

Appendix A

Scoping Report (Notice of Preparation and Comments)



Solano 4 Wind Energy Project Scoping Summary

Sacramento Municipal Utility District

March 2019

Prepared for:

Sacramento Municipal Utility District

Contact

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Acronyms and Abbreviations

AB	Assembly Bill
BMPs	best management practices
CEQA	California Environmental Quality Act
CWA	Clean Water Act
EIR	environmental impact report
GHG	Greenhouse Gas Emissions
MS4	Municipal Separate Storm Sewer System
NOP	notice of preparation
proposed project	Solano 4 Wind Energy Project
SB	Senate Bill
SMUD	Sacramento Municipal Utility District
YSAQMD	Yolo-Solano Air Quality Management District

1. Introduction

Sacramento Municipal Utility District (SMUD) is proposing to construct and operate the Solano 4 Wind Project (Project). The repower Project would involve the decommissioning of existing wind turbine generators (WTGs), construction and operation of new WTGs, an associated electrical collection system, and access roads, along with minor upgrades to the existing Russell Substation. As the Lead Agency, SMUD is preparing a draft environmental impact report (EIR) for the project to satisfy the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.).

SMUD issued a notice of preparation (NOP) of a draft EIR for the project on January 9, 2019 (Appendix A), and held two scoping meetings in Rio Vista, Solano County on January 22, 2019. The NOP was distributed to the State Clearinghouse and was noticed in the Sacramento Bee and the River News-Herald newspapers. The State CEQA Guidelines provide a 30-day period for responsible and trustee agencies to respond to an NOP and must provide specific detail about the scope and content of the environmental information to be included in the EIR (Section 15082[b]). CEQA also requires lead agencies to hold at least one scoping meeting if a project is of statewide, regional, or areawide significance (Section 21083.9[a] [2]).

SMUD received comments from multiple sources in response to the NOP including cards submitted at the scoping meeting, letters submitted via US postal service, and via email. The purpose of this report is to document the comments received and identify topics or issues of concern raised by responsible agencies, trustee agencies, and the public during the 30-day scoping period (January 9 – February 8, 2019). SMUD will consider all comments received during the scoping process and address those pertaining to environmental issues when preparing the Draft EIR.

2. Scoping Meetings

SMUD held two scoping meetings to inform interested parties about the proposed project, and receive comments on the scope and content of the draft EIR. These meetings were held from 4–5 pm (Agency) and 6–7 pm (Public), on Tuesday, January 22, 2019, at the Rio Vista Veterans Memorial Building, 610 St. Francis Way, Rio Vista, CA. Five interested individuals attended the meetings. Attendees were asked to sign in (see sign-in sheet in Appendix B) and provide contact information if they wished to receive future updates on the project.

The format of the meetings was similar to that of other public infrastructure projects. Large “story boards” were placed around the room depicting the project location, development footprint, haul route for delivery of components, and a CEQA process flowchart. This format allowed for one-on-one discussions between interested parties, SMUD representatives and AECOM personnel. Appendix C presents the seven story boards.

2.1.1 Public Comments

Meeting attendees engaged with SMUD and AECOM representatives, providing comments and asking questions. Comment cards (Appendix D) were available at the scoping meeting; two comment cards were submitted and included in Tables 1 and 2.

3. Written Comments

This section provides a synopsis of the written comments received during the 30-day NOP public comment period. A total of seven comment letters were received. Table 1 provides a list of persons who submitted comments on the NOP.

Table 1. List of Written Comments

Commenter	Affiliation	Date
State Clearinghouse	Office of Planning and Research (OPR)	January 9, 2019
Charlene Wardlow	California Department of Conservation	February 1, 2019
Sharaya Sousa	Native American Heritage Commission	January 25, 2019
Matthew Jones	Yolo-Solano Air Quality Management District	January 11, 2019
Jeff Henderson	Delta Stewardship Council	February 6, 2019
Jordan Hensley	Central Valley Water Quality Control Board	February 1, 2019
Gregg Erickson	California Department of Fish and Wildlife	February 7, 2019
Robert Perlmutter	Shute, Mihaly & Weinberger LLP	February 8, 2019
Richard Anderson	Esperson Ct.	January 22, 2019
Albert Medvitz	McCormack Shup & Graik	January 22, 2019

Table 2 provides a summary of the written comments and the sections of the draft EIR in which SMUD will include relevant information. The comments have been paraphrased for brevity. Some comments provided information that is not directly related to CEQA and the scope of the draft EIR. This information was not included. Furthermore, the comments included in the table may not be directly addressed in the draft EIR. For example, a few comments provided project suggestions that may not be addressed until project design. Appendix E presents copies of the comment letters.

Table 2. Synopsis of Written Comments

Comment Synopsis	EIR Section(s) that will Address the Comment
AGENCY COMMENTS	
Charlene Wardlow, California Department of Conservation, Division of Oil, Gas and Geothermal Resources	
The commenter notes that there are six abandoned gas wells within the project boundaries and recommends that turbines be sited more than 300 feet from the wells because of potential dangerous issues that might arise from conflict between the turbines and abandoned wells. The commenter recommends that access to wells be maintained and states that the Division may require re-abandonment of any well that is hazardous or that poses a danger.	Hazards and Hazardous Materials
Sharaya Sousa, Native American Heritage Commission	
The commenter explains additional requirements added to CEQA associated with Assembly Bill (AB 52) and provisions imposed by Senate Bill (SB) 18. The commenter further describes related tribal consultation and environmental analysis requirements. The commenter also describes the Native American Heritage Commission's recommendations for cultural resources assessments.	Archeological, Historical, and Tribal Cultural Resources
Matthew Jones, Yolo-Solano Air Quality Management District	
The commenter remarks that the Northeastern portion of the project site falls within the Yolo-Solano Air Quality Management District (YSAQMD), while the southwestern portion is within the Bay Area Air Quality Management District. The commenter recommends that the air quality analysis include an evaluation of truck traffic that would result from the project, specifically whether this traffic would result in impacts to nearby sensitive receptors.	Air Quality
Jeff Henderson, Delta Stewardship Council	
The commenter states that the proposed project may meet the definition of "covered action" as described in the Delta Plan and as such will need to file a Certification of Consistency with the Plan. The comment letter also includes policies that may apply to the proposed project, such as the need for mitigation and avoidance of introduction of invasive species.	Hydrology and Water Quality, Biological Resources, Cumulative Impacts
Jordan Hensley, Central Valley Water Quality Control Board	
The commenter notes that the project's environmental document should evaluate potential impacts to surface and groundwater and that SMUD must obtain coverage under the Construction General Permit and prepare a Storm Water Pollution Prevention Plan. SMUD is also responsible for development of best management practices (BMPs) under the Municipal Separate Storm Sewer System (MS4) permit and Industrial Storm Water General Permit. The commenter indicates that the project would require Water Quality Certification (Section 401 Clean Water Act [CWA]) as well as coverage by the General Order or Waiver if dewatering is needed.	Hydrology and Water Quality
Gregg Erickson, California Department of Fish and Wildlife	
The commenter requests that the EIR contain certain components such as information on the number, size and locations of the proposed wind turbines, construction schedule, etc. The commenter goes on to enumerate the special status species that are known to occur, or have the potential to occur in the project area and indicates that the document should include baseline habitat assessments for such species, including field surveys. The commenter also notes the need to evaluate direct and indirect impacts, temporary and permanent, of the proposed project.	Project Description, Biological Resources
Robert Perlmutter, Shute, Mihaly & Weinberger LLP	
The commenter, writing on behalf of the Solano County Airport Land Use Commission (ALUC), indicates that ALUC disagrees with SMUD's characterization of the proposed work and the assertion that the project does not require ALUC approval. The ALUC intends to require SMUD to seek a consistency determination.	Project Description, Hazards and Hazardous Materials, Land Use
Richard Anderson	
The commenter requested that SMUD limit the use of recycled concrete "for subsurface only", noting the dust contamination used in concrete.*	Air Quality
Albert Medvitz, McCormack Shup & Graik	
The commenter asked that the document address effects on bats, increase/decrease in raptor mortalities and indicated that extended effects on local small mammals and insects need to be addressed. The commenter also stated that night lighting is an anathema to many in locality and that "lighting" must be modified: no strobe lights, blinking red lights are anathema. The commenter further indicated that energy extraction changes local temperatures; "effects on microclimate, tule fog and suggested that solar should be built in an urban environment. Other interested parties added were Rachel Long, UCCE Pest Management, Yolo Solano*	Hazards and Hazardous Materials, Land Use, Biological Resources, Alternatives
*Please note that this comment is paraphrased from comment card.	

