

## PREFACE

This chapter of the Program Environmental Impact Report (EIR) for the Soitec Solar Development Project (Proposed Project) presents an outline of the contents of the Revised Final Program EIR and summarizes changes that were made to the Draft Program EIR.

### **P.1 Contents of the Revised Final Program EIR**

This discussion outlines the contents of the Revised Final Program EIR:

**Elimination of Optional Energy Storage System for the Rugged Solar Farm:** On July 8, 2015, San Diego Superior Court Judge Joel R. Wohlfeil issued his Minute Order and Ruling (Decision) on the Court's June 25, 2015, hearing on the merits of Petitioners Backcountry Against Dumps' and Donna Tisdale's Petition for Writ of Administrative Mandate. The Decision ruled in favor of the Petitioners, in part, and in favor of the San Diego County Board of Supervisors (Board) and Real Parties in Interest Soitec Solar Development, LLC, Rugged Solar, LLC, and Tierra del Sol Solar Farm, LLC (jointly, Soitec), in part. The Decision found that the Final Program EIR (certified by the Board on February 4, 2015) violated CEQA in several respects, all of which were related to an optional energy storage system on approximately seven (7) acres of the Rugged Solar Farm that was added to the Final Program EIR in an Additional Information Statement after the Draft Program EIR had been circulated for public review. The Decision found no legal fault with any other aspects of the Final Program EIR.

On July 29, 2015, Judge Wohlfeil issued a Peremptory Writ of Mandate (Peremptory Writ) to the Board requiring that the County rescind and vacate its approval of the Final Program EIR, associated Findings and Statement of Overriding Considerations, and land use approvals for the Rugged and Tierra del Sol Solar Farms. The Peremptory Writ further ordered the County to report to the Court by way of return on the Peremptory Writ on the steps the County has taken to comply by November 2, 2015.

The Board is complying with the Peremptory Writ by eliminating the optional energy storage system from the Rugged Solar Farm in this Revised Final Program EIR.

All changes to the Final Program EIR appear in the Revised FPEIR in redline. The redline changes to the Draft Program EIR that appeared in the original Final PEIR have been accepted. Thus, unless added by redline or stricken out, all text was included in the Final Program EIR and remains unchanged.

~~**Chapter AIS.0, Additional Information Statement:** The Additional Information Statement provides information regarding a new, optional component of the Proposed Project that was not~~

~~analyzed in the Draft Program EIR dated January 2014. Rugged LLC proposes to include an optional energy storage system on the Rugged solar farm site as part of the Proposed Project. The purpose of this optional component is related to Assembly Bill 2514 adopted by the State of California on September 29, 2011, which set out a mandate for the California Public Utilities Commission (CPUC) to adopt an energy storage system procurement target, if determined to be appropriate, to be achieved by each load-serving entity by December 31, 2015, and a 2nd target to be achieved by December 31, 2020. On October 17, 2013, the CPUC adopted an order establishing a first in the nation target for the state's three Independently Operated Utilities (IOUs) San Diego Gas & Electric (SDG&E), Southern California Edison (SCE), and Pacific Gas & Electric (PG&E) to procure 1.3 gigawatts (GW) of energy storage by 2020. The order seeks to use energy storage as one of many mechanisms for optimizing the electricity transmission grid, integrating renewable energy, and reducing GHG emissions.~~

~~The Additional Information Statement describes the optional energy storage system, analyzes its potential to have a significant environmental impact, and concludes that the addition of the energy storage system on the Rugged solar farm site would not affect the conclusions of the DPEIR prepared and circulated for the development of the Proposed Project. The Additional Information Statement includes the following four attachments:~~

- ~~• *Aesthetics Analysis – Energy Storage (AIS 1);*~~
- ~~• *Supplemental Air Quality and Greenhouse Gas Analysis – Energy Storage (AIS 2);*~~
- ~~• *Addendum to the Acoustical Assessment Report for Rugged Solar (AIS 3); and*~~
- ~~• *Addendum to the Fire Protection Plan for Rugged Solar (AIS 4).*~~

**Chapter S.0, Summary:** This chapter is a summary of the Program EIR for the Proposed Project. This chapter summarizes the project description, project objectives and environmental setting. This chapter also provides a summary of significant effects and mitigation measures that reduce or avoid the significant effects. This chapter discusses areas of known controversy, including issues raised by other agencies and the public, as well as issues to be resolved by the decision-making body. Lastly, this chapter summarizes the analysis of project alternatives provided in Chapter 4.0, Project Alternatives.

