (CEQA Guidelines, § 15126.6(a).) The County has briefly described the rationale for selecting the alternatives discussed in the DPEIR (DPEIR, pp. 4.0-1 - 4.0-3.) and explained the reasons underlying

the County's determination that certain alternatives were eliminated from detailed consideration according to the factors provided in CEQA Guidelines § 15126.6(c).

**ALT2** **Preference for distributed generation energy projects.** The County acknowledges the comments advocating for distributed generation energy projects over the Proposed Project. The County analyzed whether the distributed generation alternative would meet the objectives of the Proposed Project. (DPEIR, pp. 4.0-4 - 4.0-6.) The County determined that the alternative would not meet Objectives 1, 2, 5, or 6 and provided the reasoning behind its determination. (Ibid.) The County considered the feasibility of distributed solar photovoltaic installations as well as other distributed generation technologies as alternatives to the Proposed Project. (Id. at pp. 4.0-5 - 4.0-6.) The infeasibility of these technological alternatives is described in the DPEIR. (Ibid.) The County eliminated the distributed generation alternative from further consideration because it would not meet most of the basic project objectives, was highly speculative, the technology was not within the control of the applicant, and was technically and commercially infeasible. (Id. at pp. 4.0-4 - 4.0-6.) CEQA "does not require in-depth review of alternatives which cannot be realistically considered and successfully accomplished." *Id*. at 575; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont*, 190 Cal.App.4th 316, 348 ("CEQA does not require analysis of every *imaginable* alternative"; emphasis in original; internal quotation omitted). Where a lead agency has "reasonably determined" that a particular alternative "cannot achieve the project's underlying fundamental purpose," it need not study that alternative in detail. *In re Bay-Delta, etc*., 43 Cal.4th 1143, 1165; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont*, 190 Cal.App.4th 316, 348.

The County's elimination of the distributed generation alternative met the requirements of CEQA: "The EIR should also identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination. … Among the factors that may be used to eliminate alternatives from detailed consideration are (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts." (CEQA Guidelines § 15126.6(c).)

The County agrees that it is within the County's purview to incentivize or otherwise provide for the expansion of distributed generation through County policies. Nevertheless, the DPEIR is not analyzing such a project; the DPEIR is

evaluating the potential impacts of the Proposed Project that is being proposed by the applicant, as defined in Chapter 1.0 of the DPEIR. It is not the responsibility of the DPEIR, which analyzes the Proposed Project, to implement a distributed generation policy. The County disagrees that creating utility-scale solar energy will impede rather than foster the promotion of solar energy and improvement in reliability in the San Diego region. As indicated in Section 1.1 of this Program EIR, specific objectives of the Proposed Project include creating utility-scale solar energy to improve reliability for the San Diego region by providing a source of local generation.

**ALT3** **Lack of detailed information to adequately analyze the Los Robles alternative.** The County would first like to clarify that the Los Robles site is considered in the DPEIR as an alternative location and not as part of the Proposed Project (DPEIR, Section 4.4). The Proposed Project evaluated in the DPEIR is the development and operation of four renewable energy solar projects, totaling 168.5 MW, on four sites (Rugged, Tierra del Sol, LanEast, and LanWest) in southeastern San Diego County encompassing 1,490 acres; see Chapter 1.0 of the DPEIR for further details about the Proposed Project.

The County disagrees that the examination of the Los Robles site as an alternative cannot be accomplished without a number of site-specific surveys and investigations. Per CEQA Guidelines § 15126.6, there is no ironclad rule on the level of detail required in analyzing an alternative. However, the degree of specificity will correspond to the degree of specificity involved in the underlying activity described in the EIR. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 746.) A programmatic or first-tier EIR need not be as precise in its analysis of alternatives as a project-specific EIR. (*See ibid*.) In addition, "[n]o reported CEQA case has suggested that alternatives need be discussed at a level of detail similar to that provided for the proposed project." (Remy et al., *Guide to CEQA*, 11 ed. (2007) p. 573.)

Alternative 7 includes the Rugged Solar Farm as proposed by the Proposed Project, while shifting the Tierra del Sol, LanEast, and LanWest Solar Farms to the Los Robles site. (DPEIR, p. 4.0-39.) If Alternative 7 is selected as the environmentally superior alternative, only the Rugged Solar Farm would proceed, while the other sites would not be developed at this time. Should the applicants wish to seek entitlements for the Los Robles site, additional information and environmental analysis would be required.

Based on the information known about the Los Robles site at this stage in the analysis, it is the environmentally superior site. The DPEIR compared Alternative 7 to each of the areas for which the Proposed Project would have potentially significant impacts. As indicated in Section 4.4.3.2 of the DPEIR, the analysis found that Alternative 7 would have reduced impacts on aesthetics, air quality, biological resources, cultural resources, land use and planning, and noise. Impacts in nine other subject areas would be the same as or less than those associated with the Proposed Project. For example, the Los Robles site is located approximately 0.5 miles from SDG&E's Rebuilt Boulevard Substation, and therefore, would include a shorter and an entirely underground gen-tie line. In addition, the overall size of the site could allow for the project to be designed in a way that potentially avoids project edges adjacent to public ROWs, steep slopes, and environmentally sensitive areas. The site also has several wells located on the property that are currently producing and could likely provide the Project with an on-site supply of local groundwater. With lesser impacts overall, the DPEIR demonstrates that Alternative 7 is the environmentally superior alternative. (DPEIR, pp. 4.0-39 to 4.0-46; Tables 4-1, 4-2.)

### 9.2.2 Visual Resources

**AES1** Glare studies prepared for the Proposed Project are inadequate and do not identify all potential receptors that could be exposed to project–generated glare. As stated in Section 2.1.3.3 of the DPEIR, the Boulevard Glare Study (Power Engineers 2013) identified seven residences within 1 mile of proposed solar equipment at the Tierra del Sol solar farm site and five residents within 1 mile of proposed solar equipment at the Rugged solar farm site as having potential to receive project-generated glare. In addition, six residences within 1 mile of the LanEast and LanWest sites were identified as having potential to receive glare. Residences in the area surrounding the proposed solar farm sites were considered during preparation of the Boulevard Glare Study and according to Power Engineers, any residence not included in the study would not receive project-generated glare during normal operations. Project-generated glare would not be received at residences other than those identified in the Boulevard Glare Study due to direction of reflected light angle and/or because residences are located at an elevation lower than that proposed CPV trackers and the trajectory angle of the reflected light would pass over residences. The DPEIR analysis has been prepared in accordance with the County's *Guidelines for Determining Significance, Report Format and Content Requirements: Dark Skies and Glare* (County of San Diego 2009). The County Guidelines require consideration of potential daytime project-

related glare that would be visible from roadways, pedestrian walkways or areas frequently used for outdoor activities on adjacent properties and applicable Federal, State or local statutes or regulations related to glare. Section 2.1, Aesthetics, analyzes project-related glare and with the results of the Boulevard Glare Study, identifies residences and roadways that would be exposed to glare generated by the Proposed Project. In addition, applicable regulations and statutes pertaining to aesthetics and visual resources are included in Section 2.1.2, Regulatory Setting.

### 9.2.3 Biological Resources

**BIO1** **Golden Eagle.** Multiple comments were received regarding the focused surveys, existing conditions, impact analysis, and mitigation measures associated with golden eagles in the DPEIR.

The following assertions were provided in various comment letters:

- Wildlife Research Institute's (WRI) golden eagle report and survey methodology led to an inadequate assessment of the Proposed Project's direct, indirect, and cumulative impacts on golden eagles in the DPEIR.
- WRI's golden eagle surveys do not follow the USFWS Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al 2010) (USFWS Protocol).
- The DPEIR's golden eagle discussion focuses solely on a 4,000-foot nest site buffer and ignores the USFWS's direction for a 10-mile survey radius.
- The WRI golden eagle report incorrectly determines a nest site is "extirpated".
- The DPEIR relies on historical golden eagle data and golden eagle data from other projects in the area, and no avian point count information was provided.
- WRI data is flawed because it does not account for impacts from helicopters used to survey golden eagles.
- Cumulative impacts to golden eagles and suitable foraging habitat were not adequately addressed in the DPEIR.

The purpose of this common response is to:

1. Clarify survey methods related to golden eagles;
2. Address the status of golden eagle territories in proximity to the Proposed Project;
3. Provide an update on the status of golden eagle data used in the DPEIR;
4. Address the adequacy of the golden eagle analysis provided in the DPEIR;
5. Clarify cumulative analysis methods related to golden eagles; and
6. Indicate where the County has made clarifications to the DPEIR.

## Responses to Comments

In order to protect existing or potential breeding golden eagle pairs from human disturbance, much of the information in the report is confidential and was redacted from the version of the report provided with Appendices 2.3-1 and 2.3-2 of the DPEIR. A copy of the full report has been provided to the USFWS for its review (E. Porter, personal communication, July 3, 2014). Furthermore, the USFWS now has the raw data supporting the conclusions made in the report available in its migratory bird section headquarters in Sacramento (A. Brickey, personal communication, August 6, 2014). The DPEIR and associated technical reports disclose the results of the WRI report, including overlapping territories, golden eagle flight paths, and a discussion of the Proposed Project in the context of the territories and the County's significance guidelines. In summary, the County determined that the golden eagle analysis in the DPEIR above was appropriate.

### 1. Focused Surveys and Existing Conditions

#### a. Were site-specific golden eagle surveys required by the County for the Proposed Project?

One commenter asserts that the County's 2011 pre-application summary letters for the Rugged Solar Farm and LanWest Solar Farm (DPEIR, Appendices 2.3-2 (Appendix A) and 2.3-4 (Appendix A)) required the applicants to prepare site-specific golden eagle surveys for the Proposed Project sites. The 2011 pre-application letters identify the golden eagle as one of a number of sensitive species for which a "directed survey" is required. (DPEIR, Appendix 2.3-2, Appendix A, p. 15-26.)

In response to this directive, the applicants contracted with WRI to prepare a golden eagle report for the area within and around the Proposed Project, which can be found in Appendices 2.3-1 (see Appendix I) and 2.3-2 (see Appendix J) of the DPEIR.[1]

The County accepted WRI's Report, which is intended to serve as the site-specific survey requested by the County, for several specific reasons. First, WRI conducts annual aerial and ground surveys for golden eagles in San Diego County, including the Proposed Project sites, and prepares project-specific reports using this data. (DPEIR, Appendix 2.3-1, Appendix I, pp. 4, 6-12.) The WRI report includes historical data, including study of San Diego County golden eagle population for over 24 years. (*Id.*, p. 4.) Second, WRI has prepared golden eagle reports for projects in close proximity to the Proposed Project (i.e., Tule Wind Project, Jewel Valley Wind Project, etc.). Duplication of previous and ongoing survey efforts is not required by the County.

b. Did WRI's survey methods comply with USFWS guidance?

The County disagrees with the assertion that WRI's golden eagle surveys do not follow the *USFWS Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* (Pagel et al 2010) (USFWS Protocol), and that the DPEIR erroneously substitutes actual inventory and monitoring of the Proposed Project for reliance on previously gathered data. In fact, survey methods applied by WRI have been adopted by the USFWS and incorporated into the USFWS Protocol.

The USFWS Protocol states that, "inventories for Golden Eagles should occur if nesting, roosting, and foraging habitat are contained within the project boundary and exist within 10 miles of the project boundary." (*Id.* at p. 11). The USFWS Protocol does not state that a focused survey for golden eagle must occur within a 10-mile radius of a proposed project. Instead, suitable habitat within a 10-mile radius is used as justification for conducting surveys within a project area. As stated in the golden eagle report, WRI staff have been studying San Diego's golden eagle population for over 24 years, and have maintained a database of historical information from earlier surveys and annual survey data collected by WRI to compile a comprehensive dataset for golden eagles in San Diego County, including for the area where the Proposed Project would be located.

[1] Appendix I in Appendix 2.3-1, and Appendix J in Appendix 2.3-2, are the same report. For ease of reference, all references herein will be made to Appendix 2.3-1, Appendix I.

(Appendix 2.3-1, Appendix I, pp. 4, 13-17.) As described above, the results of County-wide surveys were used to prepare the golden eagle report, and aerial and ground surveys conducted by WRI over various years documented six active golden eagle territories within at least 10 miles of the Proposed Project (see *id.*, Figure 1, at p. 13.). Therefore, the WRI county wide surveys conducted in 2012 cover the proposed project sites and therefore it can be concluded that those surveys are "site-specific" surveys.

The WRI report summarizes the aerial survey methods used, stating that Phase 1 and Phase 2 surveys were completed in February and April 2012, at least thirty (30) days apart (Appendix 2.3-1, Appendix I, at pp. 9 to 10), consistent with the methods described by the USFWS Protocol, which reference completing two aerial surveys within a single breeding season. (USFWS Protocol, at p. 11.) Furthermore, ground surveys for each territory were conducted December through May of each year of study (*Id.*, p. 6).