4. Scope of the Environmental Impact Report

SMUD has determined that a draft EIR should be prepared to evaluate the potential environmental impacts of the Solano 4 Wind Energy Project. As required by CEQA, the draft EIR will describe existing conditions and evaluate the potential direct, indirect, and cumulative environmental effects of the proposed project and a reasonable range of alternatives, including the no-project alternative. The draft EIR will also identify feasible mitigation measures, if available, to reduce potentially significant impacts. Topics to be evaluated in the draft EIR include:

- Aesthetics
- Air Quality
- Biological Resources
- Archaeology, Historical, and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions and Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Transportation and Traffic

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Appendix A Notice of Preparation



NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date: January 9, 2019

To: Agencies and Interested Parties

Lead Agency: Sacramento Municipal Utility District
6201 S Street, MS H201
Sacramento, CA 95817
Contact: Ammon Rice at (916) 732-7466

Subject: Notice of Preparation of a Draft Environmental Impact Report

Review Period: January 9, 2019 to February 8, 2019

Sacramento Municipal Utility District (SMUD) is proposing to construct the Solano 4 Wind Project (Project). The repower Project would involve the decommissioning of existing wind turbine generators (WTGs), construction and operation of new WTGs, an associated electrical collection system, and access roads, along with minor upgrades to the existing Russell Substation. SMUD plans to prepare an environmental impact report (EIR) for the Project to satisfy the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), and will serve as the lead agency for CEQA compliance.

Purpose of Notice: In accordance with the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15082), SMUD has prepared this notice of preparation (NOP) to inform agencies and interested parties that an EIR will be prepared for the above-referenced Project. The purpose of an NOP is to provide sufficient information about the Project and its potential environmental impacts to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed (State CEQA Guidelines 14 CCR Section 15082[b]).

Project Location: The Project site is within the Montezuma Hills Wind Resource Area (MHWRA) in southern Solano County. The MHWRA lies north of the confluence of the Sacramento and San Joaquin rivers and southwest of the city of Rio Vista (Exhibit 1).

The Project site comprises two areas owned by SMUD, Solano 4 East and Solano 4 West, which total 2,237 acres. Solano 4 East is approximately 3.5 miles southwest of Rio Vista and Solano 4 West is adjacent to the Sacramento–San Joaquin Delta near the town of Collinsville (Exhibit 2). State Route 12 provides regional access to the Project area. Montezuma Hills Road via Birds Landing Road provides local access to Solano 4 East, while Collinsville Road via Shiloh Road provides local access to Solano 4 West.