**Chapter 1.0, Project Description:** This chapter discusses the project description, project location and environmental setting. This chapter also includes a table of project design features.

**Chapter 2.0, Significant Environmental Effects of the Proposed Project:** This chapter provides discussions of those effects that through the course of analyzing the environmental effects associated with the Proposed Project were identified as significant. Each environmental issue area describes existing conditions, regulatory setting, analysis of project effects and

determination as to significance, cumulative impact analysis, significance of impact prior to mitigation, mitigation, and conclusion. The environmental issue areas addressed in Chapter 2.0 are as follows:

- Aesthetics (Section 2.1)
- Air Quality (Section 2.2)
- Biological Resources (Section 2.3)
- Cultural Resources (Section 2.4)
- Land Use and Planning (Section 2.5)
- Noise (Section 2.6).

**Chapter 3.0, Effects Not Found to be Significant:** This section of the Program EIR provides discussions of those effects that were identified as potentially significant during the Initial Study and process but were concluded not to be significant after further analysis. Each issue addressed includes a brief discussion of existing conditions for the Proposed Project area and, where applicable, a description of regulations or policies. The following environmental areas were found to be not significant during the EIR process:

- Agricultural Resources (Section 3.1.1)
- Geology and Soils (Section 3.1.2)
- Greenhouse Gas Emissions (Section 3.1.3)
- Hazards and Hazardous Materials (Section 3.1.4)
- Hydrology and Water Quality (Section 3.1.5)
- Paleontological Resources (Section 3.1.6)
- Public Services (Section 3.1.7)
- Transportation and Traffic (Section 3.1.8)
- Utilities and Service Systems (Section 3.1.9)

The following environmental areas were found to be not significant during the Initial Study process:

- Parks and Recreation (Section 3.2.1)
- Mineral Resources (Section 3.2.2)
- Population and Housing (Section 3.2.3)

**4.0, Project Alternatives:** Section 15126.6 of the California Environmental Quality Act (CEQA) requires that an EIR describe a range of reasonable alternatives to the Proposed Project or to the Proposed Project location that would feasibly attain most of the Proposed Project objectives but would avoid or lessen any significant environmental impacts. An EIR should evaluate the environmental impacts of the alternatives compared to the Proposed Project. This chapter of the Program EIR describes and evaluates project alternatives and is intended to implement the requirements set forth in the CEQA Guidelines. This chapter also identifies the Environmentally Superior Project Alternative as required by CEQA Guidelines Section 15126.6(e)(2).

**Chapter 5.0, References:** This chapter lists all references used in the Program EIR by Section.

**Chapter 6.0, List of EIR Preparers and Persons and Organizations Contacted:** The Program EIR was prepared by the County of San Diego, Department of Planning and Development Services. This chapter lists the County of San Diego staff that prepared the Program EIR, in addition to other professional staff, persons or organizations that participated in the process.

**Chapter 7.0, List of Mitigation Measures and Environmental Design Considerations:** This chapter provides a comprehensive list of the project design features and mitigation measures for the Program EIR by section. All measures included in this section will be made conditions of the Proposed Project.

**Chapter 8.0, Other CEQA Considerations:** This chapter summarizes the information presented in Chapters 2.0 and 3.0 of this Program EIR to address the broader questions posed by the CEQA Guidelines, Section 15126.2. These include significant effects that cannot be mitigated to less than significant levels, significant irreversible environmental changes, and growth-inducing impacts.

**Chapter 9.0, Responses to Comments:** This chapter contains all comments received on the Draft Program EIR 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.

