Response to Comment Letter S3

California Department of Fish and Wildlife
Edmund Pert
March 3, 2014

S3-1  The comment does not raise an environmental issue for which a response is required.
The comment is acknowledged and will be included in the Final Program Environmental Impact Report (FPEIR) for review and consideration by the decision makers.

The County of San Diego (County) agrees that California Environmental Quality Act (CEQA) Guidelines Section 15091(b) requires that CEQA findings made under Section 15091(a) must be supported by substantial evidence (14 CCR 15000 et seq.). Although specific details of LanEast and LanWest solar farms are not yet known, the program level analysis provided in the DPEIR is based on available information. Per CEQA Guidelines Section 15384, substantial evidence may include “reasonable inferences” from relevant information and “reasonable assumptions predicated on facts”. Where substantial evidence was available to make a significance determination, mitigation measures were applied accordingly; see Table 2.3-18, Section 2.3.6 of the DPEIR relative to biological resources. However, where project design and/or project-level data including site-specific surveys were necessary to make a significance determination, the DPEIR refrains from providing a determination.

The DPEIR acknowledges that additional environmental review, including biological surveys for sensitive species and vegetation communities, will be required for future approvals associated with LanEast
and LanWest solar farms since these components are analyzed at a programmatic level. The County believes that there are advantages in analyzing and disclosing effects related to LanEast and LanWest at this time in a programmatic manner. Addressing these components at a program level offers the advantages of providing a more exhaustive consideration of effects and alternatives than would be available for an EIR on the project-level actions alone. In addition, the program-level analysis provides a more robust consideration of cumulative impacts, and may provide the basis for determining whether the subsequent activities may have significant effects.

The County agrees with the commenter that where insufficient data exists to fully analyze a program level portion of the Proposed Project, the DPEIR should note that fact and refrain from making findings of significance. Therefore, in response to this comment and comments S3-13 through S3-16, the DPEIR was revised to refrain from making significance conclusions for the candidate, sensitive, or special-status species and the jurisdictional wetlands and waterways thresholds for LanEast. These revisions to the DPEIR are presented in **strikeout/underline** format; refer to Sections 2.3.3 and 2.3.7. The changes do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
The County agrees that a jurisdictional delineation has not yet been conducted for the LanEast site (DPEIR, p. 2.3-73); however, a delineation has been prepared for the LanWest site (DPEIR, p. 2.3-81). The County agrees that further project-level biological studies for the LanEast and LanWest solar farms would be warranted before they could be approved on a project basis. See response to comment S3-3 regarding revisions to the DPEIR significance conclusions for the LanEast and LanWest solar farms.

The County disagrees that the Los Robles site, included in the environmentally superior alternative, is poorly described or studied. The appropriate level of detail has been provided for the Los Robles site to allow for an informed comparison of the impacts of the Proposed Project with those of the alternatives, considering the programmatic nature of the DPEIR, the analysis of Los Robles as an alternative, and that the County is not considering a project-specific approval involving the Los Robles site at this time. Please refer to responses to comments F1-15 and F1-18.

The County agrees that a subsequent CEQA document would be required for development of the Los Robles, LanEast, and LanWest sites. With respect to the commenter’s reference to incomplete data for the LanEast and LanWest sites, please see response to comment S3-3. The Los Robles site is analyzed as an
alternate location for some elements of the Proposed Project in the DPEIR.

S3-7 The comment does not raise an environmental issue for which a response is required.
Response to Comments

Appendix A
Specific Comments on the Draft Programmatic Environmental Impact Report
For the Soltec Solar Development, San Diego County

SCH# 2012063068

The Department offers the following comments on the Draft Programmatic Environmental Impact Report for the Soltec Development. These comments and recommendations are intended to guide the Lead Agency to specific areas of the DPEIR that are of concern to the Department.

Project Description:
(Pages 5.0-1, Page 5.1) The DPEIR states that “Currently, the applicants are seeking project-level approvals for the Tierra del Sol and Rugged solar farms, which are analyzed at a project-level of detail in this Program EIR.” The LanEast and LanWest solar farms are analyzed at a programmatic level, “because sufficient project-level data has not been developed at this time.” A project-specific focused EIR, or other CEQA document, would need to be prepared to augment the DPEIR’s analysis to adequately address project-specific impacts in conformance with CEQA (CEQA Guidelines § 15168(a)). Additionally, the Los Robles site is not described in the DPEIR’s project description. The Department would expect that: 1) the project description include the full breadth of proposed activities and, 2) conclusions regarding significance of impacts would be reserved from the DPEIR and articulated in subsequent project-specific CEQA environmental analysis for any location which is not specifically or fully identified or evaluated (e.g., LanRail, LanWest, and Los Robles).

Consistency with the draft East County MSCP:
The Department has worked cooperatively with the Service, the San Diego County (County) and other stakeholders to develop a conceptual comprehensive strategy for the draft East County MSCP. The draft East County MSCP facilitates comprehensive planning by identifying focused conservation areas (FCAs) and areas of development outside of FCAs. FCAs are areas identified by the draft East County MSCP where conservation and mitigation are anticipated in order to assemble the East County MSCP preserve (Independent Science Advisor’s Documentation Binder/Workshop #1, February 2009 and the January 2009 Workshop). The Project was presented to the Wildlife Agencies on June 27, 2013 as part of the interim review process for East County MSCP. A site visit for Tierra del Sol and Rugged Solar was conducted on October 25, 2013, in coordination with the County.

The DPEIR (Page 2.3-173) states: “The Project is not covered by an MSCP. Although the East County MSCP has not yet been adopted, the Project is consistent with the plan’s goals and objectives applicable to regional planning efforts and does not preclude or prevent the implementation of the subregional MSCP.” While we acknowledge that the East County MSCP has not yet been adopted, Section 6.6 and Attachment B of the North and East County MSCP Planning Agreement does suggest that in reviewing interim projects, the Wildlife Agencies should: 1) consider whether proposed development is consistent with the preliminary conservation objectives; and 2) that development does not compromise the successful completion and implementation of the MSCP.

Under the Regional Overview (Section 2.3.1.2, Page 2.3-3) of the DPEIR the following position is stated: “The County and wildlife agencies review projects using the interim processing guidelines in Section 6.6 and Exhibit B of the MSCP East (and North) Planning Agreement and the Focused Conservation Areas map, and those projects that achieve conservation requirements when that review is completed are deemed consistent with the draft MSCP East Plan’s Preliminary Conservation Objectives. At that time, per the MSCP Framework Plan EIR/EIS, the projects will have the benefits of having cumulative impacts under CEQA addressed to proposed covered species such as raptors, including the golden eagle.”