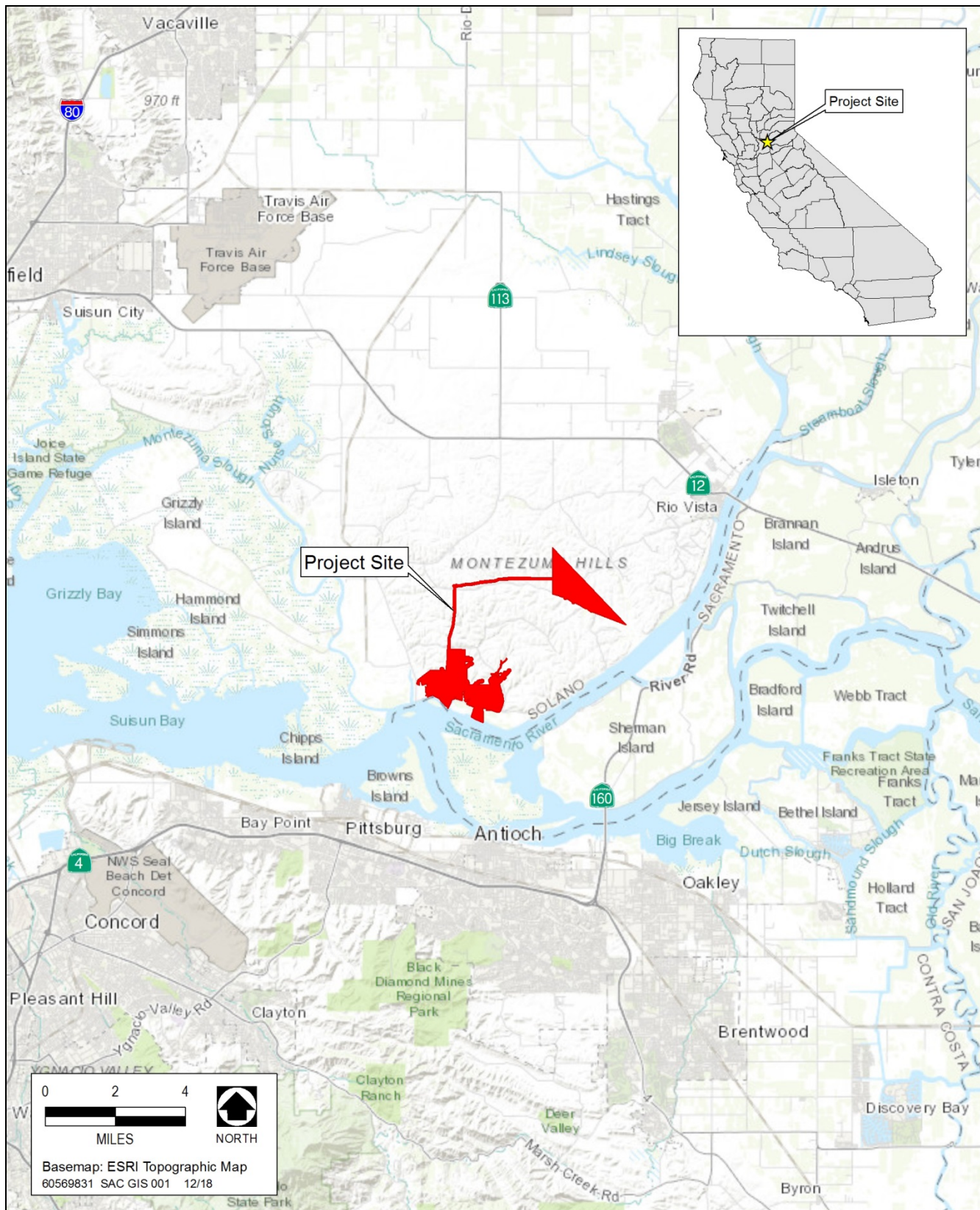


Exhibit 1 Regional Location

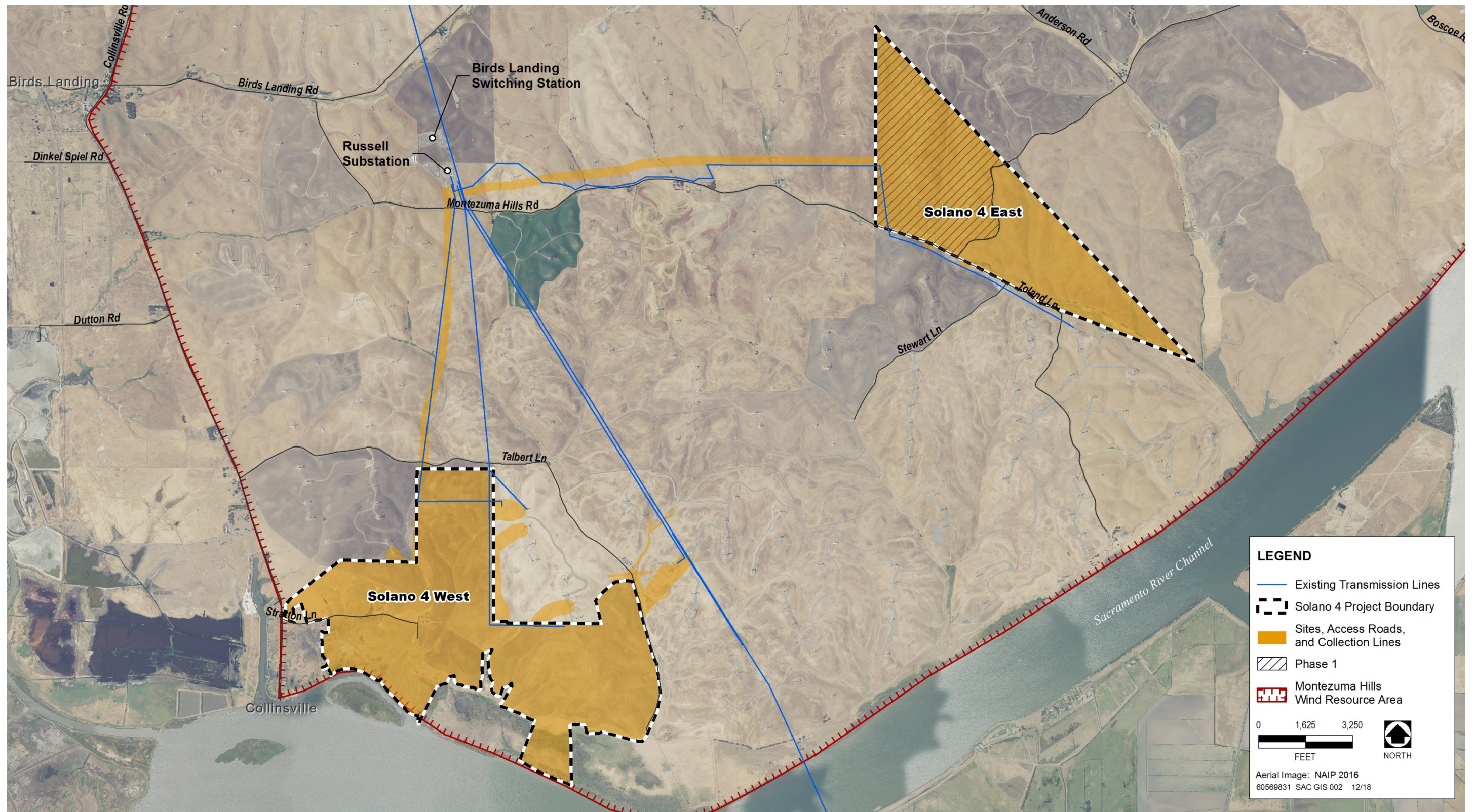


Exhibit 2 Project Map

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Environmental Setting: The Project area is located within the 35,700 acres MHWRA. Ten separate wind energy facilities (including SMUD's existing three Solano Wind Project phases) currently operate in the MHWRA. The MHWRA has a long and continued history of farming and ranching.

The Project area is designated for agricultural use and leased for dryland farming and grazing. The water-dependent industrial zoning of the MHWRA and the properties' covenants, conditions, and restrictions preclude most types of development in the MHWRA.

Grassland is the dominant vegetation on the Project site, which is mostly treeless, and supports limited wetlands or other distinctive biological communities. Varied shrub vegetation is present only in the drainage swales and around existing and abandoned settlements. Marsh vegetation is present in some of the shallow sloughs, which drain portions of the Project area into the Sacramento River to the south.

Solano 4 East is dominated by nonnative grasslands used for seasonal livestock grazing. Solano 4 East currently supports 23 Vestas V-47 WTGs, gravel pads and roads, underground collection lines, and pad-mounted transformers.

Solano 4 West is dominated by nonnative grasslands. Solano 4 West formerly supported 59 Kenetech KCS-56 WTGs owned by EDF Renewable Energy, and contains gravel access roads, and underground collection lines associated with this earlier wind development project.

Project Objectives: The Solano 4 Wind Project would repower renewable wind resources within the MHWRA to generate and deliver the maximum feasible quantity of renewable energy to the electric grid, to achieve the objectives listed below.

- Contribute to a diversified energy portfolio that will reduce SMUD's exposure to price volatility associated with electricity and natural gas, and aid in the continued improvement of air quality in the Sacramento air basin by decreasing reliance on fossil fuel combustion for the generation of electricity.
- Assist SMUD in achieving the Board of Directors' directive of using dependable renewable resources to meet 50% of SMUD's load by 2030. This goal is consistent with Senate Bill (SB) 350, which was signed into law in 2015.
- Support SMUD's ability to meet the SB100 goals of a 100% clean energy portfolio by 2045.
- Develop an economically feasible wind Project that will produce a reliable supply of up to 92 megawatts (MW) of electrical capacity.
- Promote the long-term viability of agricultural use within the Montezuma Hills.

Project Description: With the Solano 4 Wind Project, SMUD would construct up to 22 new WTGs. Of these new WTGs, up to 10 would be constructed in Solano 4 East and up to 12 in Solano 4 West. Individual WTGs would have a maximum height of 492 to 590 feet (150 to 180 meters) and a maximum rotor diameter of 446 to 492 feet (136 to 150 meters). Associated access roads and collection lines would be installed to support the new WTGs.

The proposed Project would have a net energy production capacity of up to 92 MW, resulting in a net increase in capacity at the Solano Wind Project from the existing 230 MW to 307 MW (factoring in the elimination of 15 MW from the current Phase 1 development within Solano 4 East). Power generated by the new WTGs would be transmitted to the existing Russell

Substation on Montezuma Hills Road from new, underground electrical cable placed in a conduit within the “Home Run” alignment extending from Solano 4 East and West to the Russell Substation. The power would be distributed from the substation via the adjacent Birds Landing Switching Station through the existing 230 kilovolts (kV) Vaca–Dixon–Contra Costa transmission line (two circuits), which run through the MHWRA (Exhibit 2). Approximately 17 miles of trenching would be required to install the collection and home run lines.

Existing public and new private roads would be used to transport equipment and WTG components to the Solano 4 Project site, and to provide access to the WTGs and other facilities for routine operation and maintenance (O&M). WTG components would likely be transported by rail, offloaded to a yard and loaded on flatbed trucks. The WTG components would be transported to the Project site via State Route 12 east. Based on existing roadway geometrics, WTG blades would likely be transported to Solano 4 West via State Route 12 east, then south on Shiloh Road to Collinsville Road, and east on Talbert Lane or Stratton Lane. Trucks delivering WTG components to Solano 4 East and West may take Birds Landing Road south to Montezuma Hills Road or Collinsville Road to reach the project (Exhibit 3). To transport the WTG blades to Solano 4 East, an alternative route to Montezuma Hills Road from Birds Landing Road may be used which consists of a road through private land adjacent to Solano 4 East. It may be necessary to improve existing public roads or utilize areas adjacent to the roads during construction to accommodate transportation of material. These improvements could be temporary or permanent depending on the agreement. If such improvements are required, SMUD would consult with the Solano County Public Works and Building divisions, as needed.

Potential Environmental Effects: Pursuant to Section 15064 of the State CEQA Guidelines, the discussion of potential Project effects on the environment in the EIR will concentrate on those impacts that SMUD has determined may be potentially significant. The detailed analysis will evaluate project effects and identify feasible and practicable mitigation measures to reduce any identified significant or potentially significant impact. The EIR will describe a range of reasonable alternatives to the proposed project that are capable of meeting most of the project’s objectives, and that would avoid or substantially lessen any of the significant effects of the project, consistent with State CEQA Guidelines Section 15126.6. The EIR will also evaluate the cumulative impacts of the project when considered in conjunction with other related past, present, and reasonably foreseeable future projects.

SMUD anticipates that the project could result in potentially significant environmental impacts in the following resource areas, which will be evaluated in the EIR:

- **Aesthetics:** The Project is proposed in the Montezuma Hills, an agricultural landscape dominated by a series of smooth rolling, contoured hills of uniform character. Large-scale transmission towers and WTGs are established landscape elements within the Montezuma Hills viewshed. Highway 160 from the Contra Costa County line to south Sacramento is an officially designated state scenic highway. The route passes within 2 miles of Solano 4 East on the opposite bank of the Sacramento River, and the project could affect views from this state scenic corridor. The EIR will characterize the visual setting through use of photographs and review of regional and local plans and policies directed toward protection of scenic resources. Photo-realistic visual simulations will be used to depict future views with project conditions in support of the impact analysis on scenic resources and vistas. Mitigation and avoidance measures will be identified as needed.