**Appendices:** The following is a list of all appendices to the Final Program EIR:

- 1.0-1 Notice of Preparation
- 1.0-2 Public Resources Code Section 21178-21189.3
- 2.1-1 Visual Resources Report for the Tierra del Sol Solar Farm Project
- 2.1-2 Visual Resources Technical Report for the Rugged Solar LLC Project
- 2.1-3 Boulevard Glare Study
- 2.1-4 Landscape Screen Design for the Soitec Solar Development Program EIR
- 2.2-1 Air Quality Technical Report for the Tierra del Sol Solar Farm Project
- 2.2-2 Air Quality Technical Report for the Rugged Solar Farm Project
- 2.3-1 Biological Resources Report for the Tierra del Sol Solar Farm Project
- 2.3-2 Biological Technical Report for the Rugged Solar Farm Project
- 2.3-3 Quino Checkerspot Butterfly 45-Day Summary Report for the LanEast Solar Farm Project
- 2.3-4 Biological Resources Report for the LanWest Solar Farm Project
- 2.3-5 Cumulative Impacts: Potentially Impacted Special-Status Plant Species
- 2.3-6 Evaluation of Biological Resources for the Soitec Mitigation Site Memorandum
- 2.4-1 Archaeological Survey and Evaluation for the Tierra del Sol Solar Farm Project
- 2.4-2 Archaeological Evaluation for the Rugged Solar Farm Project
- 2.4-3 Cultural Resources Survey Report for the LanEast Solar Farm Project
- 2.4-4 Cultural Resources Survey Report for the LanWest Solar Farm Project
- 2.5-1 General Plan Analysis Report for the Tierra del Sol Farm Project
- 2.5-2 General Plan Analysis Report for the Rugged Solar Farm Project
- 2.6-1 Acoustical Assessment Report for the Tierra del Sol Solar Farm Project
- 2.6-2 Acoustical Assessment Report for the Rugged Solar Farm Project

- 3.1.1-1 LARA Model Results Report
- 3.1.1-2 Agricultural Preserve Disestablishment Report
- 3.1.3-1 Greenhouse Gas Technical Report for the Tierra del Sol Solar Farm Project
- 3.1.3-2 Greenhouse Gas Technical Report for the Rugged Solar Farm Project
- 3.1.3-3 AB 900 Application for the Soitec Solar Energy Project
- 3.1.4-1a Phase I Environmental Site Assessment for the Tierra del Sol Solar Farm Project
- 3.1.4-1b Limited Phase II Environmental Site Assessment for the Tierra del Sol Solar Farm Project
- 3.1.4-1c Phase I Environmental Site Assessment Generator Tie Transmission Line for the Tierra del Sol Solar Farm Project
- 3.1.4-2 Phase I Environmental Site Assessment for the Rugged Solar Farm Project
- 3.1.4-3 Phase I Environmental Site Assessment for the LanEast Solar Farm Project
- 3.1.4-4 Phase I Environmental Site Assessment for the LanWest Solar Farm Project
- 3.1.4-5 Draft Fire Protection Plan for the Tierra del Sol Solar Farm Project
- 3.1.4-6 Draft Fire Protection Plan for the Rugged Solar Farm Project
- 3.1.4-7 Construction Fire Prevention Protection Plan Outline
- 3.1.5-1 Preliminary Hydrology and Drainage Study for the Tierra del Sol Solar Farm Project
- 3.1.5-2 Preliminary Hydrology and Drainage Study for the Rugged Solar Farm Project
- 3.1.5-3a Minor Stormwater Management Plan for the Tierra del Sol Solar Farm Project
- 3.1.5-3b Minor Stormwater Management Plan for the Tierra del Sol Solar Farm Project (Gen-Tie)
- 3.1.5-4 Minor Stormwater Management Plan for the Rugged Solar Farm Project
- 3.1.5-5 Groundwater Resources Investigation Report for the Tierra del Sol Solar Farm Project

- 3.1.5-6 Groundwater Resources Investigation Report for the Rugged Solar Farm Project
- 3.1.5-7 Groundwater Resources Investigation Report – Pine Valley Mutual Water Company for the Rugged Solar Farm Project
- 3.1.5-8 Groundwater Resources Investigation Report – Jacumba Community Services District for the Tierra del Sol Solar Farm Project and the Rugged Solar Farm Project.
- 3.1.7-1 Emergency Service Capabilities Assessment and Cumulative Impact Mitigation
- 4.0-1 Mitigation Lands Memorandum for Alternative 2A- Evaluation of the Biological Resources for the Soitec Mitigation Site
- 9.0-1 Health Issues Related to the Static and Power-Frequency Electric and Magnetic Fields (EMFs) of the Soitec Solar Energy Farms
- 9.0-2 Critique of “Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities,” by Dr. Victor M. Ponce, dated 15 November 2013
- 9.0-3 Infrasound and Low-Frequency Noise, Tracker Motor and Fenceline Noise Measurements at Newberry Springs Solar Facility
- 9.0-4 Review of Bat Data Related to Soitec Boulevard Portfolio
- 9.0-5 Supplemental Air Quality Analysis – Project Changes
- 9.0-6 20% Contingency for Operational Water Demand – Revised Analysis
- 9.0-7 Revisions to Project Design Feature (PDF) PS-1
- 9.0-8 Cumulative Construction Noise Impacts – Rugged and Tule Wind Memorandum
- 9.0-9 Supplemental Memo Addressing Updated Schedules, Cumulative Construction Noise Impacts – Rugged and Tule Wind