The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers.

S3-9

The County agrees that the LanEast and LanWest solar farms would require future CEQA analysis before they could be approved by the County. The County notes that the Los Robles site is not described in the DPEIR’s project description because it is an alternate location analyzed as part of the DPEIR’s alternatives analysis, and is not part of the Proposed Project. (DPEIR, p. 4.0-27.) Please also refer to the response to comment S3-3.

S3-10

The County generally agrees with the information provided in this comment. In response to the commenter’s inquiry, the cumulative analysis conducted for biological resources is based on the list method and considers relevant projects; see Section 2.3.4 of the DPEIR. The cumulative analysis does not assume the Proposed Project is covered under the MSCP framework. However, the project proponents have coordinated with regional planning efforts and the project analysis supports the finding that the Proposed Project would not preclude or prevent the preparation of the ECMSCP because the Proposed Project has been designed in accordance with the preliminary conservation objectives outlined in the Planning Agreement. The commenter is referred to the
Appendix A
Specific Comments on the Draft Programmatic Environmental Impact Report
For the Soitec Solar Development, San Diego, County

SCHR 2012061068

Response to Comments

December 2014

7345

Final PEIR

S3-11

Cont.

The County agrees that the Proposed Project includes the use of soil binders and an aggregate base material, such as decomposed granite (DG), to control fugitive dust and erosion (see project design feature (PDF) PDF-AQ-1 in Chapter 1.0 of the DPEIR). Specifically, the applicants intend to apply DG or a similar base material to all graded roadway surfaces and around the on-site substation and operations and maintenance (O&M) facilities of each site. The soil binder will be applied to the remaining disturbed areas following completion of construction activities.

The soil binder that would be used would be nontoxic and permeable, such as Envirotac II Rhino Snot. However, because the use of a soil binder (or aggregate base material) would preclude the regrowth of native vegetation on the Proposed Project site, the DPEIR considers the loss of suitable habitat on all developed areas of the Proposed Project site. Therefore, mitigation is provided, including the permanent preservation in open space an area equal to or greater than the area being developed by the Proposed Project (see MM-BI-PP-1 in Section 2.3.6 of the DPEIR). The County

response to comment F1-2 for further details regarding the interim review associated with the Proposed Project with the MSCP and other regional conservation projects in the area.

Tierra del Sol:

The remaining portions of the line that is underground would be directly buried with conductor rated for direct burial that meets industry standards. The trench sizes and construction methods would be similar as stated above for the duct bank lines in the ROW. The only exception is that the direct buried lines would be encased in 1 foot of sand material and would not require encasing with a slurry or concrete. The Department recommends that, similar to the underground collection system, all reaches of the underground transmission line is ducted or otherwise installed within a protective conduit.

LanEast and LanWest

The Department agrees that both LanEast and LanWest are evaluated at a programmatic level warrant additional information prior to conducting an environmental analysis. The Department agrees that both LanEast and LanWest (in addition to the Lee Robles site) warrants additional study, to include, but not limited to, raptor specific studies evaluating wintering, migratory, and breeding use of the sites. The DPEIR, under Project Effects Relevant to the US Fish and Wildlife Service, identifies a "no impact" determination for Golden Eagle and a "potentially significant" impact to raptor species. The "no impact" determination for LanEast and LanWest on golden eagle is not supported (see discussion below) by the information provided. According to the Wildlife Research Institute (WRI) report for Golden Eagle (WRI, April 2013), LanEast and LanWest are located in the western edges of both the Carrizo Gorge and Tule Mountain territories. The assessment of the Carrizo Gorge and Tule Mountain territories has been established through the use of VHR technologies, and has not yet benefited from the additional data points which GPS transmitters may provide. While the Boulevard golden eagle territory has not been active for decades, as identified in the WRI report, neighboring territories may subsume all or portions of the Boulevard territory in an attempt to defray the effects of habitat degradation. The Department remains optimistic that, with proper planning, the Boulevard territory may become active in the future. Very little biological information specific to LanEast or LanWest exists to gauge either site's potential to impact species. The DPEIR does not provide the Department sufficient data to assess whether developing LanEast or LanWest would have a significant impact on biological resources.
appreciates the California Department of Fish and Wildlife’s (CDFW’s) recommendation to consider the use of a base material in place of the soil binder and will include this comment in the FPEIR to be considered by the decision makers. Water requirements for operation of the Proposed Project, including for the use of soil binders on an ongoing basis, have been estimated; refer to DPEIR Section 3.1.5.3.4 and common response WR1. The DPEIR found that the Proposed Project would have a less than significant impact on groundwater supply. In addition, the DPEIR concluded that the Project would have a less than significant impact on groundwater dependent vegetation with the implementation of groundwater monitoring mitigation (DPEIR Sections 2.3.3.2, 2.3.6.2).

| S3-12     | All underground cables are shielded and rated for direct burial. The County does not concur that a concrete slurry would be necessary. |
| S3-13     | See response to comment S3-3 regarding revisions to the DPEIR significance conclusions for the LanEast and LanWest solar farms. |
Response to Comments

S3-14 See response to comment S3-3 regarding revisions to the DPEIR significance conclusions for the LanEast and LanWest solar farms.

S3-15 See response to comment S3-3 regarding revisions to the DPEIR significance conclusions for the LanEast solar farm. The County acknowledges that consideration for additional environmental review will be necessary for the future actions related to the LanWest and LanEast sites. Any project-specific impacts to jurisdictional resources, and feasible mitigation to avoid or minimize such impacts, would be analyzed in accordance with the County Guidelines for Determining Significance prior to development of the site.

S3-16 The County has reviewed the site and a 50-foot buffer has been deemed appropriate for this area. Under the County Resource Protection Ordinance, the required width of the wetland buffer is determined by several factors, such as the appropriate size to protect the environmental and functional habitat values of the adjacent wetland. As discussed in Chapter 2.3, Biological Resources (see 2.3.1.6, LanWest), the vegetated swale on site parallels Old Highway 80, functions as a roadside ditch, and is essentially a terminus of a more developed unvegetated ephemeral wash feature occurring upstream. As such, a 50-foot buffer is
appropriate due to the location, next to a road, and low quality of the wetland feature.