The County disagrees with the assertion that WRI's surveys were inadequate because ground observations were not conducted for periods of at least four hours each, spaced at least 30 days apart. The USFWS Protocol indicates that aerial surveys can be the primary survey method, or can be combined with follow-up ground monitoring. The ground observation methods referenced by the commenter are specifically described as an alternate method for determining if a habitat or territory is unoccupied, and is not a method required in addition to aerial surveys (USFWS Protocol, at p. 11). As noted above, the helicopter surveys conducted by WRI consisted of two surveys, spaced at least 30 days apart. The County also disagrees with the assertion that the golden eagle report erroneously focuses solely on a 4,000-foot nest site buffer and ignores the USFWS's direction for a 10-mile survey radius. As previously stated, the USFWS Protocol does not require a 10-mile survey radius, but instead uses a 10-mile suitable habitat radius to determine if inventories for golden eagle should occur within the project boundary. The WRI surveys, and historical research, cover all of the golden eagle territories within the County, which extends over the proposed project site. Therefore, the WRI county wide survey conducted in 2012 covers the proposed project sites and therefore it can be concluded that those surveys can be considered "site-specific" surveys. To determine potential impacts to each territory, a 4,000 foot buffer around the project area was intersected with known golden eagle territories. The County's CEQA significance threshold requires a determination as to whether golden eagle habitat will be impacted, and specifies that any impacts within 4,000 feet of a golden eagle nest can only be found less than significant under certain

circumstances (DPEIR, at p. 2.3-99 (Guideline E).) The DPEIR discloses that the Proposed Project area is not within 4,000 feet of a golden eagle nest, but concludes that the Proposed Project would have a potentially significant impact on golden eagle foraging habit. (DPEIR, pp. 2.3-114 to 2.3-115.) As described above, WRI's survey methods were consistent with the USFWS Protocol, and the County's significance threshold was applied per CEQA.

The County also disagrees with the assertion that WRI's golden eagle surveys did not comply with the USFWS Protocol with regards to how surveying biologists are trained. The WRI report specifically states that volunteers and new biologists train with an experienced "Golden Eagle Biologist" (Appendix 2.3-1, Appendix I, p. 4), and that each helicopter survey had at least two "Golden Eagle Biologists" (*id.* at p. 9).

c. Did WRI improperly conclude that one golden eagle territory was extirpated?

The County disagrees with the assertion that WRI mischaracterized one of the territories as extirpated. First, as demonstrated above, WRI did conduct two aerial surveys, spaced at least 30 days apart, consistent with the USFWS Protocol. Appendix 2.3-1, Appendix I, at pp. 9 to 10; USFWS Protocol, p. 11.) Second, WRI concluded that the territory has been extirpated because of a lack of breeding activity for over 40 years (Appendix 2.3-1, Appendix I, pp. 29 to 30).

d. Did the redactions in the WRI Golden Eagle Report impair informed decision-making?

The publicly-disclosed WRI golden eagle report was redacted to preserve trade secret information and to protect golden eagles in San Diego County from human disturbance by not disclosing exact nesting locations to the general public. (Appendix 2.3-1, Appendix I, p. iv.) An unredacted copy of the full report has been provided to the USFWS for its review (E. Porter, personal communication, July 3, 2014). Furthermore, the USFWS also has been provided with WRI's raw data, which supports the conclusions made in WRI's golden eagle report (A. Brickey, personal communication, August 6, 2014).

## 2. Golden Eagle Territories

The USFWS Protocol states that a "nesting territory or inventoried habitat should be designated as unoccupied by Golden Eagles ONLY after at least 2 complete aerial surveys in a single breeding season". (*Id.* at p. 11.) The WRI report includes

the survey paths in and around the Proposed Project site from the most recent aerial surveys conducted between 2010 and 2012, and also includes data from historic eagle territories. (DPEIR, Appendix 2.3-1, Appendix I, at pp. 9, 12.)

Because the Proposed Project site does not support suitable nesting habitat for golden eagles (DPEIR, pp. 2.3-41, 2.3-58, and 2.3-78), the aerial surveys conducted in the area focused on suitable habitat and historic nest sites, thus enabling WRI to determine golden eagle territories and nest statuses within these areas. (DPEIR, Appendix 2.3-1, Appendix I, at pp. 29 to 30). Based on the survey results and the standard for determining when territory is considered "unoccupied" in the USFWS Protocol, the Boulevard territory meets the definition of "unoccupied" territory. Furthermore, WRI considers a territory "extirpated" after five years pass from the last recorded breeding and/or sighting of the bonded pair. The report states that the Boulevard "territory has been considered extirpated since the 1980s" and that "no resident golden eagles have been seen breeding in this territory for over 40 years" (Appendices 2.3-1 (see Appendix I) and 2.3-2 (see Appendix J)), which supports the consideration that this territory is inactive.

### 3. WRI Golden Eagle Data

The County disagrees with the assertion that the WRI data is flawed because it does not account for impacts from the helicopters on golden eagles. The USFWS Protocol states that "helicopters are an accepted and efficient means to monitor large areas of habitat to inventory potential habitat and monitor known territories only if accomplished by competent and experienced observers". (*Id.* at p. 13.) WRI has an established team of experienced golden eagle biologists who have collected data through helicopter surveys since 1996 (DPEIR, Appendix 2.3-1, Appendix I, p. 7). The helicopter surveys conducted by WRI are consistent with the helicopter survey methods described by the USFWS Protocol: (1) the helicopter used by WRI was small and maneuverable (*compare* Appendix 2.3-1, Appendix I, p. 7 *with* USFWS Protocol p. 14); (2) WRI approached cliffs while flying at 20 to 30 knots (*compare* Appendix 2.3-1, Appendix I, p. 9 *with* USFWS Protocol p. 14); (3) WRI hovered near nests for a time period that "usually did not exceed 10 to 20 seconds" (*compare* Appendix 2.3-1, Appendix I, p. 9 *with* USFWS Protocol p. 14); and (4) the WRI report indicates that cliffs were approached up to a distance of 20 to 30 meters (*compare* Appendix 2.3-1, Appendix I, p. 7 *with* USFWS Protocol p. 14). Because the surveys followed accepted protocol and used an experienced team of golden eagle biologists, the

County does not require additional analysis on helicopter impacts to golden eagles in the DPEIR.

The County disagrees with the assertion that data based on satellite telemetry data is flawed simply because the birds were caught as juveniles. The DPEIR analysis on golden eagles was based on a variety of data sources, collected over many years, and does not solely rely on one type of data, whether it be satellite telemetry data or another type of data. For example, data collected during ground surveys included "hand-drawn maps documenting flight paths" (Appendix 2.3-1, Appendix I, p. 7); and historical information for two of the territories "come from a compilation of museum records made by oologists who collected and traded eggs dating back to the late 1800s" as well as ongoing studies (*id.* at p. 6). The WRI report notes that the golden eagle biologists used data collected from ground surveys in neighboring areas since 1988 and aerial surveys since 1996 to determine the breeding territories of golden eagles in the area surrounding the Proposed Project (*id. at p. 13*). In addition, the DPEIR considered data collected for golden eagles in neighboring areas and incorporated those data into the analysis. (*Id.* at pp. 28 to 32.)

### a. Did the WRI Senior Biologist David Bittner's guilty plea to unlawful take of a golden eagle mean WRI's data was unreliable?

Comments reference WRI's senior biologist, David Bittner, who pleaded guilty for unlawful take of a golden eagle. Although Mr. Bittner and WRI had previously withheld golden eagle tracking data from 2007-2012 from the USFWS, it has since been provided to the USFWS.

Furthermore, the County disagrees with the commenter's assertion that David Bittner is a "discredited scientist". To the contrary, the County considers Mr. Bittner's scientific work to be credible. As the commenter recognizes, the charges against Mr. Bittner had nothing to do with the substance of his work, but rather addressed whether he was permitted to do the work. In addition, it is worth noting that WRI's survey efforts were accomplished by other biologists and volunteers, not just Mr. Bittner. (DPEIR, Appendix 2.3-1, Appendix I, at pp. 9 to 10, 41.)

## 4. Direct and Indirect Impact Analysis Under CEQA

The County disagrees with assertions that impacts to golden eagles were analyzed inadequately under CEQA, and that neither the decision makers nor the public can determine whether mitigation will be adequate.

The DPEIR analyzes potential effects to golden eagle in accordance with the County's Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources, dated September 15, 2010. The DPEIR adequately covers Guideline 4.1 (E) (County of San Diego 2010), which states "any alteration of habitat within 4,000 feet of an active golden eagle nest could only be considered less than significant if a biologically-based determination can be made that the project would not have a substantially adverse effect on the long-term survival of the identified pair of golden eagles" (DPEIR, Section 2.3.3, pp. 2.3-114 to 2.3-116 and 2.3-126). As stated in the DPEIR, there are no active golden eagle nests within 4,000 feet of the Proposed Project; therefore, the Proposed Project does not meet the significance threshold for this guideline. (DPEIR, pp. 2.3-114 to 2.3-115.) However, impacts to functional foraging habitat for raptors, including foraging habitat for golden eagle, were quantified in the DPEIR. These impacts are, considered to be potentially significant, and are mitigated to a level below significant through habitat preservation. (*Id.*) Suitable habitat for the golden eagle is outlined on pages 1-61of Appendix 2.3-1. These habitat types and their existing acreages on the Proposed Project site (i.e., vegetation communities) are included in Table 2.3-1 (page 2.3-99) of the DPEIR. Tables 2.3-8 and 2.3-10 of the DPEIR summarize the existing suitable habitat and impacts to suitable habitat for special-status species.

## 5. Cumulative Impacts Analysis Under CEQA

Cumulative impacts to golden eagles and suitable foraging habitat are described in Section 2.3 of the DPEIR, and pages 2.3-167 through 2.3-170 discuss cumulative impacts to special-status species. A habitat-based approach was used to determine the baseline conditions and analyze cumulative impacts to special-status wildlife (including golden eagle), using a biological cumulative analysis study area that includes the extent of the cumulative projects located within the Peninsular Ranges eco-geographic extent as defined by the Jepson Flora Project (DPEIR, pp. 2.3-162). This extent was chosen to evaluate a narrowly defined area that represented the vegetative, elevation, and geographic situation of the proposed project while not extending too broadly such that the analysis was diluted. (DPEIR, pp. 2.3-163) Specifically, Table 2.3-17 includes the cumulative impacts to vegetation communities from projects within the cumulative study area, including Tule Wind Project (see Table 1-12 and Section 2.3.4 of the DPEIR). The vegetation communities within the cumulative study area were used to model foraging habitat for golden eagle and quantify both the existing suitable foraging habitat and the impacts to foraging habitat (see Appendix 2.3-5).

Because golden eagles do not nest within the Proposed Project sites, cumulative impacts to nests were not analyzed. Therefore, the DPEIR analyzes the Proposed Project in the context of currently permitted wind and other renewable energy projects (as listed in Table 1-12) within the cumulative study area. The DPEIR concludes that the "Proposed Project combined with the reasonably foreseeable cumulative projects, despite species avoidance, minimization, and mitigation measures that would likely be implemented by each project, would have the potential to reduce the distribution and/or the overall population size of one or more special-status wildlife species such that they are vulnerable to environmental variability and are at a higher risk of becoming imperiled" (DPEIR, pp. 167). Mitigation for cumulative impacts to suitable habitat for special-status species is described in Table 2.3-18, and mitigation measure M-BI-PP-1, which requires preservation of at least 1,268.8 acres of habitat in open space for the Proposed Project.

### 9.2.4 Water Resources

**WR1** **Construction and Operational Water Demand Estimates**. The County has received numerous public comments asserting that the applicants and their consultants have underestimated the water demand associated with the Proposed Project, and have consequently provided an inadequate analysis of impacts to groundwater and water supply. County staff acknowledges that several project components were either not included in the estimate of the water demands associated with proposed construction activities, or water demands were underestimated. These include:

- The Tierra del Sol gen-tie line,
- The temporary batch plant and rock crushing facility (Rugged Solar Farm),
- Water requirements for facility foundations (other than CPV tracker foundations),
- Dust control,
- Soil binding agent application,
- Fire protection requirements (water tanks), and
- Noxious weed mitigation.

The water demands for the project have been underestimated by up to nearly 38%. The County disagrees with public comments that water demands have been underestimated by orders of magnitude or that the analyses of impacts to groundwater resources and water supply are inadequate as a result. The impacts to

groundwater resources remain less than significant with this increase, which is discussed below.

The purpose of this common response is to:

1. Clarify the scope of CEQA analysis for groundwater resources and water supply issues;
2. Clarify the project elements and underlying assumptions included in the construction water demand estimates;
3. Address comments on the operational water demand estimate;
4. Discuss the relationship between water demands and the County's CEQA significance thresholds for groundwater and water supply; and
5. Summarize why an increase in the water demand estimate does not raise important new issues about significant effects on the environment.

County Staff reviewed an estimate of the additional water use required based on public comments. These are discussed in Item 2 below and reflected in text changes made in the DPEIR, primarily DPEIR pgs. 1.0-19 through 1.0-21, and DPEIR pgs. 1.0-41 and 1.0-42 (Table 1-6), and the Agricultural Resources, Hydrology and Water Quality, and Utilities and Service Systems chapters of the DPEIR, as further specified below.

This upward revision of the water demand estimate is being provided consistent with CEQA's information mandates, but do not change the significance conclusions discussed in the DPEIR.

## 1. Scope of CEQA Analysis for Groundwater and Water Supply

As a preliminary matter, the County notes that under CEQA, the Soitec Solar Development DPEIR is a planning-level document intended to disclose the potential environmental effects of the Proposed Project based on a project description that must contain a *general* description of the project's technical, economic, and environmental characteristics (CEQA Guidelines § 15124(c)). Site grading, drainage, civil, electrical, architectural and other engineering plans progressively evolve from conceptual or preliminary phase to final designs and construction plans—concurrently with and following the preparation and certification of a project's EIR. It is a normal and expected part of the planning process for design details to be subject to change. It is beyond the scope of CEQA to provide extensive detail that can only be precisely known when final

engineering and grading plans are completed and approved by the County's building official. Rather, the environmental analysis must be based on reasonable assumptions and a planning "envelope" (i.e., range of possibilities) that account for uncertainties associated with the project.