## **P.2 Summary of Changes Made to the Draft Final Program EIR**

In response to the trial court writ of mandate, comments on the Draft Program EIR, changes have been made in the Final Program EIR. Revisions were made to eliminate the Optional Energy Storage System, which largely consists of deleting the Additional Information Statement and all of its appendices, and a minor change to the Project Description to update information. All other ~~clarify~~ clarifying information presented in the Draft Program EIR, and the only minor technical changes or additions ~~have been made to the Draft Program EIR that appeared as redline changes in the Final EIR have been accepted.~~ . In addition, the applicant Rugged LLC has added an optional component to the Rugged solar farm, which has been analyzed in a new section (Additional

Information Statement) of the Program EIR. These changes and additions to the Final Program EIR do not raise important new issues related to significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. Revisions to existing text in Program EIR are signified by ~~strikeout~~ (i.e., ~~strikeout~~) where text is removed, and by underlined text (i.e., underline) where text is added for clarification. A brief summary of the most notable revisions made to the ~~Draft~~ Final Program EIR are summarized below.

### Additional Information Statement

The Additional Information Statement, as described above in Section P.1, has been removed from the Final Program EIR because it pertains to the optional energy storage system, which is no longer part of the proposed project. ~~is a new section of the Program EIR provided to address a new, optional component of the Proposed Project that was not analyzed in the Draft Program EIR. The Additional Information Statement describes the optional energy storage system for the Rugged solar farm, analyzes its potential to have a significant environmental impact, and concludes that the addition of the energy storage system on the Rugged solar farm site would not affect the conclusions of the DPEIR prepared and circulated for the development of the Proposed Project. Furthermore, replacing 47 CPV trackers with the optional energy storage system would result in a negligible change to the lot coverage percentage of the Rugged solar farm site, and the development footprint would remain the same. These changes do not result in identification of new significant environmental impacts or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation that would clearly lessen the environmental impacts of the project. Project design features of the energy storage system include PDF ES AE 1, which will limit the visibility of the energy storage system containers by painting them a color consistent in hue and intensity with the CPV tracker and that exhibits little or no reflectivity and PDF ES N 1, which ensures noise control of the energy storage system HVAC units with perimeter screening walls. These project design features are discussed in more detail in Chapter 7, List of Mitigation Measures and Environmental Design Considerations.~~

### Chapter S.0, Summary

The summary chapter was revised to include, for clarification purposes, tracker reductions to the footnotes in Table S-1, Overview of Proposed Project that would result from implementation of M AE PP-1 and PDF AE-1, both of which were included in the Draft Program EIR. Table S-1 was updated to clarify that the project acreages reflect the total area under control of the Proposed Project applicants; actual areas of disturbance may be reduced and are reflected in further detail in the analysis. The mitigation measures listed in this chapter were updated for clarification purposes. In addition, several mitigation measures relative to biological resources for the programmatic components of the Proposed Project (LanEast solar farm and LanWest solar farm) were removed because the significance

conclusions were removed in response to comments. These project components are analyzed at a program level of detail because project design is still conceptual, project-level data, including site-specific surveys, have not been completed, and no Major Use Permit applications have been submitted. The level of specificity of an EIR is governed by the nature of the project and the rule of reason. Accordingly, no significance determination is provided for the LanEast or LanWest site in instances where focused surveys or other such information necessary to assess impact to biological resources is not available. If Major Use Permit applications are submitted for the LanEast and LanWest solar farms at some point in the future, project-level environmental review will be conducted to evaluate whether there would be a significant environmental impact, and if so, what mitigation measures, if any, would feasibly reduce that impact. Lastly, PDF AQ 2 was revised to be a mitigation measure (M-AQ-PP-2) in order to reduce the significant impact relative to NOx; however the impact remains significant and unavoidable as it was in the Draft Program EIR. These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