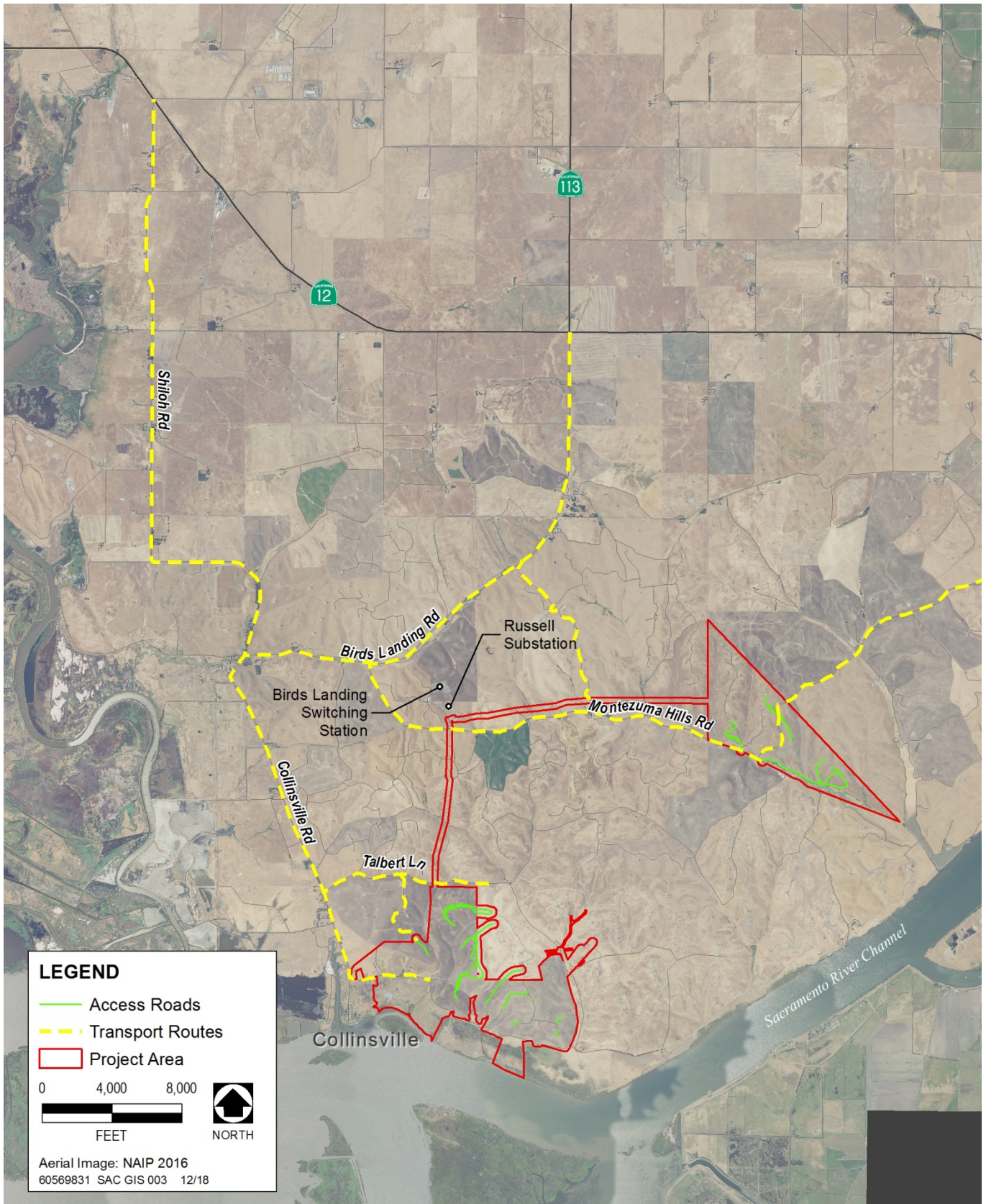


Exhibit 3 Access Roads and Transport Routes

- **Air Quality:** The Bay Area Air Quality Management District (BAAQMD) is responsible for meeting ambient air quality standards in the Project area. The District operates a series of monitoring stations to ensure federal and state ambient air quality standards are met, and prepares Air Quality Attainment Plans that contain policies designed to achieve compliance with standards that are exceeded.

The Draft EIR will consider direct and indirect impacts to regional and local air quality resulting from project construction and operation. Emissions of criteria air pollutants will be estimated using methodology approved by the BAAQMD and quantified by the CalEEMod computer model developed by the California Air Resources Board. The Draft EIR will evaluate Project consistency with adopted plans and policies intended to address regional air quality.

- **Biological Resources:** The Project area has been disturbed by ongoing agricultural operations occurring over many decades. Non-native annual grassland is the dominant vegetation type found on the Project site, which is mostly treeless. Construction and operation of the Project would require ground disturbance associated with placement of foundations for the WTGs, grading for access roads, and trenching for the collection lines and Home Run lines to the Russell Substation.

The EIR will describe the Project area's plant communities and associated wildlife species, and sensitive biological resources known to or with the potential to occur at the property. The EIR will consider both temporary disturbances and permanent losses of habitats and wildlife corridors; temporary disturbances or permanent losses of special-status plant species; and construction disturbances or other impacts on special-status terrestrial and aquatic species. The EIR will also consider operational impacts of the project on migratory and resident birds and bats, including golden eagles.

- **Cultural Resources:** The EIR will identify and analyze impacts of the proposed Project on cultural and tribal cultural resources. SMUD will also consult with representatives of Native American tribes in compliance with Assembly Bill (AB) 52.
- **Geology and Soils:** The EIR will consider Project exposure to the effects of seismicity including ground shaking, suitability of soils to support project components, and the potential for construction activity to result in wind or water driven erosion of soils. Best Management Practices typically included in the Storm Water Pollution Prevention Plan to avoid or lessen soil erosion will be described.
- **Greenhouse Gas Emissions (GHG):** The Planning and Climate Protection Division of BAAQMD oversees the Air District's Climate Protection Planning Program. The goal of this program is to reduce greenhouse gas emissions in the Bay Area. BAAQMD has established GHG reduction goals, included in the 2017 Clean Air Plan, and works with local governments to reduce GHG emissions.

Implementation of the Project would contribute towards renewable energy goals by replacing energy generated by power plants that burn fossil fuels with electricity generated by wind power. Therefore, long-term operational impacts would be beneficial. The EIR will discuss project consistency with California's GHG reduction goals, recommendations contained in the AB 32 Scoping Plan, and SB 100 that establishes a renewable energy goal of 60% by 2030, and a 100% clean energy threshold by 2045.

In the short term, construction activity associated with the Project would temporarily increase greenhouse gas emissions due to mobile emissions from construction worker commute trips, truck haul trips, and equipment (e.g., excavators, graders). Project operation would also require vehicle trips associated with maintenance activity and employees traveling to and from the property, which would generate GHG emissions. The EIR will quantify

construction and operation related emissions of GHG using CalEEMod and compare these estimates against Greenhouse Gas Emission Thresholds adopted by BAAQMD in the 2017 CEQA Air Quality Guidelines.

- **Hazards and Hazardous Materials:** The EIR will assess whether project operation would interfere with visual or electronic communications and if the height of proposed WTGs are consistent with the height restriction, lighting standards and procedures set forth in Federal Aviation Regulations Part 77. This section of the EIR will also address the potential for operation of the WTGs to create interference with signals from radar systems at nearby airfields or otherwise create conditions for accidental aircraft collisions. The EIR will also describe the storage, handling, and application practices of hazardous materials, and will review the hazards of permitting new and wind energy activities in areas of wildland fire risk.
- **Hydrology and Water Quality:** The study area is located near the boundary between the Lower Sacramento and Suisun Bay watersheds. There are several wetlands in the study area found along seasonally flooded drainage bottoms. The EIR will identify and analyze impacts of the project on hydrology and water quality in the area including potential for placing structures in a flood hazard zone or causing flooding conditions downstream of the site. Drainages or wetlands within the project boundaries that are not fenced could be subject to disturbance during construction of the project. To support the EIR, a delineation of wetlands and waters of the U.S. will be conducted to determine jurisdictional features on the Project site.
- **Land Use:** SMUD has met with Solano County staff members, Air Port Land Use Commission members, and Travis Air Force Base (Travis AFB) representatives regularly over the last several years to keep them apprised of SMUD's plans to repower the Solano Wind Project. The Solano County Airport Land Use Commission (ALUC) has adopted the Travis AFB Land Use Compatibility Plan (LUCP; Solano County 2015), which provides regulations to ensure land use compatibility within the vicinity of the AFB. Although SMUD, as a local agency, is not required to obtain ALUC approval for the development of their electrical generation facilities such as the Project, SMUD chose to foster collaboration by participating in the County and ALUC efforts. The focus of SMUD's efforts was to provide analysis and information to support the Travis AFB LUCP Update adopted by the ALUC in October 2015. The LUCP policy addresses wind turbine facilities and uses a line of sight analysis for proposed turbines over 100 feet in height AGL to determine how wind development affects the Travis AFB digital airport surveillance radar (DASR). The Solano 4 Wind Project would be constructed and operated in accordance with Federal Aviation Administration (FAA) rules for structural lighting, locations, and height. Specific requirements for the Project would be followed as required for compliance with the FAA determinations based on the WTG heights and site-specific conditions.
- **Noise:** The Project site lies in an undeveloped area of the county where noise levels are very low, limited to noise from cattle grazing, occasional vehicles, and operation of existing WTGs. The EIR will identify and analyze impacts of the Project on ambient noise levels, with emphasis on changes experienced by noise-sensitive receptors.
- **Transportation/Traffic:** The roadway network in the unincorporated parts of the county is primarily rural in character, serving small communities through a system of federal and state freeways and highways, county roads (including arterials, collectors, and local streets), and private roads. The EIR will identify and analyze impacts of the Project on the circulation system.