S3-17 See response to comment S3-3 regarding revisions to the DPEIR significance conclusions for the LanEast solar farm.

S3-18 The Los Robles site is only analyzed as an alternative location to the Proposed Project, and therefore is not identified in the DPEIR’s project description. At the time that the Proposed Project application was submitted to the County, the applicants did not have an option to obtain site control of the Los Robles site (or any other alternative sites) and the Proposed Project was brought forward with the four proposed sites defined as the Proposed Project in the DPEIR. The applicants explored a number of alternative locations for the Proposed Project during the environmental review process, including the Los Robles site. The County determined that Los Robles was a feasible alternative location, appropriate for analysis, when the applicants had acquired an option to obtain access and control of the site. Accordingly, Los Robles is not part of the Proposed Project in the DPEIR and is analyzed at a level appropriate for an alternative, and not at a programmatic or project level. Please refer to the responses to comments F1-15 and F1-18 related to the requisite degree of analysis necessary for alternatives under CEQA. Biological
resources specific to the Los Robles site are discussed in the alternatives analysis (e.g., see DPEIR, pp. 4.0-27, 4.0-30), such that at a general level potential impacts to resources at the Los Robles site can be compared with potential impacts at the proposed solar farm sites.

The County anticipates that any project-level approval brought forward for development of the Los Robles site would require additional project-level environmental analysis. Therefore, project-level findings of significance regarding use of the Los Robles site would, as the commenter suggests, be deferred until after a site-specific biological analysis is completed. The County does not agree with the commenter, however, that it would be appropriate to defer any proposal related to the Los Robles site until site-specific biological studies are conducted. It is appropriate, and required under CEQA, for the County to analyze a range of reasonable alternatives to the Proposed Project, including alternative locations (14 CCR 15126.6(a), (f)(2)).

The County acknowledges that the commenter cannot support any conclusions drawn with regard to the Los Robles site and any potential project-related environmental impacts, absent requested biological resource reports.
The County appreciates this comment and will include the CDFW’s recommendation to underground smaller lines and collection systems in addition to transmission lines in the FPEIR for review and consideration by the decision makers. The Proposed Project would underground the on-site 34.5 kilovolt collection system; however, the underground branch circuit would connect to an overhead trunk line for delivery to the substation (see Section 1.2.1.1 of the DPEIR). The potential for indirect impacts related to electrocution or collision with overhead transmission lines is considered in Chapter 2.3 of the DPEIR and mitigation is incorporated to reduce potential impacts to less than significant.

See the response to comment S3-12; all underground electrical cables are shielded and rated for direct burial.

The County acknowledges the commenter’s recommendation to coordinate operations and maintenance activities of the Proposed Project with other utility projects and will take this into consideration. Additional information requested by the commenter related to anticipated occurrence intervals of inspections of overhead components at each solar farm site is not available at this time and would be considered speculative. The County believes the level of information provided is sufficient to permit full assessment of significant environmental impacts per CEQA Guidelines sections 15123, 15124, and 15147.
<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>S3-21</td>
<td>The County acknowledges the commenter’s concern with the scope and range of alternatives analyzed. The County acknowledges that it has taken a “two-tiered approach” in seeking to reduce or eliminate significant impacts with alternatives that reduce the size and footprint of the Proposed Project, and considering alternative locations. This approach is in line with the requirements of CEQA Guidelines Section 15126.6. As discussed in the response to comment S3-18, the County does not agree that any further site-specific biological information is necessary for the Los Robles site to be included within the alternatives analysis.</td>
</tr>
<tr>
<td>S3-22</td>
<td>The County has analyzed a reasonable range of alternatives, including alternative locations, to the Proposed Project in accordance with CEQA Guidelines Section 15126.6. The County is not further required to explore alternatives that would relocate or discontinue the development of the Rugged site. However, if the commenter would like to review an alternative without the Rugged solar farm it is possible by excluding the environmental analysis and conclusions for the Rugged project since the DPEIR analyzes each of the project components individually as well as collectively.</td>
</tr>
<tr>
<td>S3-23</td>
<td>The County disagrees that the DPEIR’s reduced project alternatives do not discuss the biological implications of providing larger project buffers in the</td>
</tr>
</tbody>
</table>
DPEIR. The commenter is referred to the DPEIR (pp. 4.0-10 - 4.0-11), which describes the biological implications of larger project buffers for the Rugged solar farm and Tierra del Sol solar farm. Furthermore, CEQA requires that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” (14 CCR 15126.6(a)). The Proposed Project has significant unmitigable impacts to aesthetics, air quality, and land use (DPEIR, p. 4.0-1). Accordingly, the DPEIR is required to consider alternatives that avoid or substantially lessen one or more of those significant effects.
The DPEIR explains that because ground disturbance due to excavation would be required to underground the Tierra del Sol gen-tie line, sensitive vegetation, such as coast live oak woodland and jurisdictional wetlands, may not be avoided (DPEIR, p. 4.0-20). The DPEIR further explains that although impacts to biological resources are anticipated to be greater under Alternative 3, mitigation measures would be implemented that are expected to reduce such impacts below a level of significance (DPEIR, p. 4.0-20). Accordingly, if Alternative 3 were to be selected, efforts to avoid biologically sensitive receptors would be employed.

The commenter is referred to the response to comment S3-18.

The commenter is referred to the response to comment S3-18.

See the response to comment S3-18. If Alternative 7 were selected, the applicants would be required to submit a project application to develop the Los Robles site and further CEQA review would be required.

The County disagrees that the DPEIR does not provide an adequate analysis of each alternative considered. See the responses to comments S3-18 and S3-27.

Appendix A
Specific Comments on the Draft Programmatic Environmental Impact Report
For the Soltec Solar Development, San Diego, County
SCH# 2012061068

The analysis for the reduced Project and underground Tierra del Sol gen-tie (Alternative 3, DPEIR Page 4.0-18) identifies that the undergrounding of an additional 3.5 miles of gen-tie would increase the impacts to biological resources including coast live oak woodlands and jurisdictional wetlands. Consideration should be given to realigning the underground gen-tie line to maximally avoid biologically sensitive receptors. In certain instances underground gen-tie lines may prove to be less biologically impactful than overhead configurations. The Department recommends that the DPEIR further explore potential alignments of the underground gen-tie which may avoid sensitive receptors.