## Chapter 1.0, Project Description

The Proposed Project description was revised to update the proposed construction schedules for Rugged and Tierra del Sol solar farms, as well as to update information regarding the proposed construction schedule for Tule wind. clarify Proposed Project components and include additional project design features. The changes consist of: (1) clarifications to Table 1-1, Overview of the Proposed Project regarding tracker reductions that would result from implementation of M-AE-PP-1 and PDF AE 1, both of which were included in the Draft Program EIR, as well as clarifying the project acreages to reflect the total area under control of the Proposed Project applicants; actual areas of disturbance may be reduced and are reflected in further detail in the analysis; (2) clarifications regarding site preparation and grading, foundations, soil stabilization and application of soil binding agents, the rock crushing plant, construction water demands; (3) updates to the construction schedule; (4) updated information regarding the project baseline and Tule construction schedule (5) updates to the cumulative Proposed Projects list; (6) the addition of project design feature PDF AE 5; and (7) revisions to project design features PDF AE 1, PDF AE 6 (listed in the Draft PEIR as PDF AE 5), PDF AQ 1, PDF AQ 2, PDF AQ 3, PDF N 1, PDF N 2 (listed in the Draft PEIR as PDF N 3), PDF GE 1, PDF GHG 1, PDF HZ 1, PDF HZ 2, PDF HZ 3, PDF PS 1, and PDF TR 1 (listed in the Draft PEIR as PDF TR 1, PDF TR 2 and PDF TR 3). Further explanation regarding some of the changes to PDF's is provided as follows:

Project design feature PDF AE 5 was added in response to comments and would further ensure that nighttime lighting associated with the Proposed Project remains less than significant. It ensures that outdoor lighting will conform with County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements, all outdoor lighting fixtures will be fully

~~shielded and directed downward, motion sensors will be placed on site access lighting, motion sensor infrared cameras will be used for site security, and tracker washing will be limited to evening and morning hours when possible. These voluntary measures go beyond what is required to reduce nighttime lighting impacts to a less than significant level.~~

~~Project Design Feature PDF AQ 2 was revised to be a mitigation measure (M AQ PP 2) in order to reduce the significant impact relative to NOx; although impacts remain significant and unavoidable as in the Draft PEIR.~~

~~Project Design Feature PDF AQ 3 listed in the Draft PEIR has been revised to clarify that the dust control measures during project operation previously identified as project design features would be implemented as a condition of approval for the Proposed Project.~~

~~Project design feature PDF HZ 1 was revised to clarify that the Tierra del Sol solar farm gen tie line will be designed to avoid potentially contaminated soils located within the San Diego and Arizona Eastern railroad ROW and burn ash observed on APN 658-051-07-00.~~

~~Project Design Feature PDF HZ 3 was revised to clarify that site specific fire protection plans will be prepared in accordance with Section 4903 of the County of San Diego Consolidated Fire Code.~~

~~Project Design Feature PDF N 2 listed in the Draft PEIR has been revised to clarify that the noise reducing features previously identified as project design features would be implemented as a condition of approval for the Proposed Project.~~

~~Project Design Feature PDF N 2 (formerly listed as PDF N 3 in the Draft PEIR) was revised to clarify the rationale for the measure and indicate that the project's construction schedule shall be phased so that geologic testing and any pre-drilling for tracker mast installation will be completed before any pile driving to install tracker masts occurs.~~

~~Project Design Feature PDF PS 1 funding measures were updated to reflect collaboration with the San Diego County Fire Authority (SDCFA). The cost of the Paramedic staff startup kit and annual funding to staff one Paramedic staff firefighter was increased to reflect SDCFA startup and ongoing costs. Other elements of PDF PS 1 (i.e., Type VI Fire Engine and fire prevention funding) were removed as unnecessary to ensure that SDCFA emergency medical response capabilities would be adequate to meet response times with the construction of the Proposed Project.~~

~~Project Design Features PDF TR 1, PDF TR 2 and PDF TR 3 listed in the Draft PEIR were combined into one Project Design Feature PDF TR 1.~~

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

## ~~Chapter 2.0, Significant Environmental Effects of the Proposed Project~~

~~The Final EIR includes changes to the environmental analysis provided in Chapter 2.0, Environmental Effects of the Proposed Project. These changes and additions consist of clarifications and additional design considerations in response to comments received during public review of the Draft PEIR. The following explains the most notable changes to the environmental analysis for each applicable issue area.~~