SMUD anticipates that the project will not result in significant environmental impacts in the following resource areas, which will not be further evaluated in the EIR: agriculture and forest

resources, mineral resources, population and housing, public services, and recreation. An Initial Study will be included as an appendix to the EIR, which will include brief explanations as to why significant impacts to these resources are not anticipated.

Potential Approvals and Permits Required: Elements of the project could be subject to permitting and/or approval authority of other agencies. As the lead agency pursuant to CEQA, SMUD is responsible for considering the adequacy of the EIR and determining if the project should be approved. Other potential permits required from other agencies could include:

Federal

- **U.S. Army Corps of Engineers:** Compliance with Section 404 of the Clean Water Act for discharge of fill to Waters of the U.S.
- **U.S. Environmental Protection Agency:** Concurrence with Clean Water Act Section 404 permit.
- **U.S. Fish and Wildlife Service:** Compliance with Section 7 of the federal Endangered Species Act (ESA).

State

- **California Department of Fish and Wildlife:** Compliance with the California ESA, potential permits under Section 2081 of the Fish and Game Code if take of listed species is likely to occur, and Section 1602 streambed alteration agreement if any construction activities occur within the bed or bank of adjacent waterways.
- **California Department of Transportation:** Encroachment permit and/or transportation management plan.
- **California State Office of Historic Preservation:** Compliance with Section 106 of National Historic Preservation Act (in coordination with U.S. Army Corps of Engineers [USACE]).
- **Regional Water Quality Control Board:** National Pollutant Discharge Elimination System (NPDES) construction stormwater permit (Notice of Intent to proceed under General Construction Permit) for disturbance of more than 1 acre, discharge permit for stormwater, and Clean Water Act Section 401 water quality certification or waste discharge requirements.

Document Availability: The NOP is available for public review on SMUD's website: <https://www.smud.org/en/about-smud/company-information/document-library/CEQA-reports.htm>. Printed copies of the NOP are also available for public review at the following locations:

Sacramento Municipal Utility District
Customer Service Center
6301 S Street
Sacramento, CA 95817

Sacramento Municipal Utility District
East Campus Operations Center
4401 Bradshaw Road
Sacramento, CA 95827

Public Scoping Meeting: A public scoping meeting will be conducted by SMUD to inform interested parties about the project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. The meeting time and location are as follows:

Agency Scoping Meeting
January 22, 2019
Time: 4:00 – 5:00 p.m.
Location: Rio Vista Veterans Memorial Bldg.
Address: 610 St. Francis Way, Rio Vista, CA 94571

Public Scoping Meeting
January 22, 2019
Time: 6:00 – 7:00 p.m.
Location: Rio Vista Veterans Memorial Bldg.
Address: 610 St. Francis Way, Rio Vista, CA 94571

Comment Period: Agencies and interested parties may provide SMUD with written comments on topics to be addressed in the EIR for the project. Comments can be provided anytime during the NOP review period, but must be received by 5:00 p.m. on February 8, 2019. Please send all comments, with appropriate contact information, to the following address:

Ammon Rice
Sacramento Municipal Utility District
Environmental Management
6201 S Street, MS H201
Sacramento, CA 95817
Ammon.Rice@smud.org

All comments on environmental issues received during the public comment period will be considered and addressed in the Draft EIR, which is anticipated to be available for public review in Spring 2019.

Appendix B Scoping Meeting Sign-in Sheets



Scoping Meeting on the Draft EIR for the
Solano 4 Wind Project
SIGN IN SHEET

JANUARY 22, 2019

(Please sign in before the meeting.)

NAME	ORGANIZATION	ADDRESS	PHONE NUMBER / E-MAIL
Petra Unger	AECOM		petra.unger@aecom.com
Ken Koch	AECOM	2070 L Street, Sacto CA	Ken.Koch@aecom.com
Emily Bacchini	SMUD		
Albert Medvitz		P.O. Box 565, Rio Vista 94571	amedvitz@frontier.com
Dan Schindler	Montezuma FPD	210 4th St Rio Vista	msfpd@frontier.com
E. Anderson		30 Highlander Dr	
Richard Anderson		12 ESPERSON CT R.V.	707-249-3557
Ron Kott	CITY RIO VISTA	ONE MAIN ST.	