The key consideration under CEQA concerns whether a project's groundwater use would result in exceedance of County significance thresholds for groundwater and whether demand could feasibly be met by on-site groundwater wells and off-site sources, including small community water districts/water companies and/or larger municipal water districts.

## 2. Construction Water Demand Revision

County Staff has reviewed public comments that describe project elements that were missing from the construction water demand estimate. Based on these comments, the County has found that the water demand estimates provided in the DPEIR require an upward revision, but not to the extent suggested in Comment Letters O10, I32 and I65 (which suggested the estimates were off by orders of magnitude). As described below, the water demand factors for the Proposed Project are based on site-specific geotechnical information and empirical (i.e., "real world") observations of water use for similar past projects.

As shown in Table 9-2 provided below, the Proposed Project components that were not initially included in the water demand estimate would collectively increase the construction water demands of the Proposed Project by nearly 50 acre feet—an increase of nearly 38%. Table 9-2 also provides a detailed comparison of the water demands as originally cited in the DPEIR, versus the new water demand estimates that have been incorporated into the FPEIR. Table 9-2 also provides an explanation of why each has increased and the justification for adding additional line items. Almost all of the changes are in response to issues raised in public comment letters, although the changes associated with concrete requirements per tracker, the number of high wind days, and soil hydration requirements were made in response to additional information received from the applicants and recent geotechnical exploration of the Rugged site.

The DPEIR and the associated groundwater resource investigations (DPEIR Appendices 3.1.5-5 and 3.1.5-6) have been revised to reflect these updated figures. These revisions to the DPEIR are presented in strikeout-underline format in the following locations:

- FPEIR Section 1.2.1.1 (pgs. 1.0-21 through 1.0-24),
- FPEIR Table 1-6 (pgs. 1.0-44 and 1.0-45),
- FPEIR Section 3.1.5.3.4 (pgs. 3.1.5-51 through 3.1.5-59), and
- FPEIR Section 3.1.9.3.1 (pgs. 3.1.9-9 through 3.1.9-14), and
- FPEIR Table 3.1.9-1 (pg. 3.1.9-23).

Other construction activities and water-use assumptions—cited as missing, inadequate or underestimated in public comments—require further clarification and associated DPEIR text edits. Each of these is discussed below:

- *Disturbance acreage associated with the Rugged site:* Commenters noted a perceived inconsistency between the size of the Rugged site as listed in the DPEIR Project Description Table 1-1 (765 acres) and the extent of total area to be cleared, grubbed and graded, as listed on AECOM's estimation sheet (575 acres). Commenters are referred to DPEIR Table 2.3-13, which indicates that a large part of the Rugged site will remain "impact neutral," or outside of the fenced areas containing proposed facilities, trackers, and the fuel modification zone. The difference between parcel size and fenced-in facility size is mainly due to the non-contiguous nature of the parcels, topographic constraints, and the avoidance of the Tule Creek riparian corridor (see DPEIR Figure 1-6). According to DPEIR Table 2.3-13 and 2.3-14, the development footprint of the Rugged site is 516 acres (including the off-site access road and fuel modification areas). According to DPEIR Table 2.3-12, the development footprint of the Tierra del Sol site is nearly 430 acres (including the off-site gen-tie line and fuel modification areas). These acreages have been incorporated into the revised water demand estimates in the FPEIR and provided for reference in Table 9-2.
- *Soil moisture content of site soils*: Commenters questioned the assumptions used in estimating water needs for hydration and compaction of foundational soils, and claimed that such assumptions were generic in nature (i.e., not based on site-specific information). Soil moisture contents used as inputs in the estimate of water needs for mass grading were based on the lowest values observed during geotechnical exploration on the Tierra del Sol site. The revised water demand in FEIR Table 1-6 (pgs. 1.0-44 and 1.0-45) has incorporated new information from geotechnical exploration of the Rugged site, which found the lowest soil moisture values observed to be 1.6% lower than the 2.5% estimate, which was based on observations made on the Tierra

del Sol site (Ninyo & Moore 2013). The measurements were made during the dry season (September and October) and the majority of soil moisture contents observed on both sites actually exceeds the original estimate of 2.5% (the mean of all samples was 5.1%) (Ninyo & Moore 2012, 2013). Furthermore, the rate of water needed to properly hydrate soils and gain compaction was adjusted significantly upward in both the original and revised water estimate (i.e., by 167%) as a contingency, and to account for high heat and evaporation rates during the summer months. With the revisions made, the estimate of the rate of water needed for mass grading is reasonable, conservative, and based on site-specific information (see FPEIR Table 1-6, pgs. 1.0-44 and 1.0-45).

- *Soil depth and fill volume required*: The volume of fill required for mass grading, which relates to the topography and depth of alluvial soil on the Tierra del Sol and Rugged sites was provided by the applicants and is based on project plans and site-specific geotechnical knowledge of both sites. Commenters are also referred to Table 3.1.2-1, which describes the type, percent of project site, depth, and other relevant factors of soil units for all four projects.

- *Road building, underground electrical equipment, culverts, drainage, fencing and site-preparation for on-site substations, O&M buildings and other structures*: Water requirements for site preparation (including clearing, grubbing, and grinding), as well as mass grading, are inclusive of all built features and infrastructure within the development footprint of each site. It is unnecessary and impractical to estimate clearing and mass grading requirements for individual components because these elements overlap in many locations, and may be constructed concurrently. It was assumed that clearing, grinding and grubbing would occur over the entire development footprint, whereas mass grading would be limited to all site roads, utility trenches, and to support foundations for the O&M area, inverter pads, and on-site collector substations. Although DPEIR Tables 1-8 and 1-9 (pgs. 1.0-43) included specific timelines for installation of the collector substation, O&M building, underground electrical and trackers, the water demand estimate for site preparation and mass grading was condensed within the first 60 working days for the purposes of estimating peak construction water demands (which results in greater intensity of water use and a more conservative analysis). Water demands for these elements are included in the dust control and concrete estimates presented in FPEIR Table 1-6 (pgs. 1.0-44 and 1.0-45).

- *Punch list and cleanup activities*: Water demands associated with these activities were included in the DPEIR as part of general daily dust control. Commenters are referred to FPEIR Table 1-6 (pgs. 1.0-44 and 1.0-45), as wel as Table 9-2 (below) which lists construction water demands in greater detail.

ECO Substation Water Use: Several commenters noted that San Diego Gas & Electric (SDG&E) the applicant for the East County Substation (ECO Substation), has requested significantly more water than was originally estimated in its Final EIR / Final Environmental Impact Statement (FEIR/FEIS). The County disagrees with implications that the applicants and/or their consultants have repeated assumptions made for the ECO Substation project FEIR/FEIS regarding soil depth and soil moisture content in water demand calculations for the Proposed Project.

Comments received characterizes all areas within the Proposed Project boundaries as requiring the same level and intensity of mass grading and construction activity as the ECO Substation Project which is not accurate. The ECO Substation Project included two stepped substation pads—each of which requires large flat areas—over an approximately 100-acre site whose preexisting elevation varies by about 150 feet from top to bottom (URS 2008). Besides needing to be flat and requiring extensive constructed slopes around and between the pads, seismic design and geotechnical requirements dictated that these areas be over-excavated and re-covered by a thick layer of engineered, moisture-conditioned fill. The extent and magnitude of grading, over-excavation, hydration, recompaction, and fill slopes required for mass grading and foundation preparation on the ECO Substation Project is orders of magnitude higher than what would be required for the Proposed Project on a per acre basis. Earthwork on the ECO Substation site was estimated in the Final EIR/Environmental Impact Statement (EIS) (CPUC and BLM 2011) to amount to 1.268 *million* cubic yards, whereas earthwork on the Rugged and Tierra del Sol solar farms is estimated to total 29,835 and 9,429 cubic yards, respectively.

These earthwork estimates are much lower as compared to the ECO Substation because the vast majority of the Proposed Project area will not require any site leveling. In most cases, tracker masts can be installed via vibratory or conventional pile driving and do not require a totally flat site. Shallow grading and site preparation will be required for interior roads and building pads, but these areas will be comparatively minor and dispersed such that the general site topography will remain the same. Even the proposed operations and maintenance (O&M) areas and on-site collector substations are not at all analogous or comparable because the concrete pads (e.g., about 7,500 square feet each for

O&M buildings and collector substations) will require shallow pad foundations, will mostly be located in places that are already level, and are minor in comparison to the 100-acre ECO Substation site.

It should also be noted that in contrast to the ECO Substation Project, whose geotechnical work was preliminary in nature when the EIR/EIS was being prepared (from which initial estimates have been cited), final geotechnical reports have been completed for both the Rugged and Tierra del Sol solar farms, neither of which indicate the need for deep cuts or extensive fill slopes.

### 3. Water Demands for Operation, Maintenance & Decommissioning

County Staff has reviewed public comments that list project elements purportedly missing, inadequate, or underestimated from the operational water demand estimate in the DPEIR (see in particular public comment letters O10, I32 and I65). County staff does not agree with public comments asserting the operational water demands of the Proposed Project have been substantially underestimated. However, operational water-using activities and water-use assumptions are further clarified and associated DPEIR text edits were made as necessary, as discussed below:

- *CPV panel washing schedule*: Some public comments raised the concern that CPV panels would require washing more frequently than 9 times per year, as assumed in the DPEIR, claiming to have observed weekly panel washing at the Newberry Springs CPV solar facility. In response to inquiry, the applicants have indicated that CPV trackers recently installed in Newberry Springs have actually only required two cleanings since the facility came online—one in December 2013 and one in March 2014. Other washing-related activities at the Newberry site included testing the washers to improve their efficiency and to ascertain the rate of soiling on the panels. These testing activities have helped to inform the number of washings per year anticipated by the applicants. The tests indicated that the Newberry site will require 2-3 washings per year, and proportionately the Proposed Project would require 4-6 washings per year on average. The water use estimates in the DPEIR used an assumption of 9 times per year, which now appears to provide a margin of error and would capture the potential effects of nearby construction and agricultural activity. The water use estimate of 24 gallons per tracker remains unchanged, and is based on the applicant's experience with the same technology at its test facilities.

- *On-site water tanks*: Water needed to fill water tanks for fire-suppression were not explicitly included in the operational water demand because filling the water tanks would be a one-time event during construction, unless a fire emergency occurs, rather than an operational water demand. According to the draft fire protection plans for the Tierra del Sol and Rugged projects (DPEIR Appendices 3.1.4-5 and 3.1.4-6), storage of approximately 110,000 gallons of water would be required for both sites. This water requirement has been included in the updated construction water demand summarized in Table 9-2. Over the thirty year operational period of the Tierra del Sol and Rugged projects, the only reason the tanks would need to be refilled is if the water were used to fight a fire, which is not a notable operational water use. In any case, a contingency of about 587,000 gallons/year was originally included in operational water estimate in DPEIR Table 1-7 to cover such situations. These tanks will either be elevated or equipped with a pump and will not suffer appreciable evaporation losses because they will be enclosed and water-tight.

- *Dust Control*: Several commenters expressed concern that the Proposed Project would generate excessive levels of fugitive dust during operations. These commenters are referred to DPEIR Table 1-7, which includes yearly application of a soil binding agent over areas of the site not already surfaced by gravel or paved. These soil binding agents can be in place for 18 months without re-application, so assuming yearly re-application errs on the side of caution.

- *Decommissioning*: Water required for decommissioning would be limited to dust control and application of soil binders or native seed mix where needed. DPEIR Section 1.2.1.1 (pgs. 1.0-20 and 1.0-24) has been revised to clarify decommissioning will not involve installation or use of a long-term irrigation system. Decommissioning will be limited to removal of structures on the surface and exposed concrete foundations, which will be mechanically broken up and recycled. The perimeter fence, as well as underground conduits and wires would be left in place, which means earth moving activities would be limited to minor localized smoothing of terrain, and decompaction of access and fire roads. Over the operational life of the project, the applicants will allow vegetation to naturally recolonize the site, mowing as needed to maintain vegetation to less than 6 inches in height and to avoid conflicting with facilities or fire protection requirements. Following dismantling and removal of structures, soil binders or a native seed mix will be applied to areas that remain exposed or unvegetated (e.g., access/fire roads and freshly removed concrete pads).” Thus, the water demand for decommissioning activities would be equal to or less than the operational demand.

In response to comments on operational water demands of the Proposed Project, the County has made revisions and clarifications to the DPEIR (see FPEIR Section 1.2.1.1, pgs. 1.0-22 through 1.0-24).

Since publication of the Draft EIR, the applicants have requested that the operational production cap on Well B on the Tierra del Sol Site include a contingency of 20%. The operational water demand of 5.5 acre feet shown in DPEIR Table 1-7 has not changed, but the project will be conditioned with an operational production cap of 6.6 acre-feet to include a 20% contingency. This is similar to the contingency that was included in the DPEIR for the Rugged Solar Farm. The 20% contingency on the operational production for Well B requires a revised analysis to demonstrate that the contingency, if used, would not exceed County significance thresholds. This analysis is provided in Attachment 9.0-6, which concludes that a production level of 6.6 acre-feet on Well B (as opposed to the 5.5 acre-feet analyzed in DPEIR Appendix 5.3.1-5) would likewise not result in a significant impact on groundwater resources.

## 4. Summary of CEQA Significance Thresholds for Groundwater Impacts and Water Supply

Numerous public comments have claimed that an increase in water demand renders the analysis of impacts to groundwater resources inadequate. Despite the increase, the technical analysis and modeling contained in the reports remain valid for the reasons described below and in Tables 9-3a and 9-3b, as well as Attachment 9.0-6.