### ~~Aesthetics~~

- ~~• The DPEIR was revised to include an analysis of visual changes to the existing landscape experienced from the small community of Ejido Jardines Del Rincon located in Mexico.~~
- ~~• Project design feature PDF AE 5 was added to confirm voluntary commitments by the applicants regarding nighttime lighting. See Chapter 1.0, above.~~
- ~~• Added statement that glare effects associated with the Proposed Project are unique to renewable solar energy development and would be localized to a distance of one mile from the Proposed Project sites. Beyond one mile, reflections from trackers would project high enough above the terrain to avoid KOPs within the study area. This information was included in Appendix 2.1-3 of the Public Review DPEIR and has been added to Section 2.1, Aesthetics, for further clarification.~~

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

### ~~Air Quality~~

- ~~• Amended PDF AQ 1 to clarify internal construction roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading.~~
- ~~• Removed erroneous reference to hydroseeding in PDF AQ 1.~~
- ~~• Included discussion of health effects associated with the potentially significant impacts related to NO<sub>x</sub> and PM<sub>10</sub> emissions.~~

- ~~Added M-AQ-PP-2 (formerly PDF-AQ-2) to address NO<sub>x</sub> emissions related to construction worker trips during Proposed Project construction. However, impacts to NO<sub>x</sub> remain significant and unavoidable.~~
- ~~Revised LanEast and LanWest significance determinations regarding conformance to Federal and State ambient air quality standards during operation based on evidence that these solar farms would operate similar to Tierra del Sol and Rugged solar farms and are comparatively smaller in size and scale.~~
- ~~Added Supplemental Air Quality Analysis as part of the Responses to Comments (see Appendix 9.0-5) to address the additional water truck trips associated with the increase in water demand, the optional energy storage system and to reflect the tracker reductions that would result from implementation of M-AE-PP-1 and PDF-AE-1, both of which were included in the Draft Program EIR.~~

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

## Biological Resources

- ~~Updated analysis to reflect that the Townsend's big-eared bat (*Corynorhinus townsendii*) was recently added as a State Candidate species. Potential impacts to the Townsend's big-eared bat were previously discussed in the Draft Program EIR under Guideline B (County Group I species, or Species of Special Concern).~~
- ~~In addition to the northern off-site access road, a western off-site access road was added into the analysis and impact acreage calculations. The western off-site access road was included in past site plan designs and was analyzed in the 2011 rare plant survey and June 2012 site visit; this previously prepared data has been incorporated into the analysis. Both off-site access roads are proposed only in the event that Rough Acres Ranch MUP 3300-09-019 and associated Rough Acres Ranch Road is not constructed. If required, the addition of the western off-site access road would require an additional 2.8 acres of disturbance, for which an additional 1.6 acres of offsite mitigation would be required. The western off-site access road would result in a minor increase to previously identified biological resources impacts, which can be mitigated to a less than significant level. No new types of species would be impacted by the development of the western off-site access road beyond those already analyzed in the Draft Program EIR. In addition, minor modifications to the impacts associated with the northern off-site access road were made.~~

- ~~To meet USFWS requests, the Program EIR has been revised to state that additional surveys for federally-listed endangered Quino checkerspot butterfly will be conducted in 2015. These voluntary surveys are above and beyond the requirements necessary to satisfy CEQA analysis needs.~~
- ~~Where insufficient data exists to fully analyze a program level portion of the Proposed Project (LanEast and LanWest), the DPEIR notes this and refrains from making findings of significance. See Chapter S.0, Summary, above. The DPEIR was revised to refrain from making certain significance conclusions related to some of the candidate, sensitive, or special-status species and wildlife movement thresholds, and for the jurisdictional wetlands and waterways thresholds.~~
- ~~Regarding special-status wildlife, particularly bird and bat species, although impacts would be less than significant the applicant has voluntarily agreed to implement a Bird and Bat Monitoring Program as a condition of approval for the Proposed Project. The applicant will contract a County approved biologist to train site O&M staff to perform self-monitoring of the project site for bird and bat strikes for a period of three years. Refer to Section 2.3.3.1, Guideline H, for further details.~~
- ~~Relabeled mitigation measure M-BI-TDS-1 to M-BI-PP-13 to clarify that it applies to the Proposed Project. This measure ensures all transmission and distribution towers and lines are designed to conform to Avian Power Line Interaction Committee (APLIC) standards.~~
- ~~Revised M-BI-PP-15 (related to water level monitoring for existing oak woodlands) to include more detailed information and include a new monitoring well (MW-O2).~~
- ~~Relabeled Impacts BI-R-28, BI-R-29, BI-R-30, BI-R-31, BI-R-32, BI-R-32, BI-LW-27, BI-LW-28, BI-LW-29, BI-LW-30, BI-LW-31, BI-LW-32, and BI-LW-33 to correct clerical numbering errors.~~