According to the DPEIR Alternative 5 (Page 4.0-27), “Since the Los Robles site is located within the same general area as the Tierra del Sol site, vegetation communities on site are anticipated to be similar, and the site would support similar plant and wildlife species.” Similarly, the comparison of alternative 5 with that of the Project summates that impacts to special-status species, jurisdictional resources, wildlife movement, and conformance with regional plans would be mitigated to a level of less-than-significant. Simply because two project sites may either be located within the same general area or support generally comparable vegetation communities does not necessarily mean that by extension, the two serve the same biological function. Although two sites may be similar, they may host a suite of differing species. The Department again recommends site-specific analysis.

Alternative 6 proposes the relocation of LanEast and LanWest to the Los Robles site (Alternative 6) draws similar significance conclusions as Alternative 5 and lacks the same detail described and requested in the above comment (See comment regarding Alternative 5). Alternative 6 (Page 4.0-36) also states that the “...Los Robles site would incorporate mitigation similar to the Project...” Absent the addition of site-specific biological information, it would be premature for the Department to either agree or disagree that the mitigation for the Project or Alternative 6 (Los Robles) would be similar.

The DPEIR identifies Alternative 7 as the environmentally superior alternative. This alternative would relocate three of the proposed solar sites (LanEast, LanWest, and Tierra del Sol) to the Los Robles site, and maximize the development of concentrated solar photovoltaic (CSP) at the Los Robles site. The Los Robles site is not mentioned in the DPEIR project description, nor is site-specific data or analysis of the site provided. The Department has great concern that an environmentally superior alternative has been selected which includes the significant development of a location sparsely discussed in the DPEIR.

Alternative 7 and Alternative 8 draw similar conclusions as described in Alternatives 5 and 6 asserting that impacts resulting from the relocation of the LanEast, LanWest and Tierra del Sol (an aggregate of 708 acres) would be similar to the Project and that impacts to special-status species, jurisdictional resources, wildlife movement, and conformance with regional plans would be mitigated to a level of less-than-significant. This conclusion is not substantiated with biological studies specific to the Los Robles site and assumes that an increasing footprint within the Los Robles Site (Alternative 6, Alternative 7, and Alternative 8 respectively) would do nothing to influence the analysis, avoidance or mitigation as it pertains to the biological resources or influence on the draft East County MSCP. The Department recommends that the DPEIR provide a detailed analysis of the potential impacts of each alternative presented in the DPEIR.
Appendix A
Specific Comments on the Draft Programmatic Environmental Impact Report
For the Soitec Solar Development, San Diego, County

SCH# 20120601088

Mitigation:
In a December 4, 2013 joint letter from the Wildlife Agencies to the project proponent (copy provided to the Lead Agency), the Wildlife Agencies expressed concern that without knowing the breadth of the Project, including where the actual impacts and mitigation would occur, the overall value of the proposed mitigation could not be determined. The Department remains unclear as to the extent and location of project impacts, and accordingly whether commensurate mitigation for the Project impacts has been provided. For example, without knowing the configuration of the Los Robles site the Department is unable to adequately evaluate how the Project would affect the ability to assemble the draft East County MSCP preserves. The Department requests that the DPEIR include a complete and comprehensive discussion of each of the solar farm’s impact areas and mitigation areas. Additionally, the Department requests that the mitigation site is quantified and biologically inventoried. An analysis of how the proposed mitigation site would be impacted by surrounding development, including solar and other renewable energy uses, should be included.

Any mitigation should be located within the draft East County MSCP FOA (or other area acceptable to the Wildlife Agencies) and help to contribute to regional connectivity. Mitigation proposals should include the following: 1) a qualified land manager with financial assurances in place to manage land in perpetuity; 2) a final resource management plan and land manager approved by the County and the Wildlife Agencies; and 3) a biological conservation easement recorded over the mitigation property. 4) Maintain regional connectivity. From a regional connectivity perspective, the overall value of the mitigation site diminishes if a connection linking the property to lands to the north and through I-8 cannot be provided.

In the DPEIR, Special Status County List II (2) Wildlife Species, and County list C and D Special-Status Plant Species are assumed to be adequately represented in a habitat-based mitigation paradigm. Absent an adopted and permitted regional conservation plan (i.e., East County MSCP), we are unclear that mitigation assurances have been thoroughly supported in the DPEIR. Therefore, project-related impacts should be evaluated and mitigated on a project-specific basis until which time a plan or preserve assemblage and structure is approved by the County and Wildlife Agencies.

Ongoing Monitoring and Adaptive Management:
While the DPEIR acknowledges the Project’s potential to significantly impact birds, the Department remains concerned with the potential impact to both bird and bat species. The effects of utility-scale renewable energy is an emerging issue and of growing concern to the Department. Utility-scale renewable energy presents a variety of potential challenges including, but not limited to, direct and indirect effects of loss of foraging habitat, loss of breeding habitat, direct mortality, increased anthropogenic pressures, and navigational disruptions during migration.

Though not specific to birds or bats, a recent study suggests that flat, reflective surfaces (such as solar panels) can polarize natural light, which may serve as ecological traps and impact multiple animal taxa (Horváth, et al. 2006). The Department acknowledges that assessing the potential Project impacts on avian species is challenging, the Department believes that the Lead Agency has an opportunity to require a scientifically rigorous monitoring and management program as part of the project mitigation. Such a program could provide valuable insights. The Department requests that the Lead Agency consider how to address the potential impacts of utility-scale renewable energy projects.
The purpose of the potential mitigation site presented in the DPEIR is to conserve a large block of habitat with diverse biological features. Conservation of a large block of habitat would prevent land within East County from becoming fragmented. In addition, the mitigation site supports both habitat for and populations of special-status plant and wildlife species impacted by the Proposed Project. Splitting the mitigation between areas north and south of I-8 is contradictory to the goal of providing continuous avenues of wildlife movement from Mexico to I-8. Future mitigation/reserve needs can be designed to expand upon the potential mitigation site, or another mitigation site of equal value with similar attributes, connecting to habitat areas south and north of I-8.

The County agrees that project-related impacts should be evaluated and mitigated on a project-specific basis; see Chapter 2.3 of the DPEIR for a project-specific analysis of potential impacts and proposed mitigation. The County disagrees that the required measures to mitigate impacts to habitat and special status plant and wildlife species are not supported by the analysis in the DPEIR. Per the County Guidelines for Determining Significance and in accordance with M-BI-PP-1, the applicant must preserve in permanent open space an acreage of native habitat equivalent to or greater than the acreage of Project impacts, according to the County’s established mitigation ratios.