Groundwater impacts were analyzed in three locations in the DPEIR, including Section 2.3.3 (Biological Resources), Section 3.1.5.3.4 (Groundwater Resources), and Section 3.1.9 (Utilities). The DPEIR identified a potentially significant impact to groundwater dependent vegetation (BI-TDS-20 and BI-TDS-25, and BI-R-24), which will be mitigated by Mitigation Measure M-BI-PP-15 (DPEIR, pp. 2.3-204 and 2.3-209).

In contrast, the DPEIR concluded that there was no significant impact to groundwater resources for the Proposed Project (DPEIR, pp. 3.1.5-49 to 3.1.5-56, and pp. 3.1.9-9 to 3.1.9-13.) The proposed on-site groundwater supply wells have upper limits on the amount of water that can be supplied, in terms of both maximum pump capacity as well as County-imposed threshold levels and production caps, further described below and in DPEIR, pp. 3.1.5-49 to 3.1.5-56. These limits have been determined based on the volume of pumping that can be achieved without exceeding County CEQA significance thresholds for well

interference and groundwater-dependent habitat—as calculated using measured aquifer properties and applying theoretical models.

In addition, because the GMMPs referenced in M-BI-PP-15 (above) have already been prepared and will be a condition of the MUP, the DPEIR has been revised to include the GMMPs as a condition of approval. The GMMPs can be obtained from the County's administrative record for the Proposed Project online at http://www.sdcounty.ca.gov/pds/ceqa/SOITEC_SOLAR_DEVELOPMENT_ADMINISTRATIVE_RECORDS.html.

It should be noted that the County requested that the applicants present a short-term 90 day drawdown analysis to evaluate the peak construction demand for the Proposed Project as well as a 1 year drawdown analysis to evaluate the entire construction demand. The significance requirements as set forth in the County of San Diego Guidelines (2007) only require an evaluation of well interference after a five-year projection of drawdown. In recognition of the intense but short-term nature of construction water demands, the County tailored the report content requirements to the particular circumstances of the Proposed Project. Upper limits on the amount of water that can be supplied by onsite wells will include the following:

Tierra Del Sol Solar Farm:

For Well B, the County will enforce a production cap of 7 acre-feet of extraction during the first 90 days of construction and a total of 18 acre-feet over the approximate 1 year construction period.

- During the construction phase, a water level threshold of 10 feet of drawdown below baseline at offsite monitoring wells RM-1, RM-3, and RSD-1 will be enforced to protect the oaks' ability to continually access groundwater from the alluvial aquifer. Additionally, eight other off-site monitoring wells (GR-1, GS-1, GS-2, LK-1, RSH-1, RSH2, and WHH-1) will be monitored during the construction phase. A water level threshold of 20 feet of drawdown below baseline will be enforced to protect the offsite wells' ability to continually access groundwater.
- For ongoing operational water use, the County will enforce a production cap of 6.6 acre-feet per year. This production cap is based on the operational water demand, and an additional 20% contingency requested by the applicant. This change requires a revised analysis to demonstrate that the contingency, if used, would not exceed County significance thresholds. This analysis is provided in

Attachment 9.0-6, which concludes that a production level of 6.6 acre-feet on Well B (as opposed to the 5.5 acre-feet analyzed in DPEIR Appendix 5.3.1-5) would likewise not result in a significant impact on groundwater resources.

Rugged Solar Farm:

- For Well 6/6a/6b, the County will enforce a production cap of 32.7 acre-feet during the one-year construction period. For Well 8, the County will enforce a production cap of 12 acre-feet during the one-year construction period. The Tule Wind Farm project was originally analyzed for a total of 76 acre-feet of groundwater but was conditioned for a total of 56 acre-feet of water from wells 6/6a and well 8. This included up to 56 acre-feet of water from Well 6/6a and up to 20 acre-feet from Well 8, with both well fields not to exceed a total of 56 acre-feet of water use. The Rugged Solar groundwater investigation utilized the same assumptions as the Tule Wind Farm project. There is an excess of 20 acre-feet of water that was analyzed in which Rugged Solar is proposing to now utilize 10 acre-feet of groundwater from Well 8. The project will be conditioned to allow an additional 10 acre-feet of on-site groundwater from Well 6/6a and/or Well 8, depending on which of the wells were used to supply the 56 acre feet for the Tule Wind Farm construction phase.
- For Well 6a/6b, a maximum drawdown of 15 feet below the water level baseline at proposed monitoring well (MW-SPB, located 350 feet south of Well 6a/6b) will be allowed during the construction phase.
- At Well 8 on the Rugged Solar Farm, a maximum drawdown of 10 feet below the pumping baseline will be allowed at the McCain Conservation Camp Well.

  On the Rugged Solar Farm, a water level threshold of 10 feet of drawdown below baseline at proposed monitoring well (MWO) will be enforced to protect the oaks' ability to continually access groundwater from the alluvial aquifer.
- For operational demand, the County will enforce a production cap of 8.7 acre-feet per year. Between Well 6a/6b and Well 8, operational demand shall not exceed a combined total of 8.7 acre-feet per year.

These limits will be enforced through each project's Groundwater Monitoring and Mitigation Program (GMMPs) as a project condition of approval.

5. Explanation Why Construction Water Demand Increase Will Not Result in a New Significant Impact

Although Proposed Project components that were not initially included in the water demand estimate would collectively increase the construction water demands of the Proposed Project by about 38%, this increase would not be to the detriment of groundwater-dependent habitat due to implementation of the GMMPs (M-BI-PP-15). The County acknowledges that production caps and water-level thresholds of the GMMPs were not clearly discussed in M-BI-PP-15. Therefore, the County has revised and amended M-BI-PP-15 (DPEIR pg. 2.3-204 to 2.3-209) to summarize the elements of the GMMPs for both the Rugged Solar Farm and the Tierra del Sol Solar Farm.

Furthermore, the 38% increase in construction water demand would likewise not result in new or more severe impacts with respect to available water supplies. Below is a summary of changes in water demand at each site in which groundwater is proposed to be extracted, the effects those changes will have in regard to sources of water, and an explanation as to why impacts remain less than significant.

On-Site Construction Water Demand:

**Tierra Del Sol Solar Farm Site:** The DPEIR analyzed a total of 50 acre-feet of water required for construction for the Tierra Del Sol site which included a maximum cap of groundwater use of 18 acre-feet of water from on-site Well B and all additional water to be imported to the site. Construction demand has now increased by 17.6 acre-feet to 67.3 acre-feet, an increase of approximately 35%. . With the increased amount of water needed, on-site groundwater use for construction remains unchanged with an existing cap of 18 acre-feet imposed on the on-site production Well B. All other water must be sourced from offsite. This includes Jacumba Community Services District and Padre Dam Municipal Water District which are discussed below.

**Rugged Solar Farm Site:** The DPEIR analyzed a total of 59.5 acre-feet of water required for construction for the Rugged site which included groundwater from on-site production wells of 44 acre-feet. All additional water from construction was proposed to be imported to the site. Construction demand has now increased by 24 acre-feet to 83 acre-feet, an increase of approximately 40%. The project proposes to utilize an additional 10 acre-feet of on-site groundwater for construction. Although the on-site demand has increased from 44 acre feet to 54

acre feet, the analysis of groundwater impacts for Well 8 on the Rugged site originally included an additional 20 acre feet of production to supply the Tule Wind Project (DPEIR Appendix 3.1.5-6). The groundwater resources impact analyses on Well 8 for the Rugged Solar Farm do not need revision because the full construction demand of the Tule Wind Project (56 acre feet) was evaluated at Well 6a/6b, leaving the additional 20 acre feet at Well 8 as surplus water that may not be needed for the Tule Wind Project. Since Tule Wind Project has priority through their MUP to utilize up to 56 acre-feet from Well 6a/6b (up to 56 acre-feet) and/or Well 8 (up to 20 acre-feet), the County will only allow the Rugged Solar Project to pump an additional 10 acre-feet after Tule Wind Farm construction has been completed. All other water must be sourced from offsite. This includes Pine Valley Mutual Water Company, Jacumba Community Services District, and Padre Dam Municipal Water District which are discussed below.

Off-Site Construction Water Demand:

As discussed in DPEIR Section 3.1.9.3.1 and summarized in Table 9-3a for the Tierra del Sol Solar Farm and Table 9-3b for the Rugged Solar Farm (below), the applicants have identified several off-site viable sources of water to supply construction needs, including the Jacumba Community Services District (JCSD), the Pine Valley Mutual Water Company (PVMWC) (Rugged Solar Farm only), and recycled water from the Padre Dam Municipal Water District. Each of these water purveyors have provided will-serve letters (PDS Form 399W) indicating their intent to supply the Proposed Project with water. As discussed in greater detail in DPEIR Section 3.1.9.3.1, and shown in Table 9-3a and Table 9-3b (below), these water purveyors combined have sufficient capacity to serve the off-site import requirements of the Proposed Project. Revisions to DPEIR Section 3.1.9.3.1 have been made to reflect increases in the amount of off-site imports required from various sources.

Furthermore, separate groundwater resource investigations have been prepared for JCSD and PVMWC (Rugged Solar Farm only) to demonstrate that they can feasibly supply the water without exceeding County thresholds. Like the Proposed Project, these local sources will also be subject to GMMPs. Any short-term water needs that cannot be supplied by on-site wells, the JCSD or the PVMWC would be obtained from recycled water (i.e., the Padre Dam Municipal Water District). Padre Dam's water recycling facility was upgraded in 1997 to treat 2 million gallons per day and is thus the Rugged Solar Farm's "safety net" in the event local sources of groundwater become unavailable. Construction of the Tierra del Sol Solar Farm will require import of 29 acre-feet from the Padre Dam Municipal Water District. Reference in

DPEIR Appendix 3.1.5-5 (pg. 3-22) to the Live Oak Springs Water Company has been removed because it has not provided a valid water service letter to the County. The water sources and allocation strategy is not inconsistent with the information presently in DPEIR Sections 3.1.5.3.4 and 3.1.9.3.1. Only the distribution of construction water supply by volume across sources (on-site and off-site) has changed in response to the water demand revisions. Below is a summary of water to be provided to the project from these sources:

**Pine Valley Mutual Water Company:** The PVMWC groundwater investigation report (DPEIR Appendix 3.1.5-7) originally described providing up to 16 acre-feet for the Rugged Site construction water demand. The amount of water proposed from Pine Valley remains unchanged. However, the PVMWC Groundwater Resources Investigation Report (DPEIR Appendix 3.1.5-7) has been updated to include additional groundwater production information for the wells operated by PVMWC, which was collected after publication of the DPEIR. As discussed in the groundwater investigation, current and proposed uses of PVMWC Well 5 will not exceed the historical peak production .

**Jacumba Community Services District (JCSD):** The JCSD groundwater investigation report (DPEIR Appendix 3.1.5-8) originally described providing up to 32 acre feet for the Tierra del Sol construction water demand and up to 16 acre feet for the Rugged Site construction water demand. The actual technical analyses and modeling (e.g., groundwater in storage and well interference) was conducted on the aggregate total of 48 acre-feet. The project now proposes JCSD to supply up to 21 acre-feet to the Tierra Del Sol site and up to 27 acre-feet to the Rugged Site. Only 14 acre feet (of the 27 acre feet) would be utilized for construction of the Rugged Solar Farm because its off-site demand is limited to the 60-day peak construction period, during which JCSD would be limited to supplying 14 acre-feet because JCSD has indicated it would be limited to 80,000 GPD. The total amount of water proposed from JCSD (48 acre-feet)—and the assumption that it could provide up to 80,000 GPD—remains unchanged. Therefore, no revision to the JCSD Groundwater Resources Investigation Report (DPEIR Appendix 3.1.5-8) is required.

Padre Dam Municipal Water District:

With increased construction water demand, up to 29 acre-feet will be provided by the Padre Dam Municipal Water District for the Tierra Del Sol construction water demand. No water from the Padre Dam Municipal Water District is

proposed to be used for the Rugged Solar Farm, however, it remains available as a back-up source of supply.

Ongoing Water Demand:

The operational water demands of the Proposed Project would remain unchanged from the amounts analyzed in the DPEIR. The operational water demand would be supplied entirely by on-site wells. County Staff has corrected statements to the contrary found in the DPEIR, which are erroneous. These revisions are located on DPEIR pgs. 3.1.1-22 and 3.1.9-11, and address commenter concerns about conflicting information.

Since publication of the Draft EIR, the applicants have requested that the operational production cap on Well B on the Tierra del Sol Site include a contingency of 20%. The operational water demand of 5.5 acre feet shown in DPEIR Table 1-7 has not changed, but the project will be conditioned with an operational production cap of 6.6 acre-feet to include a contingency. This is similar to the contingency that was included in the DPEIR for the Rugged Solar Farm. The 20% contingency on the operational production for Well B requires a revised analysis to demonstrate that the contingency, if used, would not exceed County significance thresholds. This analysis is provided in Attachment 9.0-6, which concludes that a production level of 6.6 acre feet on Well B (as opposed to the 5.5 acre-feet analyzed in DPEIR Appendix 5.3.1-5) would likewise not result in a significant impact on groundwater resources.

1. Water Demand Revisions Do Not Raise New Issues or Change CEQA Significance Determinations

As described above, construction water demand revisions do not raise new issues or change CEQA significance determinations. This is because there are upper limits placed on groundwater production wells based on County CEQA significance thresholds, the GMMPs to be implemented will still be equally effective at avoiding significant impacts, and because off-site sources remain available to supply the construction water demands that cannot be met by on-site sources. The increase in truck trips associated with the increased reliance on off-site import of water for construction related use is addressed in Appendix 9.0-5.