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

### Land Use and Planning

- ~~Clarified the setbacks for the Proposed Project and confirmed that they are greater than those required by the County of San Diego Zoning Ordinance for the underlying A70 and S92 zones.~~
- ~~Added more rationale as to why the LanEast and LanWest land use impact is significant and unavoidable. As indicated above and in Table 1-11, Approvals/Permits Expected to be~~

~~Obtained, LanEast and LanWest would require a General Plan Amendment. Compliance with the County General Plan and other applicable land use plans and policies is a prerequisite for project approval. The LanEast and LanWest solar farms are analyzed at a programmatic level and no permits for these projects are currently being sought.~~

- ~~• Added reference to Mitigation Measure M-AE-PP-1 as described in Section 2.1.6.1, which would help reduce the potential land use impacts LU-LE-1 and LU-LW-1. However, direct and cumulative impacts to scenic and panoramic vistas as a result of the LanEast and LanWest solar farms would remain significant and unmitigable, as would impacts LU-LE-1 and LU-LW-1 because they also relate to scenic impacts along I-8.~~

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

### Noise

- ~~• Added information regarding the Tule Wind Project to the cumulative analysis.~~
- ~~• To address comments requesting quantification of infrasound and low frequency noise, an Infrasound and Low Frequency Noise Memorandum (Appendix 9.0-3) was prepared and incorporated into this section. The Infrasound and Low Frequency Noise Memorandum includes measurements of key noise components at the concentrator photovoltaic (CPV) solar facility located in Newberry Springs, CA. The solar facility at Newberry Springs, CA deploys CPV technology that is comparable to that of the Proposed Project analyzed in the DPEIR, such as CPV electric generation systems and associated inverters and transformers.~~

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

### Chapter 3.0, Effects Found Not To Be Significant

~~The Final EIR includes changes to the environmental analysis provided in Chapter 3.0, Effects Found Not To Be Significant. These changes and additions consist of clarifications in response to comments received during public review of the Draft PEIR. The following explains the most notable changes to the environmental analysis for each applicable issue area.~~

## Agriculture and Forestry Resources

- Clarified zoning for the Rugged solar farm site.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

## Hazards and Hazardous Materials:

- Added Title 24 of the California Code of Regulations, Part 3—California Electrical Code to the regulatory setting.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

## Hydrology and Water Quality:

- Analyzed additional construction water demand for several Proposed Project components, including:
  - 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.
- Although construction water demand for the Proposed Project has increased, the combination of on-site and off-site water sources can meet the water demand without having a significant impact on groundwater levels.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

### Public Services:

- Updated project design feature PDF PS 1 funding measures to reflect collaboration with the San Diego County Fire Authority (SDCFA). The cost of the Paramedic staff startup kit and annual funding to staff one Paramedic staff firefighter was increased to reflect SDCFA startup and ongoing costs. Other elements of PDF PS 1 (i.e., Type VI Fire Engine and fire prevention funding) were removed as unnecessary to ensure that SDCFA emergency medical response capabilities would be adequate to meet response times with the construction of the Proposed Project.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

### Transportation and Traffic:

- Edited project design feature PDF TR 1 for clarification purposes.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

### Utilities and Services Systems:

- Updated the permitted disposal rate throughput for Sycamore Landfill.
- Updated information to reflect the additional water demand for several Proposed Project components as analyzed in 3.1.5, Hydrology and Water Quality. See Hydrology and Water Quality, above.

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

### Population and Housing:

- Updated the number of workers for project components to be consistent with the project description.