<table>
<thead>
<tr>
<th>S3-31</th>
</tr>
</thead>
<tbody>
<tr>
<td>The County agrees that project-related impacts should</td>
</tr>
</tbody>
</table>
Response to Comments

Appendix A
Specific Comments on the Draft Programmatic Environmental Impact Report
For the Solar Solar Development, San Diego, County

SCHD 2012061063

The Department recommends that the DPEIR incorporate the following: (1) a nesting bird monitoring component for each solar farm, and (2) a full-term avian bird and bat protection and monitoring plan, as a project mitigation measures. Both plans should include provisions for informing and involving the Lead Agency and Wildlife Agencies as an adaptive management component. The Department recognizes that the dual axis tracking technology affords the ability for the solar panels to be stored vertically during the low (no) production (night). The vertical stowage of the solar panels is anticipated to assist in mitigating potential impacts to avian species during the night. In addition to this measure, the Department also suggests that the adaptive management component of the Project include the partitioning of the solar panel technology utilizing a non-reflective grid pattern (similar to Horvith, et al, 2009), experimental application of film overlays, and comparison of CPV technologies to that of photovoltaic technologies.

Wildlife Movement:
Impacts to wildlife movement in the vicinity of Interstate Highway-8 (I-8), near the LanEast and LanWest proposed project sites, should be analyzed further in the DPEIR and include an evaluation of usage patterns for the existing culverts under I-8 that provide a north-south connection. Any development on these sites would need to ensure that existing wildlife movement is maintained and that any regional connections for the East County MSCP would not be precluded. Based on field data collected on December 15, 2013 and January 15, 2014 for the I-8 in the Boulevard area, and LanEast has exiting culverts located directly north within Caltrans right-of-way (ROW) that connect areas north of I-8 to areas south of I-8 and provide some wildlife value for connectivity through I-8 in this area of East County. We recommend that any development on LanEast, LanWest or Los Robles contribute a minimum 1,000-foot buffer for north-south wildlife movement across I-8, unless specific studies are conducted that determine a smaller buffer is adequate. In addition, in order to augment the viability of any proposed wildlife corridor the Department suggests implementing strict project lighting conditions. Project-related luminance should be limited to the direct project footprint and monitored to ensure the luminance from the Project-related lighting is negligible as measured at the wildlife corridor. Given the relatively narrow corridor, all lighting conditions should incorporate ongoing monitoring and an adaptive management component. The Wildlife Agencies are available to work with the solar site operator to ensure a fully functioning wildlife corridor.

(Page 2.3-148) The DPEIR indicates that the east-to-west visual continuity of the Tule Creek wildlife corridor may be impacted by the presence of the solar panels and fencing. The Department believes that the visual continuity could be greatly disrupted for wildlife, particularly nocturnal wildlife movement patterns. The Department acknowledges that the solar panels will be stored in a vertical position during the evening. While the vertical stowage of the panels may be an important operational component to diminish the “late effect” for avian species, it will nonetheless emulate a 30-foot tall fence for wildlife attempting to move through the area. The Department recommends that a focused wildlife movement study evaluate the visual effect the solar panels have on the wildlife corridor along Tule Creek.

Section 3.1.1.1 (Existing Conditions) of the DPEIR should include a description of existing culverts on site at the LanEast (3.1.1.1.4) and LanWest (3.1.1.5.5) properties. This discussion should also be included in page 3.1.5.11 (3.1.5.1.4 LanEast), which discusses existing topography, hydrology and drainage patterns on site.

The commenter notes a number of potential impacts to biological resources from utility-scale renewable energy projects, including loss of foraging or breeding habitat, direct mortality, anthropogenic pressures, and navigational disruptions during migration. The County has assessed each of these potential impacts in the DPEIR and found that these impacts would be less than significant with the implementation of required mitigation measures.

Please refer to the responses to comments F1-5 and F1-6 regarding potential impacts to avian species specific to solar farms. Please also refer to Section 2.3.3.1 (Project Effects Relevant to Guideline H). The applicant will voluntarily prepare and implement a Bird and Bat Monitoring Plan to reduce potential risks. The Bird and Bat Monitoring Plan is provided as a condition of project approval in the FPEIR.

Mitigation measure M-BI-PP-10 outlines a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP) that has been designed to avoid impacts either by purchasing through a mitigation bank or purchasing the land to provide the mitigation. An easement for the conservation area or mitigation bank area must be provided and the area must be evaluated to ensure that it provides similar or greater biological function and value as compared with the identified impacts of the Project to biological resources.
to nesting birds during construction. The commenter is referred to the response to comment O10-54 regarding the implementation of a reporting system to document bird and bat mortality. The portion of the comment suggesting that the adaptive management component of the Proposed Project include partitioning of the solar panel technology using a non-reflective grid pattern, experimental application of film overlays, and comparison of concentrator photovoltaic (CPV) technologies to other photovoltaic technologies has been noted and will be included in the FPEIR for review and consideration by the decision makers.

As stated in response to comment S3-3, the DPEIR acknowledges that additional environmental review, which includes review of onsite resources such as culverts, will be required for future approvals associated with LanEast and LanWest solar farms since these components are analyzed at a programmatic level. However, as also explained in response to comment S3-3, the DPEIR has been revised to refrain from making significance conclusions pertaining to connectivity for LanEast and LanWest. Additionally, section 2.3.1.5 of the DPEIR, Habitat Connectivity and Wildlife Corridors, describes the culverts under Interstate 8 (I-8), just east of the Proposed Project, through which Walker Creek flows. As stated in this section, the openness ratio of these culverts would not be suitable for mule deer (*Odocoileus hemionus*) or mountain lion (*Puma*).
concolor), and it is likely that this would be too small for coyote (Canis latrans), though bobcat (Felis rufus) and smaller mesopredators might use it.

As stated in the response to comment F1-14, based on preliminary review of the sites, as described in Section 2.3.3.4 under Guideline B, the DPEIR states that neither LanEast nor LanWest contain clearly defined wildlife travel routes, corridors, or crossings and that construction of solar farms within these sites would not permanently affect connectivity between blocks of habitat. However, under Guideline C, the DPEIR acknowledges that access to Walker Creek would be removed and wildlife would likely concentrate their east to west movement south of the solar farm sites; therefore, the LanEast and LanWest solar farms may create artificial wildlife corridors (BI-LE-2 and BI-LW-28). Mitigation Measures (M-BI-LE-1 and M-BI-LW-1) include the establishment of a wildlife corridor along Walker Creek. Creation of this wildlife movement corridor will still allow for connection via the undercrossing at McCain Valley Road and continued movement through the area.