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**WR2:** Response to the groundwater-related topics addressed in "Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities" by Victor M. Ponce. Dr. Victor M. Ponce's Whitepaper, Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities, San Diego County, California, dated November 15, 2013, generally concludes that the Proposed Project would use groundwater in excess of the report's definition of sustainable yield, and that the Proposed Project should rely on imported water supplies. This whitepaper was attached, referred to, or summarized in Comment Letters O10-22, C4-89, I10-1, and I89-19.

After reviewing Dr. Ponce's report, County Staff has determined that the groundwater-related comments in the Whitepaper do not actually dispute or challenge the adequacy of the groundwater resources analysis presented in the DPEIR for several reasons:

- The Whitepaper pre-dates the publication of the DPEIR, the associated groundwater resource investigations (included as DPEIR Appendices 3.1.5-5 (Tierra del Sol), 3.1.5-6 (Rugged), 3.1.5-7 (Pine Valley Mutual Water Company), and 3.1.5-8 (Jacumba Community Services District)), as well as publication of the Groundwater Mitigation and Monitoring Plans (GMMPs) for each proposed groundwater source in the County's administrative record.[2] Therefore, the Whitepaper is based on an incomplete understanding of the Proposed Project and does not critique or dispute the hydrogeological data and analysis methods used in the groundwater resource investigations.
- The Whitepaper's failure to identify any reason not to rely on the County's *Guidelines for Determining Significance and Report Format and Content Requirements—Groundwater Resources* (County Guidelines) undercuts its conclusion that the Proposed Project must resort to imported water to satisfy its water demands. By failing to acknowledge the existence of County Guidelines, or the required application of these guidelines to the Proposed Project, the Whitepaper's assessment of Proposed Project impacts on groundwater resources does not provide sufficient evidence to support its assertion that the Proposed Project cannot rely on groundwater for construction and operational purposes.
- The County has discretion under CEQA to set thresholds of significance for a project. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.

[2] The administrative record for the Proposed Project can be found online at http://www.sdcounty.ca.gov/pds/ceqa/SOITEC_SOLAR_DEVELOPMENT_ADMINISTRATIVE_RECORDS.html.

App. 4th 1059, 1067-1068.) Without any comments directed at the project-specific groundwater resources investigation reports, or evidence showing the Proposed Project would exceed the County's CEQA significance guidelines specifically, the Whitepaper essentially constitutes an oblique critique of the County's Guidelines.

For informational purposes, a technical review of Dr. Ponce's Whitepaper has been included as Appendix 9.0-2. The memorandum compares and contrasts the County's approach to evaluating groundwater resources with that proposed in the Whitepaper; evaluates the assumptions, methodology and results presented by the Whitepaper; and discusses why the Whitepaper's findings are not directly related to the analyses conducted for the Proposed Project.

### 9.2.5 Transportation

**TR1:** The comments regarding physical impacts to roadways and/or the physical deterioration of roadway conditions resulting from heavy equipment and vehicle use during construction of the Proposed Project are acknowledged. As stated in Section 3.1.8, Transportation and Traffic, of the DPEIR, local roads including Old Highway 80, Ribbonwood Road, McCain Valley Road and Tierra del Sol Road are anticipated to be used by construction vehicles during construction of the Proposed Project. According to the Index of the County-Maintained Road System (County of San Diego 2013), Old Highway 80, Ribbonwood Road, McCain Valley Road and Tierra del Sol Road are County- Maintained Roads. The County of San Diego Department of Public Works (DPW) is responsible for maintaining County roads. For example, DPW is responsible for road surface treatments, road resurfacing, and road crack seals necessitated by weather conditions (i.e., sun, heat, and rain/water) and vehicle loads. As such, DPW is the agency responsible for addressing maintenance issues on County-maintained roads and any accelerated maintenance needs resulting from additional traffic from projects approved by the County would be addressed by DPW. Additionally, as indicated in Tables 3.1.8-4 and 3.1.8-5, none of the roadways serving the Proposed Project sites currently operate at an unacceptable LOS. Based on available information, all identified regional and local roads anticipated to be used by operations staff operate at LOS A, and the addition of 72 average daily trips and/or 36 peak hour trips would not cause operations on a County Circulation (Mobility) Element Road to fall below LOS D. Also, the addition of 72 average daily trips and/or 36 Peak Hour trips would not cause a non- Circulation (Mobility) Element Road (i.e., Ribbonwood Road north of I-8, Tierra del Sol Road, and McCain Valley Road) to exceed their assumed design capacity as it

pertains to acceptable traffic volumes. In addition, neither the County of San Diego Guidelines for Determining Significance – Transportation and Traffic nor the CEQA Guidelines require consideration of physical impacts to roadway surface and/or analyses pertaining to potential physical deterioration of roadways. Therefore, because the physical deterioration of roadways does not constitute a significant impact on the environment, this comment does not raise a significant environmental issue and no further response is required.