Appendix C Scoping Meeting Story Boards

Welcome to the Solano 4 Project

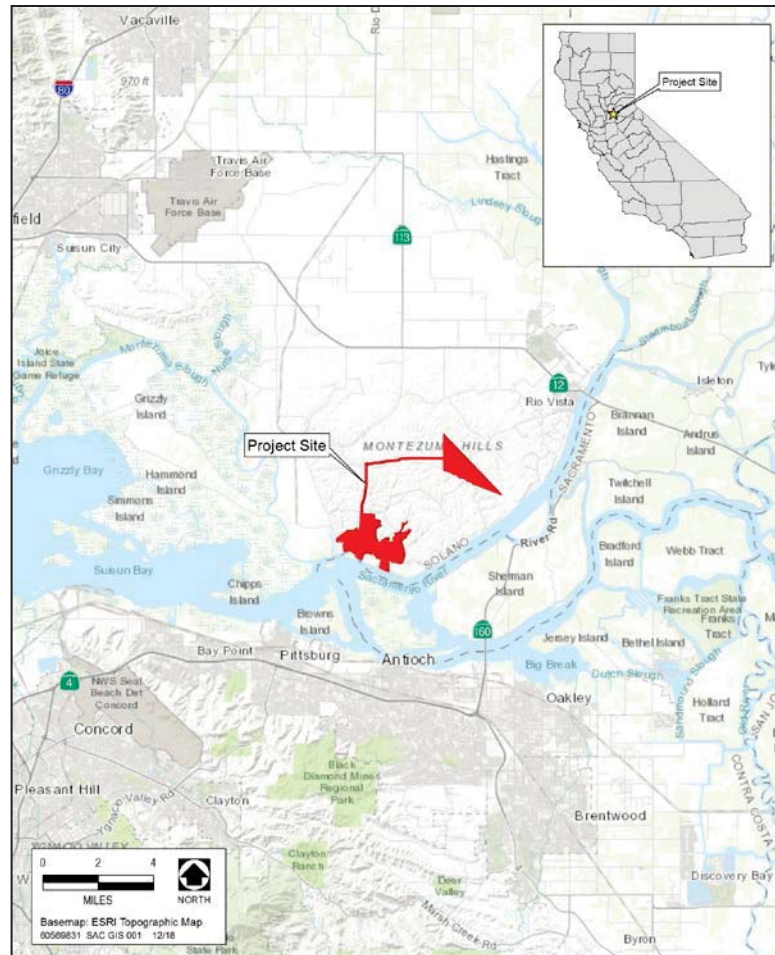
Public Scoping Meeting

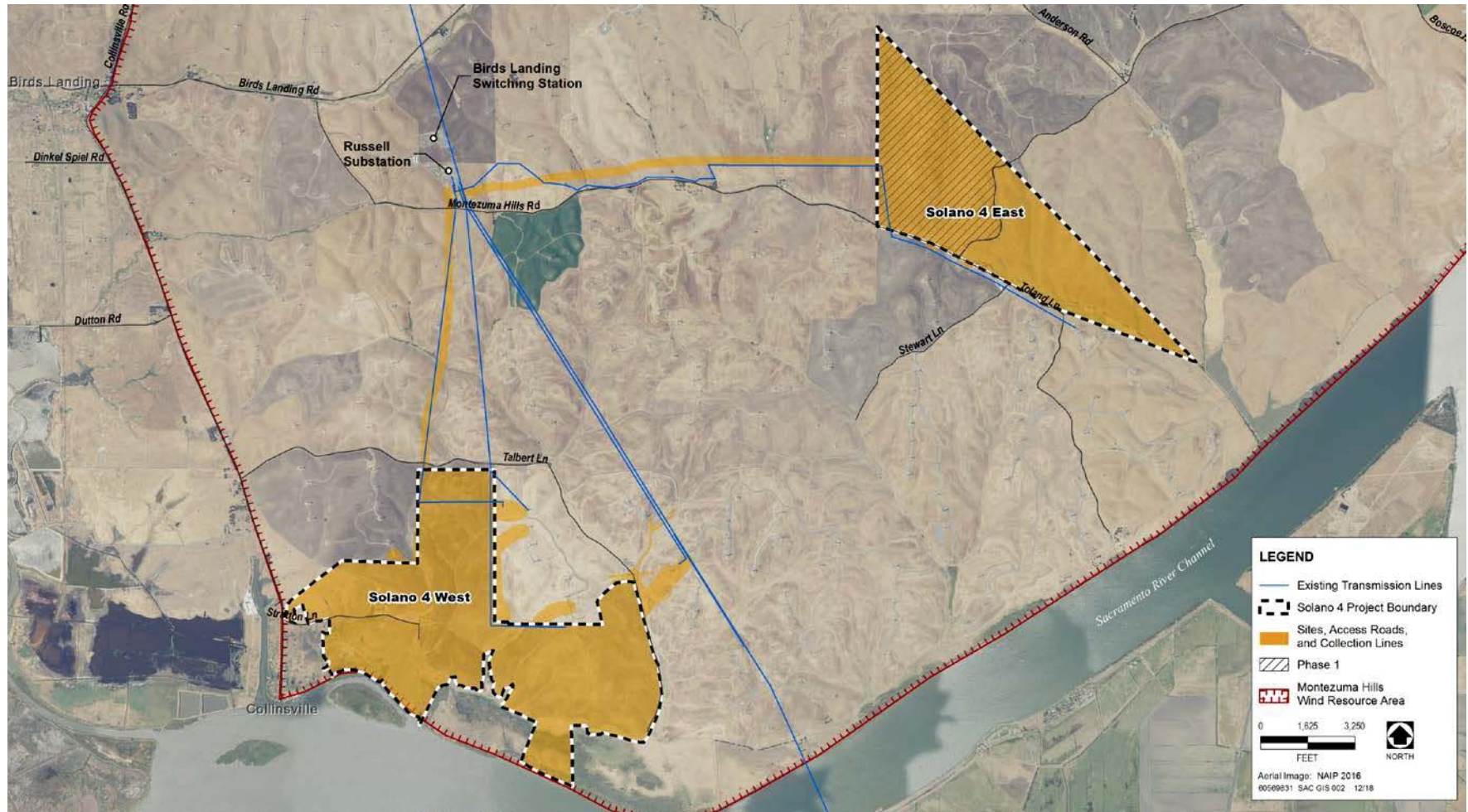


Project Description

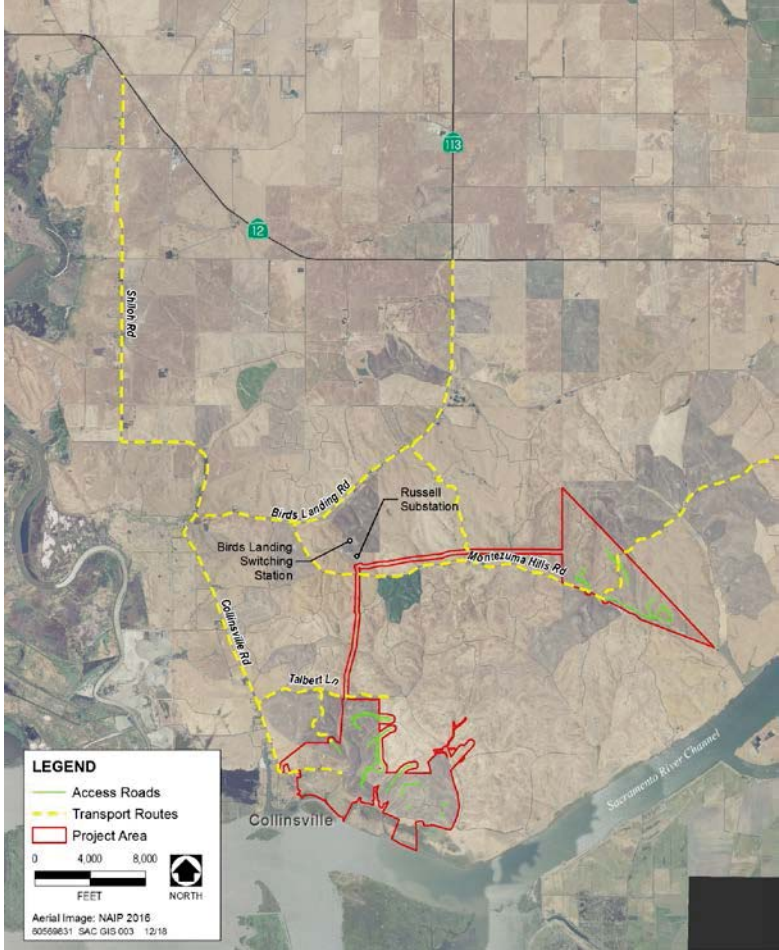
- As part of efforts to continue providing clean, reliable energy, SMUD is planning a new project at our Solano Wind Farm
 - Located on SMUD owned land in the Collinsville-Montezuma Hills Wind Resource Area in Solano County
 - Includes decommissioning of existing wind projects and new construction and operation of up to 22 new wind turbines
 - Electricity generated will add up to 92 megawatts (MW) of capacity, bringing SMUD's Wind Farm's production to 307 MW
 - Output from the project will be delivered to the electric grid through the existing Russel Substation
 - Power generated will count toward the State of California's Renewable Portfolio Standard, helping SMUD reach 60% renewable energy by 2025