As stated in mitigation measures MBI-LE-1 and M-MI-LW-1, a wildlife movement corridor shall be established along Walker Creek to allow for continued movement across the LanEast and LanWest solar farm sites. The corridor shall be established consistent with County standards (minimum 1,000 feet wide with a
400-foot-wide pinch point for no more than 500 feet in length), and shall include an appropriate Resource Protection Ordinance wetland buffer. However, as explained in response to comment S3-3, the DPEIR has been revised to refrain from making ultimate significance conclusions pertaining to this issue for LanEast and LanWest.

S3-35 Issues raised in this comment regarding lighting at the LanEast and LanWest sites were considered and addressed in the DPEIR (see Chapter 2.3, Biological Resources (2.3.3.4)). In addition, characteristics of operational nighttime lighting are described in DPEIR Chapter 1. Such lighting would be shielded and directed downward to minimize any effects off-site and would be turned off when not needed. Operation of the LanEast and LanWest solar farms is not expected to increase noise or artificial light, especially due to noise and light associated with the proximity of I-8.

S3-36 As indicated in the DPEIR Section 1.2.1.2, trackers would be installed in parallel rows oriented north–south, with an estimated spacing of 21 meters north–south and 25 meters east–west. Furthermore, as indicated in the DPEIR Chapter 1, Project Description (see section 1.2.1.1), the lower edge of trackers would not be less than 1 foot above ground level. The trackers would be in stow mode, positioned vertically and facing west, at night. Nocturnal species traveling...
along the Tule Creek corridor (generally in a north–south direction) would visually observe the spacing between the tracker rows and block; therefore, the trackers would not appear as a continuous wall or fence. As stated in the DPEIR Chapter 2.3 (see section 2.3.3.4), connections across the project area will not be compromised as wildlife will still be able to maintain east/west and north/south connections. The gaps between the various fenced project components (subareas) are large, with the minimum 675-foot gap occurring between the eastern and southern fenced project subareas for an approximate 500-foot long segment. The remaining gaps are over 1,000 feet wide, thus allowing wildlife movement between fenced subareas.

Since the Proposed Project has been designed to allow for wildlife movement throughout Tule Creek, and the trackers will be stored in a manner that does not “emulate a 30-foot tall fence for wildlife attempting to move through the area,” the County does not agree that the Proposed Project warrants a wildlife movement study.

The commenter’s request to add a description of existing culverts to Chapter 3.1, Agricultural Resources Sections 3.1.1.1, 3.1.1.1.4, and 3.1.1.1.5, in the section titled “Agriculture and Forestry Resources,” has been noted but the changes have not
been made. These sections specifically discuss potential impacts to agricultural resources resulting from the implementation of the Proposed Project. Adding a discussion of culverts to these sections would not serve to augment the analysis in the DPEIR. The commenter is referred to comment S3-33 relating to existing culverts on LanEast.

S3-38
In response to this comment, the DPEIR has been revised. The Proposed Project applicants have agreed to comply with the Zone A lighting standards established by the County of San Diego Light Pollution Code at the Tierra del Sol, Rugged, LanEast, and LanWest solar farms. See response to comment O1-2.

S3-39
In response to this comment, the County has made revisions and clarifications to the DPEIR. These revisions to the DPEIR are presented in *strikeout/underline* format; refer to Section 2.3.6.1 of the DPEIR. Mitigation measure M-BI-PP-2 (1)(g) was revised to include the following statement: If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species (see M-BI-PP-10). The changes do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers.

The County disagrees with the CDFW’s comment that the DPEIR is providing a standard buffer surrogate to the CDFW’s historically recommended spatial and temporal buffers. The NBMMRP described in Section 2.3.6.1 of the DPEIR, M-BI-PP-10, states that standard buffer widths recommended for the Proposed Project (300 feet for passerine birds, 500 feet for raptors) will be implemented. This is consistent with the CDFW’s historically recommended buffers. The mitigation measure further states buffers may be reduced on a case-by-case basis and the determination of the reduced buffer must adhere to eight factors listed in the mitigation measure. As stated in mitigation measure M-BI-PP-10, all information regarding nests on site will be recorded in the Nest Monitoring Log (NML), which will be submitted to the U.S. Fish and Wildlife Service (USFWS) and CDFW. The NML will include information necessary to allow comparison between nests protected by standard buffer widths recommended for the Proposed Project (i.e., CDFW’s historically recommended buffers of 300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by the encroachment of project-related activities.
Appendix A
Specific Comments on the Draft Programmatic Environmental Impact Report
For the Soitec Solar Development, San Diego, County
SCH# 2013060168

buffers sufficiently protective to be generally applied or alternatively to require an individual analysis for each nesting event addressing nest chronologies, geographic location, existing ambient conditions, visibility of disturbance, duration of disturbance, timing of disturbance, influence of other environmental factors, and an individual’s (as opposed to the conspecific level of habitation detailed in the DPEIR) level of habitation to disturbance, and a comparison of the project-related disturbance with existing disturbances.

(Page S-0.21) BI-TDS-4/M-BI-PP-10: In accordance with mitigation measure M-BI-PP-10 the avian biologist shall “Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities and implement appropriate avoidance measures for identified nesting birds.” During the breeding season, it would not be uncommon for a nest (or multiple nests) to become active within a 72-hour timeframe. The Department recommends the 72-hour surveys be followed up by a preconstruction sweep immediately prior to ground disturbing activities.

(Page S-0.22) BI-TDS-4: Mitigation measure M-BI-PP-10 also specifies that “The NMs will allow for tracking the success and failure of the buffers and will provide data on the adequacy of the buffers for certain species.” The Department recommends that the Lead Agency identifies thresholds identifying levels of impacts to nests which would prompt the Lead Agency to initiate remedial actions. Remedial actions should include increasing temporal or spatial buffers and increasing monitoring efforts. The Department should be notified should the project exceed said thresholds, and consultation with the Wildlife Agencies should follow.