## 9.3 Comment Letters Received and Responses to Comments

**Table 9-1**
**List of Commenters**

| Letter No. | Name | Address |
|---|---|---|
| *Federal Agencies* | | |
| F1 | U.S. Fish and Wildlife Service (Karen Goebel) | Carlsbad Fish and Wildlife Office, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008 |
| *State Agencies* | | |
| S1 | Caltrans (Jacob Armstrong) | 4050 Taylor St. M.S. 240, San Diego, CA 92110 |
| S2 | Native American Heritage Commission (Dave Singleton) | 1550 Harbor Boulevard, Suite 100, West Sacramento, CA 95691 |
| S3 | Department of Fish and Wildlife, South Coast Region | 3883 Ruffin Road, San Diego, CA 92123 |
| *County, City, and Other Local Agencies* | | |
| L1 | Chief of Governmental Services, Local Agency Formation Commission | 9335 Hazard Way, Suite 200, San Diego, CA 92123 |
| *Community Planning and Sponsor Groups* | | |
| C1 | Bonsall Sponsor Group (Margarette Morgan) | morgan7070@cox.net |
| C2 | Boulevard Planning Group (Donna Tisdale) | tisdale.donna@gmail.com |
| C3 | Campo/Lake Morena Planning Group (Billie Jo Jannen) | 28736 Highway 94, Unit 1, Campo, CA 91906 |
| *Organizations* | | |
| O1 | San Diego Astronomy Association Board of Directors (Michael Vander Vorst) | PO Box 23215, San Diego, CA 92193-3215 |
| O2 | San Diego Astronomy Association (Dennis Ritz) | dennisritz@gmail.com; recording@sdaa.org |
| O3 | Cleveland National Forest Foundation (David Weibel, Shute, Mihaly & Weinberger LLP) | 396 Hayes Street, San Francisco, CA 94102-4421 |
| O4 | Anza-Borrego Foundation (Paige Rogowski) | PO Box 2001, 587 Palm Canyon Drive Suite 111, Borrego Springs, CA 92004 |
| O5 | San Diego County Archeological Society (James Royle) | PO Box 81106, San Diego, CA 92138 |
| O6 | Basin and Range Watch (Kevin Emmerich) | 102551 Cedar Canyon Road, Cima CA 92323 |
| O7 | The Nature Conservancy (Bill Tippets) | 402 W. Broadway, Suite 1350, San Diego, CA 92101 |
| O8 | Newberry Springs Community Alliance (Ted Simpfel) | PO Box 11, Newberry Springs, CA 92365; newberrysprings@hotmail.com |
| O9 | Backcountry Against Dumps (Donna Tisdale) | PO Box 1275 Boulevard, CA 91905 |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| O10 | Stephan Volker on behalf of The Protect our Communities Foundation/Backcountry Against Dumps/Donna Tisdale | Law Offices of Stephan C. Volker 436 - 14th Street, Suite 1300 Oakland, CA 94612; svolker@volkerlaw.com |
| O11 | Timothy Schoechle on behalf of The Protect Our Communities Foundation/Backcountry Against Dumps/Donna Tisdale | 3066 Sixth Street, Boulder, Colorado, 80304 |
| O12 | Backcountry Against Dumps (Donna Tisdale) | PO Box 1275, Boulevard, CA 91905 |
| O13 | Conservation Biology Institute (Jerre Ann Stallcup) | 651 Cornish Drive, Encinitas, CA 92024 |
| O14 | Endangered Habitats League (Dan Silver) | 8424 Santa Monica Blvd., Suite A 592, Los Angeles, CA 90069; dsilverla@me.com |
| O15 | The Protect Our Communities Foundation (Kelly Fuller) | PO Box 305, Santa Ysabel, CA 92070; info@protectourcommunities.org; kelly@kellyfuller.net |
| O16 | Boulevard Residents Group (York Heimerdinger) | No address given |
| O17 | Rural Economic Action League (Larry Johnson) | 1259 Dewey Pl., Campo, CA 91906; aljcampo@msn.com |
| O18 | Laborers International Union of North America, Local Union 89 (Rebecca Davis at Lozeau Drury LLP) | 410 12th Street, Suite 250, Oakland, CA 94607; rebecca@lozeaudrury.com |
| O19 | Endangered Habitats League (Attorney Michael Fitts on behalf of Dan Silver) | gostodas1@yahoo.com |
| O20 | The Real East County Fire Safe Council | PO Box 264, Jacumba, CA 91934 |
| O21 | Richard James' Supplement to the Stephen Volker letter, on behalf of The Protect our Communities Foundation/Backcountry Against Dumps/Donna Tisdale | E-Coustic Solutions, Okemos, MI 48805; rickjames@e-coustic.com |
| O22 | San Diego Astronomy Association Board of Directors (Michael Vander Vorst) | PO Box 23215, San Diego, CA 92193-3215 |
| *Individuals* | | |
| I1 | Ted Tibbitts | 664 Tierra del Sol Road Boulevard, CA 91906 |
| I2 | Barrance Zakar | themightyq@inbox.com |
| I3 | Larry Bratton | 39471 Jewell Valley Way Boulevard, CA; brooks1942@sbcglobal.net |
| I4 | Katie Willams | 4653 Lawler Court, La Mesa CA 91941 |
| I5 | Don Bloom | PO Box 29, Potrero, CA 91963 |
| I6 | Don Bloom and Katie Williams | 4653 Lawler Court, La Mesa CA 91963 |
| I7 | Don Bloom and Katie Williams | PO Box 29, Potrero, CA 91963 |
| I8 | Rex Werking | 1249 Jacumba Street, Box 343, Jacumba, CA 91934 |
| I9 | Diane and Janin Ang | 501 Tierra Del Sol Road, Boulevard, CA 91905 |
| I10 | Wayne Skains | dwskains@sbcglobal.net |
| I11 | Wayne Skains | dwskains@sbcglobal.net |
| I12 | Wayne Skains | dwskains@sbcglobal.net |
| I13 | Wayne Skains | dwskains@sbcglobal.net |
| I14 | Kurt Caudy | 7670 Pine Boulevard, Pine Valley, CA; kkcaudy@msn.com |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| I15 | Mary Foss | 7570 Corte Madera Road, Pine Valley, CA 91962; dick.mary.foss@gmail.com |
| I16 | Richard Foss | 7570 Corte Madera Road, Pine Valley, CA 91962; dick.mary.foss@gmail.com |
| I17 | Don and Katie Bloom | PO Box 29, Potrero, CA 91963 |
| I18 | Sonia Kara | 1226 Carriso Street, Jacumba, CA 91934 |
| I19 | Andy and Teresa DeGroot | 2693 Paso Alto Court, Boulevard, CA 91905 |
| I20 | Cherry Diefenbach | csdiefenbach@sbcglobal.net |
| I21 | Howard Cook | howwcook@yahoo.com |
| I22 | Tracy McPherson | PO Box 82, 1084 S. Railroad, Jacumba, CA 91934 |
| I23 | Wayne Skains | dwskains@sbcglobal.net |
| I24 | Wayne Skains | dwskains@sbcglobal.net |
| I25 | Donna Tisdale | PO Box 1275 Boulevard, CA 91905; tisdale.donna@gmail.com |
| I26 | Hank and Nancy Reib | PO Box 662, Pine Valley, CA 91962 |
| I27 | Ken Von Wiley | 39225 Jewel Valley Way, Boulevard, CA 91905 |
| I28 | Laura Felten | lmfelten58@hotmail.com |
| I29 | York Heimerdinger | PO Box 555, Pine Valley, CA 91962 |
| I30 | Beverly Goodnight | 1902 Jewel Valley Lane, Boulevard, CA 91905; blvdgoodnight@aol.com |
| I31 | Earl Goodnight | 1902 Jewel Valley Lane, Boulevard, CA 91905; blvdgoodnight@aol.com |
| I32 | Howard Cook | howwcook@yahoo.com |
| I33 | Janine Paulette | PO Box 234, Mount Laguna, CA 91948-0234; j.paulette@rocketmail.com |
| I34 | Jeffrey and Paula Byrd | 39276 Opalocka Road, Boulevard, CA 91905 |
| I35 | Well Done Pump Service & Supply Inc. (Marty Kennell) | PO Box 1401, Boulevard, CA 91905 |
| I36 | Paula Byrd | 39376 Opalocka Rd Boulevard, CA 91905 |
| I37 | Carolyn Allen | P.O. Box 301 Brawley, CA 92227 |
| I38 | Donna Tisdale | PO Box 1275 Boulevard, CA 91905; tisdale.donna@gmail.com |
| I39 | Sandra and Byron Cooper | PO Box 4283, Yuma AZ 85366 |
| I40 | Donna Tisdale | PO Box 1275 Boulevard, CA 91905; tisdale.donna@gmail.com |
| I41 | Howard Cook | PO Box 486 Jacumba Hot Springs, CA |
| I42 | Ken Daubach/The Daubach Family | dumptruck.01@wildblue.net |
| I43 | York Heimerdinger | PO Box 555, Pine Valley, CA 91962 |
| I44 | Charlene Ayers | char.ayers@att.net |
| I45 | Clifford and Concepcion Caldwell | PO Box 710, El Centro, CA 92244 |
| I46 | Clifford Caldwell | pincal@sbcglobal.net |
| I47 | Don Bloom and Catherine Williams | donbloom42@gmail.com |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| I48 | Kathryn McGinnis | 4472 Old Hwy. 80, Jacumba, CA 91934 |
| I49 | Kevin Keane | kevin@kkeane.com |
| I50 | Mary Rajknecht | bahiamaria@sbcglobal.net |
| I51 | Jeff and Paula Byrd | 39376 Opalocka Road |
| I52 | Pine Valley Fire Safe Council Inc. (Richard Dupree) | PO Box 411, Pine Valley, CA 91962; dupree_pv@sbcglobal.net |
| I53 | Shawn Lehman | 44673 Seeley Ave., Jacumba, CA 91934 |
| I54 | Wayne Skains | dwskains@sbcglobal.net |
| I55 | Wayne Skains | dwskains@sbcglobal.net |
| I56 | Donna Tisdale | tisdale.donna@gmail.com |
| I57 | Bill and Peggy Hopkins | 41635 Old Hwy 80, Boulevard, CA 91905 |
| I58 | Wayne Skains | dwskains@sbcglobal.net |
| I59 | Chris Noland | PO Box 1274, 38720 Pinion Pine Trail, Boulevard, CA 91905; sdrockguy@hotmail.com |
| I60 | Chris Noland | PO Box 1274, 38720 Pinion Pine Trail, Boulevard, CA 91905; sdrockguy@hotmail.com |
| I61 | Wayne Skains | dwskains@sbcglobal.net |
| I62 | Wendy Hogue | No address given |
| I63 | Judith Dupree | adlib_pv@sbcglobal.net |
| I64 | Barrance Zakar | themightyq@inbox.com |
| I65 | Howard Cook | howwcook@yahoo.com |
| I66 | Kara Bush | karajbush@gmail.com |
| I67 | Mary Oppenheimer | 39544 Clements Street, Boulevard, CA; oppiesoaks@yahoo.com |
| I68 | Sam Milham | smilham@dc.rr.com |
| I69 | Olivia Waegner | 39506 Clements St., Boulevard, CA 91905 |
| I70 | Otto and Kristin Britschgi | PO Box 1595, Boulevard, CA 91905 |
| I71 | Elva Weakley, Trustee of Walapai Trust (Clifford Caldwell, Pinney, Caldwell & Pace APC) | 444 South 8th Street, Suite A, PO Box 710, El Centro, CA 92243-92244 |
| I72 | Mark Jorgensen | PO Box 7, Borrego Springs, CA 92004; mjorgensen1951@gmail.com |
| I73 | Barrance Zakar | themightyq@inbox.com |
| I74 | Wilbert Love | 892 Tierra Del Sol Road, Boulevard, CA 91905 |
| I75 | Raymond Hall | snrhall@nethere.com |
| I76 | York Heimerdinger | york@bluewestsolutions.com |
| I77 | Blanca Cruz | 2597 Ribbonwood Road, Boulevard, CA 91905 |
| I78 | Kaye McCallister | No address given |
| I79 | Laura Felten | PO Box 1352, Boulevard, CA 91905; 2669 Ribbonwood Road, Boulevard, CA 91905 |
| I80 | Mark Haworth | 2597 Ribbonwood Road, Boulevard, CA 91905; markhaworth@sbcglobal.net |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| I81 | Wes White | 15778 Doyon Place, La Mirada, CA 90638 |
| I82 | Patricia and Elliott Stuart | 1633 Jewel Valley Road, PO Box 1291, Boulevard, CA 91905; trish@sciti.com |
| I83 | Daniel Renard | 41148 Old Highway 80, Boulevard, CA 91905 |
| I84 | Linda White | 15778 Doyon Place, La Mirada, CA 90638 |
| I85 | York Heimerdinger | No address given |
| I86 | Don and Katie Bloom | Don: 880 Tierra del Sol; Katie: 686 Tierra del Sol Boulevard, CA 91905; donbloom42@gmail.com |
| I87 | Howard Cook | howwcook@yahoo.com |
| I88 | Marilyn Moskowitz | PO Box 1209, El Centro, CA 92244 |
| I89 | Mark Ostrander | clasictraclayer@att.net |
| I90 | Janet Toohey | grasshopper0700@gmail.com |
| I91 | Jeffrey and Laura McKernan | PO Box 1209, Boulevard, CA 91905 |
| I92 | Robert Renard and Family | 41148 Old Highway 80, Boulevard, CA 91905 |
| I93 | Wayne Skains | dwskains@sbcglobal.net |
| I94 | Earl and Beverly Goodnight | 1902 Jewel Valley Lane, Boulevard, CA 91905; blvdgoodnight@aol.com |
| I95 | Howard Cook | howwcook@yahoo.com |
| I96 | Sandra and Byron Cooper | byscoop@aol.com |
| I97 | Robert and Marie Morgan | 2912 Ribbonwood Road, Boulevard, CA 91905; smorgy@hughes.net |
| I98 | Howard Cook | howwcook@yahoo.com |
| I99 | Robert Maupin | 904 Tierra del Sol Road, Boulevard, CA 91905 |
| I100 | Charlene Ayers | char.ayers@att.net |
| I101 | Daniel Renard | 41148 Old Highway 80, Boulevard, CA 91905 |
| I102 | Donna Tisdale | tisdale.donna@gmail.com |
| I103 | Linda and David Shannon | PO Box 1527, 2587 Ribbonwood Road, Boulevard, CA 91905 |
| I104 | Paula Byrd | paulabyrd46@yahoo.com |
| I105 | Michael and Debi Forsberg | 1621 Jewel Valley Rd., Boulevard, CA 91905 |
| I106 | Michael Strand | PO Box 1424, Boulevard, CA 91905 |
| I107 | Steve Horner | 40760 Old Highway 80, Boulevard, CA 91905; stevehornermex@yahoo.com |
| I108 | Douglas Wayne Skains, Jr. and Heather Skains | 2610 Ribbonwood Road, Boulevard, CA 91905 |
| I109 | York Heimerdinger | Pine Valley, CA 91962 |
| I110 | Rose Jackson | 41148 Old Highway 80, Boulevard, CA 91905 |
| I111 | Teresa Jackson | 41148 Old Highway 80, Boulevard, CA 91905 |
| *Postcards* | | |
| P1 | Doug Kohls | 38142 Old Hwy 80, Boulevard, CA 91905 |
| P2 | Jeffrey and Paula Byrd | 39376 Opalocka Rd, Boulevard CA 91905 |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| P3 | John Dolan | PO Box 986, Boulevard, CA 91907 |
| P4 | Sig Charles | 1280 Shasta Way, Boulevard CA 91905 |
| P5 | David Elliott | PO Box 937, Boulevard, CA 91905 |
| P6 | D. Jeanette Maupin | 904 Tierra del Sol Road, Boulevard CA 91905; djm904@hughes.net |
| P7 | Earl and Beverly Goodnight | PO Box 1238, 1902 Jewel Valley Lane, Boulevard CA 91905; BLVDGOODNIGHT@AOL.COM |
| P8 | Eliot Miller | 2450 Manzanita Trail, Live Oak Springs, CA 91905 |
| P9 | Frances Heath | PO Box 1558, Boulevard, CA 91905; rufutzdog@yahoo.com |
| P10 | Jim Brosnahan | 1435 Vista de la Sierra, Boulevard CA 91905; teco431@yahoo.com |
| P11 | Jim Simpson | 2175 Tierra Del Sol; Jim91905@yahoo.com |
| P12 | Joe and Lesley Mauris | 2945 Ribbonwood Road |
| P13 | Mr. and Mrs. Kenneth Oppenheimer | 39544 Clements St., Boulevard, CA 91905 |
| P14 | Kenneth Gary Stevens | 766 Tierra del Sol Road, Boulevard CA 91905; HiPASSANGUS@yahoo.com |
| P15 | Linda Shannon | 2587 Ribbonwood Rd, Boulevard, CA 91905 |
| P16 | Marie and Robert Morgan | 2912 Ribbonwood Rd. Boulevard, CA 91905; smorgy@hughes.net |
| P17 | Marilyn and ByronPolen | 512 Tierra Del Sol; PO Box 1124, Boulevard CA 91905 |
| P18 | Michele Brosnahan | 1435 Vista de la Sierra; mawlars@gmail.com |
| P19 | Mike Kortz | 1691 Shasta Trail, Boulevard, CA 91905; kortzm@hotmail.com |
| P20 | M McCaskill | 2483 Ribbonwood Rd, Boulevard, CA 91905 |
| P21 | Randy and Laura Felten | 2669 Ribbonwood Rd, Boulevard, CA 91905; lmfelten58@hotmail.com |
| P22 | Raymond Hall | 38763 Alta Vega Rd, Boulevard, CA 91905 |
| P23 | Robert Gookin | 1370 Tierra del Sol Rd, Boulevard, CA 91905 |
| P24 | Teresa DeGroot | 2693 Alto Ct, Boulevard, CA 91905; Teresa91905@Icloud.com |
| P25 | Tom Calgaro | 40522 Eady Ln. Boulevard, CA 91905 |
| P26 | W.D. Eley | 2526 Lilac Tr. Boulevard, CA 91905 |
| P27 | Albert Camacho | 1437 Shasta Way, Boulevard, CA 91905 |
| P28 | Don Bloom | PO Box 29, Potrero, CA 91963; donbloom42@gmail.com |
| P29 | Don Bonfiglio | 40123 Ribbonwood Rd, Boulevard, CA 91905 |
| P30 | Donna Anselmi | 37748 Tierra Estrella; donnaj2468@yahoo.com |
| P31 | John and Iris Mayris | 2945 Ribbonwood Road, Boulevard, CA 91905 |
| P32 | Penny Nichols | PO Box 1044, Boulevard CA 91905 |
| P33 | Robert and Cyndi Clark | PO Box 1393, Boulevard, CA 91905 |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| P34 | Robert Morgan | 2370 Tierra Hts Rd, Boulevard, CA 91905 |
| P35 | Bill and Donna LaPage | PO Box 1352, Boulevard, CA 91905 |
| P36 | Carl Adams | 1170 Tierra del Sol Road, Boulevard, CA 91905 |
| P37 | David Volden | 1122 Tierra del Sol Road, Boulevard, CA 91905; PVolden2000@yahoo.com |
| P38 | Diane Ang | 501 Tierra del Sol Road, Boulevard, CA 91905 |
| P39 | Don Bloom | PO Box 29, Potrero, CA 91963; donbloom42@gmail.com |
| P40 | Doreen Ortmeier | PO Box 4, Potrero, CA 91963 |
| P41 | Frank Ortmeier | PO Box 4, Potrero, CA 91963; frank6doreen3ortmeier@yahoo.com |
| P42 | Gerald Keck | 37105 Hwy 94, Boulevard, CA 91905 |
| P43 | James Nevadovsky | 1590 Jewel Valley Road, Boulevard, CA 91905 |
| P44 | Janine Ang | 501 Tierra del Sol Road, Boulevard, CA 91905 |
| P45 | Katie Willams | 4653 Lawler Court, La Mesa, CA 91941; katiewilliams1949@gmail.com |
| P46 | Ken Daubach | 39954 Ribbonwood Road, Boulevard, CA 91905; dumptruck.01@wildblue.net |
| P47 | Leslie Wilson | PO Box 987, Boulevard, CA 91905; werqles@hotmail.com |
| P48 | Lorrie Ostrander | 43577 Old Hwy 80, Jacumba, CA 91934; marko159@att.net |
| P49 | Louis Boumpani | 501 Tierra del Sol Road, Boulevard, CA 91905; tribalbus@gmail.com |
| P50 | Lowell Block | PO Box 1211, Boulevard, CA 91905; ACE33993A@cox.net |
| P51 | Mark Ostrander | 43577 Old Hwy 80, Jacumba, CA 91934 |
| P52 | Mr. Cobb | Address illegible. |
| P53 | Rex Werking | 1249 Jacumba Street, Jacumba CA 91934; trex6@att.net |
| P54 | Samanta Boumpani | 501 Tierra Del Sol Road, Boulevard, CA 91905 |
| P55 | Ben Mendoza | 39524 Jewel Valley Ct. Boulevard, CA 91905 |
| P56 | Christine Willson | 2184 Ruby Avenue, Boulevard CA 91905; banshegal@gmail.com |
| P57 | Daniel Renard | 41148 Old Highway 80, Boulevard CA 91905 |
| P58 | Debi Forsberg | 1621 Jewel Valley Rd., Boulevard CA 91905 |
| P59 | Don and Carole Floyd | PO Box 1590, Boulevard, CA 91905 |
| P60 | E.L. Roczey | 2650 Jamacha Road #147, Boulevard CA 91905; eroczey@gmail.com |
| P61 | J.C. Salazar | PO Box 1386, Boulevard, CA 91905 |
| P62 | Joan Spiegler | 38715 Worthington Rd., Boulevard, CA 91905 |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| P63 | Jon Isaacs and Mary Lu Brandwein | 39745 Jewel Valley Way, Boulevard CA 91905; marylubran@aol.com |
| P64 | Jose Wilson | 2184 Ruby Avenue, Boulevard, CA 91905 |
| P65 | Kay Albaugh | 1573 Shasta Way, Boulevard, CA 91905 |
| P66 | Lu Slay | 682 Pentz Valley, Alpine, CA 91903; slaylu2@gmail.com |
| P67 | Susan Hissom | 39133 Fauntlerey Road, Boulevard, CA 91905 |
| P68 | Vern Schoore | 40248 Old Highway 80, Boulevard, CA 91905 |
| P69 | Wilson | 2839 Ribbonwood Road, Boulevard, CA 92105 |
| P70 | Andrew DeGroot | 2693 Paso Alto Court, Boulevard, CA 91905 |
| P71 | Jeffrey McKernan | PO Box 1209, Boulevard, CA 91905 |
| P72 | Ladd Hurd | PO Box 995, Boulevard, CA 91905 |
| P73 | Laura McKernan | PO Box 1209, Boulevard, CA 91905 |
| P74 | Lori Howard | PO Box 1232, Boulevard, CA 91905 |
| P75 | Shelley Lee | 37823 Clover Trail, PO Box 1213, Boulevard, CA 91905 |
| P76 | Anthony Burkart | 38832 Pinyon Pine Trail, Boulevard, CA 91905; anthony@yogacenter.com |
| P77 | Ed Tisdale | PO Box [not given], Boulevard CA 91905 |
| P78 | Elliott and Pat Stuart | 1633 Jewel Valley Road, PO Box 1291, Boulevard, CA 91905 |
| P79 | James White | PO Box 1002; jwhite4656@aol.com |
| P80 | Bill Armstrong | 1545 Tierra del Sol Road, Boulevard, CA 91905; bjalphie@gmail.com |
| P81 | Lenny Douglas and Gloria Renteria | 38511 Alta Vega Road, Boulevard, CA 91905 |
| P82 | Theodore Tibbetts | 664 Tierra del Sol Road, Boulevard, CA 91905 |
| P83 | Anna Tan | 4245 Asher St. #69, San Diego, CA 92110; pixiglitterpants@yahoo.com |
| P84 | Diane Richards | PO Box 187, Campo, CA 91908; dgrichards61@hotmail.com |
| P85 | Edward Ketchum | 2123 Manzanita Way, Boulevard, CA 91905 |
| P86 | Harry Backer | 39328 Old Highway 90, Boulevard, CA 91905; HBacker1@san.rr.com |
| P87 | Hood Family | 871 Tierra del Sol Road, Boulevard, CA 91905 |
| P88 | James Ferris | 10929 Via San Blas, San Diego, CA 92126; J3Ferris@gmail.com |
| P89 | Julius and Teresa Orlando | 40003 Ribbonwood Road, Boulevard, CA 91905; tboulevard@aol.com |
| P90 | Kristy Daubach | 39954 Ribbonwood Road, Boulevard, CA 91905 |
| P91 | Maureen Gorman | 4077 3rd Ave. Apt. 105, San Diego, CA 92103; maugorm@yahoo.com |
| P92 | Michelle Daubach | 39954 Ribbonwood Road, Boulevard, CA 91905 |
| P93 | Molly Love | 3848 Jennings Street, San Diego, CA 92106 |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| P94 | Robert and Janice Minton | 37673 Tierra de Melanie, Boulevard, CA 91905 |
| P95 | Sherry Daubach | 39954 Ribbonwood Road, Boulevard, CA 91905 |
| P96 | Tammy Daubach | 39954 Ribbonwood Road, Boulevard, CA 91905 |
| P97 | Terry Le | 13283 Evening Sky Ct. San Diego, CA 92130 |
| P98 | Tracy Backer | 1850 Denver Street, San Diego, CA 92110; hbacker@gmail.com |
| P99 | Barbara Nigro | 4018 Highway 78, Julian, CA 92036; bnigro@pacbell.net |
| P100 | Darcy Bergen | PO Box 253, Jacumba, CA 91934; darsnzoo@yahoo.com |
| P101 | Dennis Ruth | PO Box 413, Jacumba, CA 91934 |
| P102 | Gary Todd | 718 Santa Clara Pl., San Diego, CA 92109 |
| P103 | Gregg Curtis | 38211 Moon Valley Rd., Boulevard, CA; GreggCurtis@live.com |
| P104 | Janet Backer | 718 Santa Clara Pl., San Diego, CA 92109 |
| P105 | Jennifer Smith | 38211 Moon Valley Rd., Boulevard, CA 91905; Star2toAsher1031@hotmail.com |
| P106 | Kara Bush | 38211 Moon Valley Rd., Boulevard, CA 91905; karajbush@gmail.com |
| P107 | Ken Hansen | PO Box 142, Potrero, CA 91963; MEXBDR36@gmail.com |
| P108 | Linda Churchill | PO Box 413, Jacumba, CA 91934 |
| P109 | Milo and Tina Mendoza | 8976 Golf Drive, Spring Valley, CA 91977 |
| P110 | Tom Ingalls | 4018 Hwy 78, Julian, CA 92036 |
| P111 | Danielle Cook | PO Box 486, Jacumba, CA 91936; danielleT96@yahoo.com |
| P112 | Adriana Oliver | PO Box 19, Jacumba, CA 91936 |
| P113 | David Shannon | PO Box 1527 Boulevard, CA 91905 |
| P114 | Evelyn Sepia | 1254 Railroad, Jacumba, CA 91936 |
| P115 | Patty Alm | PO Box 1024 Boulevard, CA 91905; pattyalm70@yahoo.com |
| P116 | Claudia Pornell | 38644 Pinon Pine Trail, Boulevard, CA 91905 |
| P117 | Daniel Renard | 3213 Midway Drive 805, San Diego, CA 92110 |
| P118 | Fil and Margarita Tavarez | 38910 Hwy 94, Boulevard, CA 91905; filt57@aol.com |
| P119 | Oscar Guerra | PO Box 1431, Boulevard, CA 91905 |
| P120 | Rose Jackson | 3213 Midway Drive 805, San Diego, CA 92110 |
| P121 | Teresa Jackson | 3213 Midway Drive 805, San Diego CA 92110 |
| P122 | Linda Shannon | 2587 Ribbonwood Rd, Boulevard, CA 91905 |
| P123 | Michael Lane | 770 Pierra Del Sol Road, Boulevard, CA 91905 |
| P124 | Vickie Bendixen | 880 Tierra Del Sol Road, Boulevard, CA 91905 |
| P125 | Donald Lumb | PO Box 1024 Boulevard, CA 91905 |
| P126 | Kathryn McCallister | PO Box 1263 Boulevard, CA 91905 |