Project Location

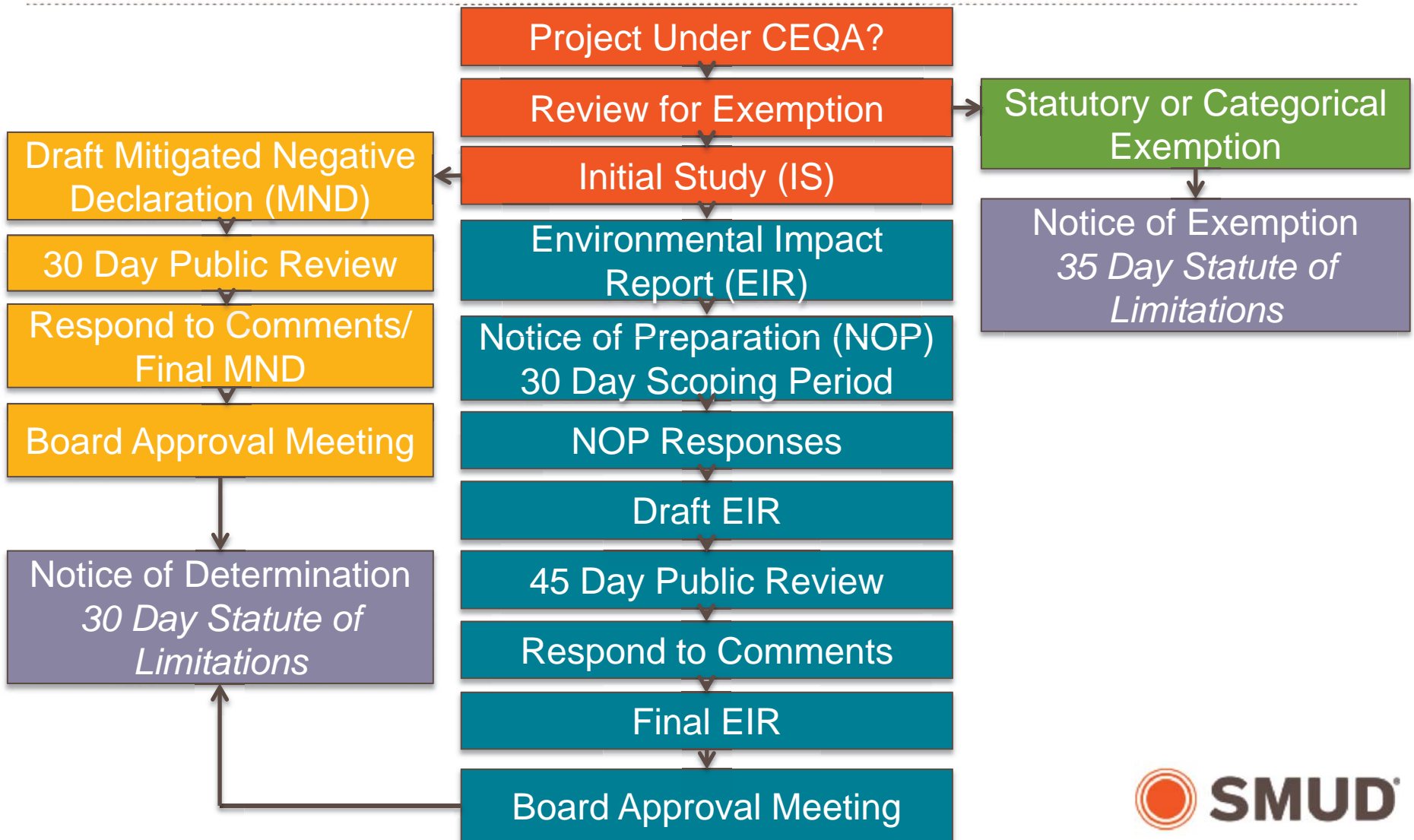




Transport Routes



California Environmental Quality Act (CEQA) Process Flowchart



Public Comments

You can submit a public comment tonight or by Friday, February 8, 2019.

- To submit a comment today:
Please write a comment on a comment card
- To submit a comment later, mail or email your comment to:
Ammon Rice
Sacramento Municipal Utility District
Environmental Management
6201 S Street, MS H201
Sacramento, CA 95817
ammon.rice@smud.org



Appendix D Comment Cards



Solano 4 Wind Project Environmental Impact Report (EIR) Scoping Meeting Comment Card

Please write clearly and note that all comments received become a part of the public record. If you'd like to provide your name or contact information, please do so:

Name: RICHARD ANDERSON Organization/Address: 12 ESPERSON CT
Email: _____ Date: 1-22-19

Please add me to the mailing list for this project.

Preliminary review by SMUD staff indicates the Environmental Impact Report (EIR) will evaluate impacts to the following environmental topics:

- ▶ Aesthetics
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Cultural Resources
- ▶ Geology, Soils
- ▶ Greenhouse Gas Emissions
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Land Use
- ▶ Noise
- ▶ Transportation/Traffic

Q: Have we missed any important topics? If so, which ones and why?

Q: Should any topics be dismissed from further consideration? If so, which ones and why?

Q: Should any topics be broken out separately or combined? Why?

Q: Due to what you know about the location, scale, and character of this proposed project, should the EIR place particular focus on certain topics? If so, which ones?

Q: Are there existing conditions on the site or in the vicinity of the project site we should consider in the EIR analysis? If so, please describe them.

LIMIT THE USE OF RECYCLED CONCRETE FOR SUBSURFACE ONLY
DUE TO DUST CONTAMINATION USED IN CONCRETE
SILICA AND OTHER CHEMICALS

Mitigation Measures

Q: Mitigation measures are ways to design, phase, or operate a project that would reduce or avoid environmental impacts. Please suggest mitigation measures that could address impacts related to operations and maintenance.

Alternatives

Q: The applicant will consider alternatives that meet the basic objectives for the project that could potentially reduce or avoid environmental impacts. Do you have ideas for alternatives that would reduce or avoid environmental impacts?

Interested Parties

Q: Do you know of public agencies, public and private groups, or individuals that the applicant should contact regarding this project and the accompanying EIR? If so, please list them.

If you would prefer to take this card with you and provide comments later, please send them by **February 8, 2019** to:

Ammon Rice
Sacramento Municipal Utility District (SMUD)
Environmental Services
6201 S Street, MS H201
Sacramento, CA 95817
Ammon.Rice@smud.org



Solano 4 Wind Project Environmental Impact Report (EIR) Scoping Meeting Comment Card

Please write clearly and note that all comments received become a part of the public record. If you'd like to provide your name or contact information, please do so:

Name: Albert Medvitz Organization/Address: McCormack Shep & Gravit
Email: amedvitz@grmtrmt.net Date: Jan 22, 2019

Please add me to the mailing list for this project.

Preliminary review by SMUD staff indicates the Environmental Impact Report (EIR) will evaluate impacts to the following environmental topics:

- ▶ Aesthetics
 - ▶ Air Quality
 - ▶ Biological Resources
 - ▶ Cultural Resources
 - ▶ Geology, Soils
 - ▶ Greenhouse Gas Emissions
 - ▶ Hazards and Hazardous Materials
 - ▶ Hydrology and Water Quality
 - ▶ Land Use
 - ▶ Noise
 - ▶ Transportation/Traffic
- Handwritten notes:*
 - Blue circles around Aesthetics, Biological Resources, Cultural Resources, and Geology, Soils.
 - Arrow from "These are linked" points to Aesthetics, Air Quality, Biological Resources, and Cultural Resources.
 - Arrow from "related to temperature change" points to Greenhouse Gas Emissions.

Q: Have we missed any important topics? If so, which ones and why?

Biological Resources: Effects on Bats - extended effects on local small mammal & insect populations - Increase/decrease in royster mortalities -

Q: Should any topics be dismissed from further consideration? If so, which ones and why?

Q: Should any topics be broken out separately or combined? Why?

Q: Due to what you know about the location, scale, and character of this proposed project, should the EIR place particular focus on certain topics? If so, which ones?

Night lighting is an annoyance to many in locality

Appendix E Comment Letters



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Notice of Preparation

January 9, 2019

To: Reviewing Agencies

Re: Solano 4 Wind Project Environmental Impact Report
SCH# 2019012016

Attached for your review and comment is the Notice of Preparation (NOP) for the Solano 4 Wind Project Environmental Impact Report draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Ammon Rice
Sacramento Municipal Utility District
6201 S. St, MS H201
Sacramento, CA 95817

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2019012016
Project Title Solano 4 Wind Project Environmental Impact Report
Lead Agency Sacramento Municipal Utility District

Type NOP Notice of Preparation

Description The project site comprises two areas owned by SMUD, Solano 4 East and Solano 4 West, which total 2,237 acres. SMUD would construct up to 22 new wind turbine generators (WTGs), of which, up to 10 would be constructed in Solano 4 East and up to 12 in Solano 4 West. Individual WTGs would have a max height of 492 to 590 ft (150-180 meters) and a maximum rotor diameter of 446 - 492 ft (136-150 meters). Power generated by the new WTGs would be transmitted to the existing Russell Substation on Montezuma Hills Road from new, underground direct-buried electrical cable extending from Solano 4 East and West to Russell Substation. The power would be distributed from the substation via the adjacent Birds Landing Switching Station through the existing Vaca-Dixon-Contra Costa transmission line.