(Page S-0.20) BI-TDS-3/M-BI-PP-11: Mitigation Measure M-BI-PP-11 requires the applicant to “Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily.” Monitoring should occur at least twice daily to minimize undue predation, exposure or stress to trapped animals.

(Page S-0.27) M-BI-PP-12: The Department recommends that the minimization and direction of night lighting (during construction activities and during operations and maintenance) should be detailed in M-BI-PP-12 as a quantifiable standard. The Department recommends that the measure currently in the DPEIR be revised to identify that sensitive receptors (e.g., wildlife corridors, and riparian areas) will be monitored for impacts from illuminance, and that artificial lighting will be both measured and limited at the receptor site.

(Page S-0.27) BI-TDS-15/M-BI-TDS-1: “Provide evidence to the Director of PDS that all transmission towers and lines are designed to conform to Avian Power Line Interaction Committee (APLIC) standards.” This mitigation measure does not appear to specify review and approval of the on-site distribution lines at the Tierra Del Sol or other development locations. The Department suggests that the 35.4 kV collection system lines be installed in an underground configuration to minimize potential avian strikes and electrocutions. The Department suggests the Lead Agency include these lines under its purview as well.

BI-TDS-29/M-BI-PP-14: “If water levels in Wells RM-1, RM-3 and RSD-1 do not drop more than 3 feet below baseline during the first year construction period, monitoring will cease at that time because impacts would be expected to be less than significant.” The Department recommends that the monitoring is performed for the entire five-year period to capture varying levels of water consumption (e.g., extended construction, or increased panel washing), and varying climatic conditions (e.g. rainfall, drought, fire, increased dust). Alternatively, mitigation measure M-BI-

S3-42 Refer to the response to comment S3-41. The Proposed Project will implement the CDFW’s historically recommended buffers of 300 feet for passerine birds, 500 feet for raptors. Mitigation measure M-BI-PP-10 states that determination of the standard buffer widths should be site- and species/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds. Individual analysis for each nesting event will address nesting chronologies, geographic location, existing ambient conditions, type and extent of disturbance, visibility of disturbance, duration and timing of disturbance, influence of other environmental factors, and species’ site-specific level of habitation to the disturbance.

S3-43 In response to this comment, the County has made revisions and clarifications to the DPEIR. These revisions to the DPEIR are presented in strikeout/underline format; refer to Section 2.3.6.1 of the DPEIR. Mitigation measure M-BI-PP-10 has been revised to include a preconstruction nesting bird sweep.

These changes and additions to the DPEIR clarify and amplify information already found in the DPEIR, and do not raise important new issues about significant effects on the environment; as such, these changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
| S3-44 | As stated in mitigation measure M-BI-PP-10, the Proposed Project applicants will prepare an NBMMRP that will be reviewed and approved by the CDFW and USFWS. This plan will include an NML. The NML will outline specific thresholds for identifying levels of impacts to nests that would prompt the County to initiate remedial actions. As stated in the mitigation measure, the NML should include information necessary to allow comparison between nests protected by standard buffer widths recommended for the Proposed Project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by the encroachment of project-related activities. The NMLs should provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs will allow tracking of the success and failure of the buffers and will provide data on the adequacy of the buffers for certain species. Since the NML will be submitted to the CDFW weekly, changes in nesting behavior related to nest buffers will be tracked and remedial actions, such as increasing the nest buffer, can be implemented. |
| S3-45 | In response to this comment, the County has made revisions and clarifications to the DPEIR. These revisions to the DPEIR are presented in strikeout/underline format; refer to Section 2.3.6.1 of the DPEIR. Mitigation Measure M-BI-PP-11 has been |
revised to include twice-daily monitoring, once during the morning and a second time prior to sealing the exposed area.

These changes and additions to the DPEIR clarify and amplify information already found in the DPEIR, and do not raise important new issues about significant effects on the environment; as such, these changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

S3-46 Issues raised in this comment are not inconsistent with the existing content of the DPEIR. See Section 2.1.3.3 for specifics regarding the minimization and direction of night lighting. Also, in response to comments, the County has made revisions and clarifications to the DPEIR. These revisions to the DPEIR are presented in strikeout/underline format; refer to Section 2.1.3.3 of the DPEIR. Project Design Feature PDF-AE-5 has been added and includes lighting standards and lighting controls to be employed at the solar farm sites.

S3-47 The County appreciates this information and will take it into consideration. It should be noted that the APLIC standards have been applied to all project components. The information in this comment will be in the FPEIR for review and consideration by the decision makers. The commenter is referred to S3-19 regarding under grounding of the lines.
The commenter is referred to the responses to comments O7-9 and O7-11.

The County disagrees that the mitigation ratio for potential impacts to oaks from groundwater pumping should be revised from 3:1 to 5:1. The 3:1 mitigation ratio is consistent with Table 5, Habitat Mitigation Ratios, found in the County’s Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources.

Potential cumulative impacts to special-status bird or bat species, including golden eagle, related to electrocutions or collisions were considered and addressed in DPEIR Section 2.3.4.1. The cumulative analysis considers reasonably foreseeable energy projects, in particular wind and transmission projects, which could result in a significant increase of the risk of electrocution by transmission lines and/or collision with operating turbines. In addition, the potential for cumulative loss of foraging habitat is also considered in Section 2.3.4.1 of the DPEIR. Individual impacts of the Proposed Project were considered and addressed in Section 2.3.3.1 of the DPEIR.

See the response to comment F1-2 regarding consultation with wildlife agencies and the interim review process conducted for the Proposed Project. See also common response BIO1 regarding the adequacy of the golden eagle report and survey.
### Response to Comments

**Appendix A**

Specific Comments on the Draft Programmatic Environmental Impact Report
For the Solect Solar Development, San Diego, County

SCH# 2012061068

December 2014

**7345**

**Final PEIR**

S3

---

### Methods

The County disagrees that the 4,000-foot buffer would not be appropriate for the Proposed Project; this is an established buffer consistent with the County’s *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources*.

- **S3-52**
  - This comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers. As this comment provides only general information related to golden eagle home ranges and foraging behavior, and is not related to the Proposed Project or the adequacy of the environmental analysis in the DPEIR, no additional response is provided or required.