## Table 9-1
## List of Commenters

| Letter No. | Name | Address |
|---|---|---|
| P127 | Patty Alm | 37981 Sol Wood Rd. Boulevard, CA 91905 |
| P128 | Ona Price | 44681 El centro Avenue, Jacumba CA 91934 |
| P129 | Teresa Orcina | PO Box 1226, Boulevard, CA 91905 |
| P130 | Allen Sojourner | PO Box 951, Boulevard, CA 91905 |
| P131 | James Durrant | PO Box 561, Jacumba, CA 91934; jimd.iwrk433@yahoo.com |
| P132 | Mary Hughes | PO Box 561, Jacumba, CA 91934; grannygoose53@yahoo.com |
| P133 | Wilbert Love | No address given |
| P134 | John Smith | 39177 Old Highway 80, Boulevard CA 91905; earthyones@sbcglobal.net |
| P135 | Barrance Zakar | 3252 Victoria Drive, Alpine, CA 91901; 1320 Tierra Real Road, Boulevard, CA 91905; themightyq@inbox.com |
| P136 | Alex York | 225 Broadway, 19th Floor, San Diego, CA 92101 |
| P137 | Gerardo del Campo | 1450 Frazee Road, #603, San Diego, CA 92108; Gerardodelcampo@cox.net |
| P138 | Hector Lopez | 836 Crest Drive, Encinitas, CA 92024 |
| P139 | Lisa Jon | 5333 Mission Center Road, San Diego 92108; l.jon@rkmlaw.com |
| P140 | Michael Jones | 7071 Convoy Ct. #300, San Diego, CA 92111 |
| P141 | Nick Zakar | 8347 Ola Belle Lane, El Cajon, CA 92021 |
| P142 | Scott Sherman | 2039 Del Amo Road, Ramona, CA 92065 |
| *LATE* | | |
| X1 | Gregg Curtis | greggcurtis@live.com |
| X2 | Kara Bush | 38211 Moon Valley Road, Boulevard, CA 91905; karajbush@gmail.com |

## Table 9-2
## Revised Construction Water Demand

| Activity | Original Estimate | | Revised Estimate | | Amount of Increase | | | Explanation |
|---|---|---|---|---|---|---|---|---|
| | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Percent* | |
| *Tierra del Sol Solar Farm* | | | | | | | | |
| Dust Control (during initial clearing, grubbing, and grinding) | 10,165,680 | 31.2 | 13,686,288 | 42.0 | 3,520,608 | 10.8 | 35% | The calculations provided in the DPEIR relied on data that indicated the Boulevard Border Patrol Station was 42.1 acres, instead of its actual size of 32 acres. The actual construction water use at the border patrol station was used as a proxy to establish an empirical rate of water use on both the Rugged and Tierra del Sol sites. This acreage error resulted in an underestimate of the empirical rate of water use applied to the initial clearing, grubbing and grinding of the Proposed Project—this rate has been revised accordingly from 24,204 gallons/acre to 31,843 gallons/acre. In addition, the disturbance acreages used to calculate water required for initial clearing, grubbing and grinding was updated to match the development footprint of each site as reported in DPEIR Tables 2.3-12, 2.3-13 and 2.3-14. In addition, acreage for the off-site TDS gen-tie line was included. Footnote 2 in DPEIR Table 1-6—which allowed 20% adjustment for areas already cleared for the Sunrise Powerlink Project —was a clerical error and has been removed. |
| Mass Grading | 475,641 | 1.5 | 475,641 | 1.5 | 0 | 0.0 | 0% | No Change |
| General Daily Dust Control | 5,292,000 | 16.2 | 5,355,990 | 16.4 | 63,990 | 0.2 | 1% | It was assumed that up to three 6,000 gallon (or six 3,000 gallon) water trucks would be on-site daily to water the active construction work areas (i.e., trenching, utilities, tracker assembly, etc.) as well as access roads (this is in addition to dust control during initial clearing, grubbing and grinding). In addition, it was assumed that up to nine 6,000 gallon (or eighteen 3,000 gallon) water trucks could be required on occasion during very windy days. The number of high-wind days assumed was adjusted slightly upward (from 15 to 16) to reflect the Applicant's site-specific wind data. |
| Concrete Mixing (concrete batch plant) | 254,520 | 0.8 | 691,190 | 2.1 | 436,670 | 1.3 | 172% | The water demands associated with concrete mixing included in the DPEIR considered concrete for tracker foundations only. The DPEIR and the associated groundwater resource investigations have been revised to include 1) the water demands associated with the concrete requirements of other facility foundations (i.e., O&M buildings, collector substations, and |

**Table 9-2**
**Revised Construction Water Demand**

| Activity | Original Estimate | | Revised Estimate | | Amount of Increase | | | Explanation |
|---|---|---|---|---|---|---|---|---|
| | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Percent* | |
| | | | | | | | | inverters), and 2) an increase in the estimate of concrete required per tracker based on the Applicant's recent experience with a similar project (from 2.5 cubic yards to 6 cubic yards). |
| Application of Soil Binding Agent | -- | -- | 603,900 | 1.9 | 603,900 | 1.9 | -- | The DPEIR did not include water requirements necessary to stabilize soils in areas outside of active construction zones and in areas not otherwise surfaced with decomposed granite. After the site has been cleared and graded, a permeable nontoxic soil binding agent will be applied to the prepared surfaces of the site to stabilize soils. It was assumed that the binding agent would be applied to areas within the development footprint not already paved (i.e., building footprints) or surfaced with decomposed granite (i.e., access roads). |
| Tierra del Sol gen-tie line | -- | -- | 808,000 | 2.5 | 808,000 | 2.5 | -- | In addition to the water demands for initial clearing, the DPEIR has been revised to include additional water demand to construct the Tierra del Sol gen-tie line which accounts for water needed for dust control and foundation requirements. The estimate is based on length of underground portion and preliminary estimates of the number of gen-tie towers for the aboveground portion. |
| Fire Protection | -- | -- | 50,000 | 0.2 | 50,000 | 0.2 | -- | The Tierra del Sol Solar Farm will provide up to two 10,000 gallon tanks at the O&M building and up to three additional 10,000 gallon tanks strategically placed throughout the Project site. These will be dedicated tanks put in place at the start of construction and will be labeled “fire water” using reflective paint. These tanks will either be elevated or equipped with a pump and will not suffer appreciable evaporation losses because they will be enclosed and water-tight. |
| Noxious Weed Mitigation (pressure washers) | -- | -- | 249,000 | 0.8 | 249,000 | 0.8 | -- | The weed control plans for each project (Mitigation Measure M-BI-PP-9) may require manual and/or mechanical weed control treatment methods. Such treatments may require installation and use of weed washing stations. Typically, weed wash stations consist of a 1,000 gallon water buffalo equipped with a portable hydro washer. It is assumed that one weed wash station would be utilized on each construction site, and that weed washing |