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

#### Chapter 4.0, Project Alternatives

- ~~• Added and analyzed a new alternative, the Tailored Proposed Project and No LanEast and LanWest Alternative (Alternative 2A). Alternative 2A would reduce the Tierra del Sol solar farm by approximately 99 trackers (4% from the original Tierra del Sol project), the Rugged solar farm by approximately 177 trackers (5% from the original Rugged project), and would entirely remove the LanEast and LanWest solar farms, which is approximately 1,164 trackers. The total reduction of trackers equates to approximately 20% as compared to the Proposed Project. The Tierra del Sol gen tie would remain unchanged from the Proposed Project under this alternative. Alternative 2A is based on Alternative 2, previously analyzed in the Draft Program EIR, and was added in response to comments received. Alternative 2A differs from Alternative 2 in that it would eliminate less trackers from the Rugged and Tierra del Sol sites than Alternative 2 by tailoring the tracker reduction to reduce aesthetics and air quality impacts while still achieving the Project objectives.~~
- ~~• Added discussion to supplement the reasoning provided in the Draft Program EIR as to why the Distributed Generation Policy — Rooftop Solar Panels and Other Alternative Fuel Supplies Alternative — was considered but rejected. This information was added in response to comments received.~~
- ~~• Edited the chapter to remove the statement that the applicant(s) have the ability to acquire the Los Robles site based on changed circumstances.~~

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

#### Chapter 7.0, List of Mitigation Measures and Environmental Design Considerations

PDF-ES-AE-1 and PDF-ES-N-1 were removed as they pertain to the optional energy storage system, which is no longer proposed as part of this project.

- ~~• Added project design features (PDF-AE-5) for the reasons described above.~~
- ~~• Relabeled mitigation measure M-BI-TDS-1 to MM-BI-PP-13 and PDF-AQ-2 to M-AQ-PP-2 for the reasons described above.~~

- ~~Minor edits to other mitigation measures and project design features for clarification purposes; see Chapter 7.0 for revisions to existing text signified by strikeout (i.e., strikeout) where text is removed, and by underlined text (i.e., underline) where text is added.~~

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

### ~~Chapter 8.0, Other CEQA Considerations~~

~~This chapter was added to the Final Program EIR. As described in P.1, this chapter summarizes the information presented in Chapters 2.0 and 3.0 of this Program EIR to address the broader questions posed by the CEQA Guidelines, Section 15126.2. These include significant effects that cannot be mitigated to less than significant levels, significant irreversible environmental changes, and growth-inducing impacts.~~

~~These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.~~

### ~~Chapter 9.0, Responses to Comments~~

~~Appendix 9.0-9, Supplemental Memo Addressing Updated Schedules, Cumulative Construction Noise Impacts – Rugged and Tule Wind, was added to this chapter to address the updated construction schedules for Rugged solar farm and Tule wind. This chapter was added to the Final Program EIR. As described in P.1, this chapter contains all comments received on the Draft Program EIR and responses thereto. This chapter also includes four new appendices that have been added to the Program EIR for additional information related to responses to comments; they are listed as follows:~~

- ~~9.0.1 Health Issues Related to the Static and Power-Frequency Electric and Magnetic Fields (EMFs) of the Soitec Solar Energy Farms~~
- ~~9.0.2 Critique of “Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities,” by Dr. Victor M. Ponce, dated 15 November 2013~~
- ~~9.0.3 Infrasound and Low Frequency Noise, Tracker Motor and Fenceline Noise Measurements at Newberry Springs Solar Facility~~
- ~~9.0.4 Review of Bat Data Related to Soitec Boulevard Portfolio~~

- ~~9.0.5 Supplemental Air Quality Analysis Project Changes~~
- ~~9.0.6 20% Contingency for Operational Water Demand Revised Analysis~~
- ~~9.0.7 Revisions to Project Design Feature (PDF) PS 1~~

These changes do not result in identification of new significant environmental impacts, or a substantial increase in the severity of environmental impacts, nor has the applicant declined to adopt feasible mitigation or avoidance measures that would clearly lessen the environmental impacts of the project.

### **P.3 Conclusion**

Modifications to the ~~Final Draft~~ Program EIR for inclusion in the Revised Final Program EIR as described in this Preface, either individually or taken as a whole, do not constitute “significant new information” as defined in Section 15088.5 of the State CEQA Guidelines. The modifications as discussed above do not show that: (1) new significant environmental impacts from the Proposed Project or from new mitigation measures were disclosed; (2) a substantial increase in the severity of environmental impacts were disclosed for which adequate mitigation could not be adopted to reduce the impact to below a level of significance; (3) feasible alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the Proposed Project, but which the Proposed Project proponents decline to adopt were disclosed; or (4) that the ~~Draft-Final~~ Program EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

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