- **S3-53**
  - The CDFW’s comment that the analysis for LanEast and LanWest asserts that there would be no impact associated with golden eagles is partially incorrect. Section 2.3.3.1, page 2.3-114, of the DPEIR states that there are no nests within 4,000 feet of the sites and therefore no impacts would result to nesting birds. However, Section 2.3.3.1 also acknowledges that impacts to raptor (including golden eagle) foraging habitat would be potentially significant (BI-LE-9 and BI-LW-9). This is also reiterated in Section 2.3.3.5, page 2.3-163. This impact would be mitigated through mitigation measure M-BI-PP-1, habitat preservation. Future use of the currently inactive nest is speculative at this junction. The County has a responsibility under...
CEQA to analyze potential impacts to the existing baseline environment. A discussion regarding the validity of categorizing the Boulevard territory as inactive is provided in common response BIO1.

**S3-54**

Issues raised in this comment involving loss of suitable foraging habitat for golden eagles on the Tierra del Sol solar farm were considered and addressed in the DPEIR (BI-TDS-9). See Section 2.3.3.1, page 2.3-116. The connection between impacts to foraging area and nesting success is not well studied or known. If predatory animals cannot find prey, then they will not be able to provide for their young. However, the tipping point for how much land is enough is not known.

The foraging habitat impacted by the Proposed Project is not of the highest quality due to the amount of brush and also would only amount to a small percentage of the potential foraging habitat within a typical east county San Diego golden eagle territory. As indicated in the WRI report, territories of GOEA within the San Diego MSCP are 20 to 30 square miles. Therefore, the project is not expected to have any resulting impacts to breeding pairs in the vicinity.

**S3-55**

The County does not agree that the Rugged, LanEast, and LanWest solar farm area serves as an important stopover for Swainson’s hawk (*Buteo swainsonii*), nor does it agree with the CDFW’s request for additional Swainson’s hawk surveys. As stated in the DPEIR,
while Swainson’s hawk was detected in the Proposed Project area, this species no longer nests in Southern California, including San Diego County. The species could use the Proposed Project area during annual migration; however, based on a comparison of data from Borrego Springs to sites in the vicinity, far fewer migrate over the area compared to other locations, and the site does not appear to be an important migration area. Therefore, the potential for the Proposed Project area to be an important stopover has been fully analyzed in the DPEIR. Loss of foraging habitat for Swainson’s hawk is mitigated through habitat preservation (M-BI-PP-1).

The surveys referred to in the DPEIR were only reviewed to provide information regarding the use of the site and surrounding areas, for a specific species: Swainson’s hawks. Both wildlife agencies have a long-standing history of using a body of species evidence in evaluating sites, projects, and impacts. Specifically where current focused species surveys do not identify occupation by species, but previous surveys have identified them, the Department and USFWS have deferred back to the previous study. In effect they use a cumulative database. Therefore, both agencies do accept and use older data as well as newer data.

Comment noted that the County should use caution when evaluating the older data, however the County has reviewed the entire body of evidence to come to its
determination. There is a large body of study (2 full years between 2005 to 2007, and supplementary visits in 2010 and 2012) and 2012 would be considered to be recent. This level of study is not typically available for analysis of impacts to wintering Swainson’s hawk populations. Additional site-specific sightings are discussed within the Biological Resources Reports for the Rugged and LanWest solar farms, each of which states that a Swainson’s hawk was observed flying over the Proposed Project area (see Appendices 2.3-2 and 2.3-4).

Polarized reflections from solar PV arrays have been observed to attract insects (Horvath et al. 2010), which could in turn attract other sensitive wildlife, such as bats, but the magnitude of this effect is unknown, since no comprehensive scientific studies have been conducted for this potential phenomenon. However, in response to this comment, the County has included an additional condition of project approval (see Chapter 2.3 of the FPEIR) that requires the development of a Bird and Bat Monitoring Plan. These changes are presented in strikeout/underline format; refer to Section 2.3.6. The changes do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
It should also be noted that the Proposed Project would utilize a different solar technology than those currently associated with incidences of avian mortality, such as flat panel, solar trough, and power tower. There are no evaporation ponds, mirrors, heliostats, or dark-colored photovoltaic (PV) panels associated with the Proposed Project. Rather, the Proposed Project includes non-reflective, light-colored concentrator photovoltaic (CPV) trackers that are spaced approximately 25 meters apart east–west and 21 meters apart north–south. The Proposed Project would not create the homogeneous, light-reflecting appearance similar to fixed PV flat panel solar arrays.

The likelihood that bats would mistake the solar trackers for a body of water at night is slim, based on the data and conclusions of the Grief and Siemers study cited by the commenter. In this study, several species of bats demonstrated similar behavior in attempting to drink from various horizontal acoustical mirror surfaces, i.e. smooth plates made of metal, plastic, and wood, under either weak or no light conditions. At night, the Project’s solar trackers will be positioned vertically to minimize dust collection (DPEIR Section 1.2.1.1). Assuming that bats in the wild would treat the smooth glass surface of the solar trackers similarly to the metal, plastic or wood plates in the Grief and Siemers study, the study does not provide any data that bats would take vertical
| acoustical mirrors for water bodies, and attempt to drink from them. In fact, given that water bodies are always horizontal and the solar trackers will be automatically positioned vertically at night, it seems highly unlikely that bats could experience the same water confusion at the solar farms, as seen in the study. In addition, in the study, bats attempted to drink from the smooth plates between approximately 50 to 100 times within two five-minute periods, but were apparently uninjured from these drinking attempts. While such water body confusion in the wild could negatively impact the drinking habits of bats and thus potentially their health, this study does not demonstrate that such confusion would cause physical harm or mortality. Any negative impacts to health would also be speculative based on the study’s simulated conditions in a four meter by eight meter by 2.4 meter flight room. It is unknown whether such repeated drinking attempts would be made outside of a confined space, in the wild.

The designation for Townsend’s big-eared bat has been revised and is now a State Candidate species. The DPEIR has been revised to reflect the status change and Dudek has prepared a memorandum (see Appendix 9.0-5) that discusses the potential for project activities to impact Townsend’s big-eared bat. The status change of this species does not affect the impacts already addressed within the PEIR, however it
did require revisions to Section 2.3.3.1, Guideline A, which discusses impacts to federally- or state-listed species. Additional text has been added to Section 2.3.3.1 to further clarify that since Townsend’s big-eared bat forages in the air space, there would be no loss of suitable foraging habitat within Rugged and LanWest, the two project components that have the potential to support foraging for this species.

To the extent these changes and additions to the EIR provide new information that may clarify or amplify information already found in the DPEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

References