**Table 9-2**
**Revised Construction Water Demand**

| Activity | Original Estimate | | Revised Estimate | | Amount of Increase | | | Explanation |
|---|---|---|---|---|---|---|---|---|
| | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Percent* | |
| | | | | | | | | stations would be on site daily (249 construction days X 1,000 gallons = 249,000 gallons). |
| *Subtotal* | *16,187,841* | *49.7* | *21,920,009* | *67.3* | *5,732,168* | *17.6* | *35%* | |
| *Rugged Solar Farm* | | | | | | | | |
| Dust Control (during initial clearing, grubbing, and grinding) | 11,133,840 | 34.2 | 16,488,506 | 50.6 | 5,354,666 | 16.4 | 48% | The calculations provided in the DPEIR relied on data that indicated the Boulevard Border Patrol Station was 42.1 acres, instead of its actual size of 32 acres. The actual construction water use at the border patrol station was used as a proxy to establish an empirical rate of water use on both the Rugged and Tierra del Sol sites. This acreage error resulted in an underestimate of the empirical rate of water use applied to the initial clearing, grubbing and grinding of the Proposed Project—this rate has been revised accordingly from 24,204 gallons/acre to 31,843 gallons/acre. The 20% adjustment for areas already cleared for the Sunrise Powerlink Project—indicated in footnote 2 in DPEIR Table 1-6—was removed as an assumption because areas that are presently cleared of vegetation may not be by the time construction begins. The disturbance area is based on DPEIR Table 2.3-13 and 2.3-14, which quantifies the development footprint of the Rugged site. |
| Mass Grading | 1,505,012 | 4.6 | 1,713,399 | 5.3 | 208,386 | 0.6 | 14% | Although the DPEIR included water necessary to properly hydrate and compact onsite fills (i.e., roads and building pads), subsequent geotechnical investigation of the Rugged site has found that the lowest observed soil moisture content was1.6%, and the mean soil moisture content was 5.1% (Ninyo and Moore 2013), as opposed to the lowest soil moisture content of 2.5% that was originally assumed based on the geotechnical testing done on the Tierra del Sol site. |
| General Daily Dust Control | 6,372,000 | 19.6 | 6,453,000 | 19.8 | 81,000 | 0.2 | 1% | It was assumed that up to three 6,000 gallon (or six 3,000 gallon) water trucks would be on-site daily to water the active construction work areas (i.e., trenching, utilities, tracker assembly, etc…) as well as access roads (this is in addition to dust control during initial clearing, grubbing and grinding). In addition, it was assumed that up to nine 6,000 gallon (or eighteen 3,000 |

## Table 9-2
## Revised Construction Water Demand

| Activity | Original Estimate | | Revised Estimate | | Amount of Increase | | | Explanation |
|---|---|---|---|---|---|---|---|---|
| | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Percent* | |
| | | | | | | | | gallon) water trucks could be required on occasion during very windy days. The number of high-wind days assumed was adjusted slightly upward (from 18 to 19) to reflect the Applicant's site-specific wind data. |
| Concrete Mixing (concrete batch plant) | 363,600 | 1.1 | 917,794 | 2.8 | 554,194 | 1.7 | 152% | The water demands associated with concrete mixing included in the DPEIR considered concrete for tracker foundations only. The DPEIR and the associated groundwater resource investigations have been revised to include 1) the water demands associated with the concrete requirements of other facility foundations (i.e., O&M buildings, collector substations, and inverters), and 2) an increase in the estimate of concrete required per tracker based on the Applicant's recent experience with a similar project (from 2.5 cubic yards to 6 cubic yards). |
| Application of Soil Binding Agent | -- | -- | 838,200 | 2.6 | 838,200 | 2.6 | -- | The DPEIR did not include water requirements necessary to stabilize soils in areas outside of active construction zones and in areas not otherwise surfaced with decomposed granite. After the site has been cleared and graded, a permeable nontoxic soil binding agent will be applied to the prepared surfaces of the site to stabilize soils. It was assumed that the binding agent would be applied to areas within the development footprint not already paved (i.e., building footprints) or surfaced with decomposed granite (i.e., access roads). |
| Rock Crusher (additional dust control) | -- | -- | 262,080 | 0.8 | 262,080 | 0.8 | -- | The DPEIR did not include water requirements for the temporary rock crushing operation on the Rugged Solar Farm. The water demand was estimated assuming the rock crusher would be a 38.6 ton/hours unit which includes 21 non-pressurized nozzles delivering water at a rate of 1.3 gpm each to control dust associated with the rock crushing operation. The Applicant has indicated the rock crusher would operate for 20 construction days (not necessarily consecutive); dust control for other areas of the rock crusher and batch plant has been accounted for because the facility would be within the development footprint. |

## Table 9-2
## Revised Construction Water Demand

| Activity | Original Estimate | | Revised Estimate | | Amount of Increase | | | Explanation |
|---|---|---|---|---|---|---|---|---|
| | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Gallons* | *Acre-feet* | *Percent* | |
| Fire Protection | -- | -- | 70,000 | 0.2 | 70,000 | 0.2 | -- | The Rugged Solar Farm will provide up to two 20,000 gallon tanks at the O&M building and up to three additional 10,000 gallon tanks strategically placed throughout the Project site. These will be dedicated tanks put in place at the start of construction and will be labeled "fire water" using reflective paint. These tanks will either be elevated or equipped with a pump and will not suffer appreciable evaporation losses because they will be enclosed and water-tight. |
| Noxious Weed Mitigation (pressure washers) | -- | -- | 300,000 | 0.9 | 300,000 | 0.9 | -- | The weed control plans for each project (Mitigation Measure M-BI-PP-9) may require manual and/or mechanical weed control treatment methods. Such treatments may require installation and use of weed washing stations. Typically, weed wash stations consist of a 1,000 gallon water buffalo equipped with a portable hydro washer. It is assumed that one weed wash station would be utilized on each construction site, and that weed washing stations would be onsite daily (300 construction days X 1,000 gallons = 300,000 gallons). |
| *Subtotal* | *19,374,452* | *59.5* | *27,042,978* | *83.0* | *7,668,526* | *23.5* | *40%* | |
| *LanEast and LanWest Solar Farms* | | | | | | | | |
| *Subtotal* | *7,293,911* | *22.4* | *10,103,926* | *31.0* | *2,810,015* | *8.6* | *39%* | Detailed water demand estimates for LanEast and LanWest—due to their programmatic level of analysis—are not available. Instead, the revised water demand for LanEast and LanWest Solar Farms was estimated by scaling down the water estimate for the Rugged Solar Farm according to the combined size of the LanEast and LanWest Solar Farms (Rugged construction demand * [288 ac / 765 ac]). |
| **GRAND TOTAL** | **42,856,205** | **131.5** | **59,066,914** | **181.3** | **16,210,709** | **50** | **38%** | |

**Table 9-3a**
**Tierra del Sol Solar Farm Construction Water Supply by Source**

| | DPEIR (Acre Feet) | FPEIR (Acre Feet)* | Revision (Acre Feet / %) | Water Source | Explanation |
|---|---|---|---|---|---|
| On-site Production | 18 | (7)18 | 0 / 0% | Well B | One of the conditions of the Major Use Permit for the Tierra del Sol Solar Farm to be required by the County is that the on-site well (Well B) will not be permitted to produce more than 18 acre-feet of water over the year-long construction period, with an additional limit of no more than 7 acre-feet over the first 90 days of construction. Therefore, there is no change to the amount of water to be pumped from Well B in the DPEIR. According to DPEIR Appendix 3.1.5-5, 18 acre feet of groundwater for construction-related use can be produced by Well B without exceeding County thresholds for well interference or groundwater in storage. |
| Jacumba Community Services District | 32 | (14)21 | -11 / -34% | Non-Potable Groundwater (Well 6) | JSCD has provided the applicants with a will-serve letter (PDS Form 399W) indicating its intent to provide water supply for construction-related use. The JCSD groundwater investigation report (DPEIR Appendix 3.1.5-8) originally described supplying 32 acre feet to Tierra del Sol (and 16 acre feet to Rugged), but the actual technical analyses and modeling (e.g., groundwater in storage and well interference) was conducted on the aggregate total of 48 acre feet. Thus, the proportion of water that the JCSD may supply to the Rugged vs. the Tierra del Sol solar farm construction may change without warranting a revision of the analysis. As JCSD Well 6 would be limited to 80,000 GPD, 14 acre feet can be produced during the 60 day period of peak demand, with 7 acre feet to be produced as needed during the remainder of the construction period, for a total of 21 acre-feet.. According to DPEIR Appendix 3.1.5-8, the revised demand of 21 acre feet of non-potable water for construction-related use can be supplied by JCSD Well 6 without exceeding County thresholds for well interference or groundwater in storage. |
| Padre Dam Municipal Water District | 0 | (29)29 | +29 / -- | Recycled Water (Surface Water) | The PDMWD has provided the applicants with a will-serve letter (PDS Form 399W) indicating its intent to provide non-potable recycled water for construction-related use. Even though the JCSD was originally anticipated to be capable of supplying all the off-site water needs of the Proposed Project, the DPEIR also identified the PDMWD as a back-up source. Due to upward revisions in the construction water demand, and because JCSD is limited to providing up to 80,000 gallons per day, the anticipated volume of total off-site imports for construction of the Tierra del Sol Solar Farm has exceeded the amount available from JCSD by 29 acre feet . As there is no other local source of water available to meet the construction demand, |

**Table 9-3a**
**Tierra del Sol Solar Farm Construction Water Supply by Source**

| | DPEIR (Acre Feet) | FPEIR (Acre Feet)* | Revision (Acre Feet / %) | Water Source | Explanation |
|---|---|---|---|---|---|
| | | | | | 29 acre feet of water must be imported from PDMWD over a period of 60 working days to make up for the shortfall. The air quality analysis had made the conservative assumption that 32 acre-feet of water would be imported from PDMWD; therefore, this change does not affect significance conclusions with respect to vehicle emissions (i.e., water truck trips). |
| **WATER SUPPLY** | **50** | **(50)68** | +18 / +35% | **(*) Note:** Numbers in parentheses represent the supply available in the first 60 days of construction | |
| *WATER DEMAND* | *50* | *(50)68* | +18 / +35% | | |
| **SUPLUS/DEFICIT** | **0** | **(0)0** | | | |

**Table 9-3b**
**Rugged Solar Farm Construction Water Supply by Source**

| | DPEIR (Acre Feet) | Revised DPEIR (Acre Feet)* | Revision (Acre Feet / %) | Water Source | Explanation |
|---|---|---|---|---|---|
| On-site Production | 44 | (35)54 | +10 / +23% | Well 6a/6b and Well 8 | One of the conditions of the Major Use Permit for the Rugged Solar Farm to be required by the County is that the on-site production will not be permitted to exceed 44 acre-feet of water over the year-long construction period, with an additional 10 acre-feet permitted due to unallocated supply from construction of the Tule Wind Project. The groundwater resources impact analysis for the Rugged Solar Farm does not need revision because the pumping scenario included 76 acre-feet for construction of the Tule Wind Project. Because the actual construction demand for Tule Wind Project is 56 acre feet, an additional 20 acre-feet is available as surplus water (10 of which will be used to supply construction of the Rugged Solar Farm).. Therefore, the 10 acre-foot increase in on-site production has already been evaluated (DPEIR Appendix 3.1.5-6.) According to DPEIR Appendix 3.1.5-6, the on-site production of 54 acre feet can be achieved without exceeding County thresholds for well interference or groundwater in storage. |
| Jacumba | 16 | (14)27 | +4 / +25% | Non-Potable | JSCD has provided the applicants with a will-serve letter (PDS Form 399W) indicating |

## Table 9-3b
## Rugged Solar Farm Construction Water Supply by Source

| | DPEIR (Acre Feet) | Revised DPEIR (Acre Feet)* | Revision (Acre Feet / %) | Water Source | Explanation |
|---|---|---|---|---|---|
| Community Services District | | | | Groundwater (Well 6) | its intent to provide water supply for construction-related use. The JCSD groundwater investigation report (DPEIR Appendix 3.1.5-8) originally described supplying 16 acre feet to Rugged (and 32 acre feet to Tierra del Sol), but the actual technical analyses and modeling (e.g., groundwater in storage and well interference) was conducted on the aggregate total of 48 acre feet. Thus, the proportion of water that the JCSD may supply to the Rugged vs. the Tierra del Sol solar farm construction may change without warranting a revision of the analysis. As JCSD Well 6 would be limited to 80,000 GPD, 14 acre feet can be produced during the 60-day period of peak demand, with 13 acre feet to be produced as needed during the remainder of the construction period, for a total of 27 acre-feet. According to DPEIR Appendix 3.1.5-8, the revised demand of 27 acre feet of non-potable water for construction-related use can be supplied by JCSD Well 6 without exceeding County thresholds for well interference or groundwater in storage. |
| Pine Valley Mutual Water Company | 16 | (16)16 | 0 / 0% | Non-Potable Groundwater (Well 5) | PVMWC has provided the applicants with a will-serve letter (PDS Form 399W) indicating its intent to provide water supply for construction-related use. According to DPEIR Appendix 3.1.5-7, PVMWC may supply the Rugged Solar Farm with up to 16 acre feet of non-potable water for construction-related use. There is no change to the amount of water that would be supplied by PVMWC; therefore, no revision to the PVMWC Groundwater Resources Investigation Report (DPEIR Appendix 3.1.5-7) is required. |
| Padre Dam Municipal Water District | 0 | 0 | 0 | Padre Dam Municipal Water District | Water imports from PDMWD are not expected to be required for construction of the Rugged Solar Farm. However, recycled water from PDMWD would be available as a backup source of water should water become unavailable from any of the identified sources for any reason (e.g., in the event the implementation of the GMMP results in the curtailment or cessation of pumping). |
| **WATER SUPPLY** | **76** | **(65)97** | +21 / +28% | **(*) Note:** Numbers in parentheses represent the supply and demand in the construction | |
| *WATER DEMAND* | *59* | *(64)83* | +24 / +40% | | |
| **SUPLUS/DEFICIT** | **+17** | **(+1)+14** | | | |

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