

Response to Comment Letter A4

United States Department of Fish and Wildlife

A4-1 The commenter states he is writing to provide comments on the proposed JVR Energy Park from the US Fish and Wildlife Service Migratory Bird Program (Service). The commenter also states the project is a 90 megawatt (MW) solar energy facility and up to 90 MW battery energy storage system. The commenter further states that “Based on reported avian mortalities at other large-scale solar projects in Southern California, the Service is concerned that these potential impacts have not been considered for the proposed project.” In response, Section 2.3, Biological Resources, of the Draft EIR analyzes the Proposed Project’s potential impacts to avian species, among other wildlife. In particular, Section 2.3.3.5 states: “There is a potential for birds to collide with the gen-tie line during migration, but that risk was assessed to be low due to the minimal overhead line. Certain types of solar panels may create a ‘pseudo-lake effect,’ and birds may collide with solar panels that appear like a body of water due to the sky’s reflection. However, there is little scientific information available regarding the pseudo-lake effect, and a detailed discussion of the impacts would be speculative. Further, the following factors would minimize the risk of collision due to sky reflection: (1) the project is not located near bodies of water that would attract wetland-associated birds; (2) the locale is not considered to be a major contributor to the Pacific Flyway; and (3) the solar units would be uniformly dark in color, coated to be non-reflective, and designed to be highly absorptive of all light that strikes their glass surfaces, and may not appear like water from above, as water displays different properties by both reflecting and absorbing light waves. Therefore, glare and pseudo-lake effect are deemed to be a low risk due to a number of factors, including the Proposed Project solar facility design and the Project site location.” Thus, the Draft EIR considered the Proposed Project’s impacts to avian species, including migratory birds.

A4-2 The commenter states that “several utility-scale solar projects in the Mojave Desert have reported significant avian mortalities, including waterbirds.” The commenter also states “the Service recommends that the project develop a Bird and Bat Conservation Strategy with at least two years of post-construction mortality.” The commenter further states he is available to discuss this issue and the Service recommendations regarding any questions. In response, please refer to Response to Comment A4-1 regarding the Service’s concerns that the Proposed Project would result in avian mortalities. As discussed above, the Draft EIR determined the pseudo-lake effect to be low risk. Further, the Draft EIR analyzes impacts to migratory birds and bats in Section 2.3, Biological Resources. Section 2.3.3.2 states that the Proposed Project could result in

permanent direct impacts on “nesting birds . . . if active nests or the young of nesting County Group 1 and/or SSC bird species are impact[ed] through direct grading or clearing and grubbing in preparation for construction.” Implementation of mitigation measure **M-BI-5** would be implemented to avoid the “take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code.” The mitigation measure requires nesting bird surveys, and burrowing owl take avoidance surveys. In addition, mitigation measure **M-BI-6** requires bat surveys and roost avoidance or exclusion. With implementation of these mitigation measures, the Proposed Project’s impacts to migratory birds and bats would be less than significant. As a result, a Bird and Bat Conservation Strategy is not required.

A4-3 This comment is a document attached to the comment letter entitled, “Mortality Monitoring Design for Utility-Scale Solar Power Facilities,” prepared by the U.S. Geological Survey in 2016. In response, the document “suggest[s] methods for mortality monitoring at solar facilities that are based on current methods used at wind power facilities but adapted for the unique conditions encountered at solar facilities.” Page 7 of the document identifies “project features on different solar technology types that represent different sources of mortality.” For photovoltaic arrays, the document states that solar collectors/reflector areas, gen-ties, collector lines, perimeter and internal fence lines, buildings, and background may cause avian mortality.

As discussed in Response to Comment A4-1, the Draft EIR for the Proposed Project determined that there is a low risk of a pseudo-lake effect. The Proposed Project’s gen-tie line is less than 2,000 feet in total length. The Proposed Project’s electrical collection system is underground. Further, as discussed in Response to Comment A4-2, with implementation of mitigation measures, impacts to migratory birds and bats would be less than significant. Therefore, avian mortality is considered to be of low risk as a result of the Proposed Project.