Lead Agency Contact

Name Ammon Rice
Agency Sacramento Municipal Utility District
Phone (916) 732-7466 **Fax**
email
Address 6201 S. St, MS H201
City Sacramento **State** CA **Zip** 95817

Project Location

County Solano
City Rio Vista
Region
Cross Streets Solano 4 East: Montezuma Hills Rd via Birds Landing Rd; Solano 4 W: Collinsville
Lat / Long 38° 07' 29.48" N / 121° 46' 22.98" W
Parcel No. 0090190040 and others
Township 3N **Range** 2E **Section** 8 **Base**

Proximity to:

Highways SR 12
Airports
Railways
Waterways Sacramento River, San Joaquin River
Schools
Land Use Dryland farming, grazing, wind energy facilities/exclusive ag and water dependent industrial/ag

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Fish and Wildlife, Region 3; California Energy Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Air Resources Board, Major Industrial Projects; State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control

Date Received 01/08/2019 **Start of Review** 01/09/2019 **End of Review** 02/07/2019

Notice of Completion & Environmental Document Transmittal

2019012016

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # XXX

Project Title: Solano 4 Wind Project Environmental Impact Report

Lead Agency: Sacramento Municipal Utility District Contact Person: Ammon Rice
Mailing Address: 6201 S Street, MS H201 Phone: 916-732-7466
City: Sacramento Zip: 95817 County: Sacramento

Project Location: County: Solano City/Nearest Community: City of Rio Vista and Town of Collinsville
Cross Streets: Solano 4 East: Montezuma Hills Road via Birds Landing Road; Solano 4 West: Collinsville Zip Code:
Longitude/Latitude (degrees, minutes and seconds): 38 07 29.48 N / 121 46 22.98 W Total Acres: 2,237
Assessor's Parcel No.: 0090190040 and others Section: 8 Twp.: 03N Range: 02E Base:
Within 2 Miles: State Hwy #: State Route 12 Waterways: Sacramento River, San Joaquin River
Airports: None Railways: None Schools: None

Document Type:

CEQA: [X] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other: [] FONSI

Local Action Type:

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [X] Other: SMUD Action

Governor's Office of Planning & Research
After 12PM
JAN 08 2019

STATE CLEARINGHOUSE

Development Type:

[] Residential: Units Acres
[] Office: Sq.ft. Acres Employees Transportation: Type
[] Commercial: Sq.ft. Acres Employees Mining: Mineral
[] Industrial: Sq.ft. Acres Employees Power: Type Wind MW 92
[] Educational: Waste Treatment: Type MGD
[] Recreational: Hazardous Waste: Type
[] Water Facilities: Type MGD Other:

Project Issues Discussed in Document:

[X] Aesthetic/Visual [] Fiscal [] Recreation/Parks [X] Vegetation
[] Agricultural Land [X] Flood Plain/Flooding [] Schools/Universities [X] Water Quality
[X] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [] Solid Waste [X] Land Use
[X] Drainage/Absorption [] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [X] Traffic/Circulation [X] Other: GHG

Present Land Use/Zoning/General Plan Designation:

Dryland farming, grazing, wind energy facilities/Exclusive Agriculture (A-160) and Water Dependand Industrial (IWD)/Agriculture

Project Description: (please use a separate page if necessary)

The Project site comprises two areas owned by SMUD, Solano 4 East and Solano 4 West, which total 2,237 acres. SMUD would construct up to 22 new wind turbine generators (WTGs), of which, up to 10 would be constructed in Solano 4 East and up to 12 in Solano 4 West. Individual WTGs would have a maximum height of 492 to 590 feet (150 to 180 meters) and a maximum rotor diameter of 446 to 492 feet (136 to 150 meters). Power generated by the new WTGs would be transmitted to the existing Russell Substation on Montezuma Hills Road from new, underground direct-buried electrical cable extending from Solano 4 East and West to Russell Substation. The power would be distributed from the substation via the adjacent Birds Landing Switching Station through the existing Vaca-Dixon-Contra Costa transmission line.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".


- | | |
|---|---|
| <u>S</u> Air Resources Board | <u>S</u> Office of Historic Preservation |
| <u>S</u> Boating & Waterways, Department of | <u> </u> Office of Public School Construction |
| <u> </u> California Emergency Management Agency | <u> </u> Parks & Recreation, Department of |
| <u>S</u> California Highway Patrol | <u> </u> Pesticide Regulation, Department of |
| <u>S</u> Caltrans District #4 | <u>S</u> Public Utilities Commission |
| <u>S</u> Caltrans Division of Aeronautics | <u>S</u> Regional WQCB #2 |
| <u>X</u> Caltrans Planning | <u> </u> Resources Agency |
| <u> </u> Central Valley Flood Protection Board | <u> </u> Resources Recycling and Recovery, Department of |
| <u> </u> Coachella Valley Mtns. Conservancy | <u> </u> S.F. Bay Conservation & Development Comm. |
| <u> </u> Coastal Commission | <u> </u> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <u> </u> Colorado River Board | <u> </u> San Joaquin River Conservancy |
| <u> </u> Conservation, Department of | <u> </u> Santa Monica Mtns. Conservancy |
| <u> </u> Corrections, Department of | <u> </u> State Lands Commission |
| <u> </u> Delta Protection Commission | <u> </u> SWRCB: Clean Water Grants |
| <u> </u> Education, Department of | <u>S</u> SWRCB: Water Quality |
| <u>S</u> Energy Commission | <u> </u> SWRCB: Water Rights |
| <u>S</u> Fish & Game Region #3 | <u> </u> Tahoe Regional Planning Agency |
| <u> </u> Food & Agriculture, Department of | <u> </u> Toxic Substances Control, Department of |
| <u> </u> Forestry and Fire Protection, Department of | <u>X</u> Water Resources, Department of |
| <u> </u> General Services, Department of | <u> </u> Other: Solano County Department of Resource Manag |
| <u> </u> Health Services, Department of | <u>S</u> Other: Travis Air Force Base |
| <u> </u> Housing & Community Development | |
| <u>S</u> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date January 9, 2019 Ending Date February 8, 2019

Lead Agency (Complete if applicable):

Consulting Firm: <u>AECOM</u>	Applicant: <u>Sacramento Municipal Utility District</u>
Address: <u>2020 L Street, Suite 400</u>	Address: <u>86201 S Street, MS H201</u>
City/State/Zip: <u>Sacramento, CA 95811</u>	City/State/Zip: <u>Sacramento, CA 95817</u>
Contact: <u>Ken Koch</u>	Phone: <u>916-732-7466</u>
Phone: <u>916-414-5800</u>	

Signature of Lead Agency Representative:  Date: 1/4/19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

NOP Distribution List

County: Solano *OK*

SCH# **2019012016**

Resources Agency

Resources Agency
Nadell Gayou

Dept. of Boating & Waterways
Denise Peterson

California Coastal Commission
Allyson Hitt

Colorado River Board
Elsa Contreras

Dept. of Conservation
Crina Chan

Cal Fire
Dan Foster

Central Valley Flood Protection Board
James Herota

Office of Historic Preservation
Ron Parsons

Dept of Parks & Recreation
Environmental Stewardship Section

S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck

Dept. of Water Resources
Resources Agency
Nadell Gayou

Fish and Game

Depart. of Fish & Wildlife
Scott Flint
Environmental Services Division

Fish & Wildlife Region 1
Curt Babcock

Fish & Wildlife Region 1E
Laurie Harnsberger

Fish & Wildlife Region 2
Jeff Drongesen

Fish & Wildlife Region 3
Craig Weightman

Fish & Wildlife Region 4
Julie Vance

Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program

Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono. Habitat Conservation Program

Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Other Departments

California Department of Education
Lesley Taylor

OES (Office of Emergency Services)
Monique Wilber

Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

Dept. of General Services
Cathy Buck
Environmental Services Section

Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

Independent Commissions, Boards

Delta Protection Commission
Erik Vink

Delta Stewardship Council
Anthony Navasero

California Energy Commission
Eric Knight

Native American Heritage Comm.
Debbie Treadway

Public Utilities Commission
Supervisor

Santa Monica Bay Restoration
Guangyu Wang

State Lands Commission
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Cal State Transportation Agency CalSTA

Caltrans - Division of Aeronautics
Philip Crimmins

Caltrans - Planning HQ LD-IGR
Christian Bushong

California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

Caltrans, District 1
Rex Jackman

Caltrans, District 2
Marcelino Gonzalez

Caltrans, District 3
Susan Zanchi

Caltrans, District 4
Patricia Maurice

Caltrans, District 5
Larry Newland

Caltrans, District 6
Michael Navarro

Caltrans, District 7
Dianna Watson

Caltrans, District 8
Mark Roberts

Caltrans, District 9
Gayle Rosander

Caltrans, District 10
Tom Dumas

Caltrans, District 11
Jacob Armstrong

Caltrans, District 12
Maureen El Harake

Cal EPA

Air Resources Board

Airport & Freight
Jack Wursten

Transportation Projects
Nesamani Kalandiyur

Industrial/Energy Projects
Mike Tollstrup

California Department of Resources, Recycling & Recovery
Kevin Taylor/Jeff Esquivel

State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water

State Water Resources Control Board
Div. Drinking Water # _____

State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

State Water Resources Control Board
Phil Crader
Division of Water Rights

Dept. of Toxic Substances Control Reg. # _____
CEQA Tracking Center

Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

RWQCB 1
Cathleen Hudson
North Coast Region (1)

RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

RWQCB 3
Central Coast Region (3)

RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

RWQCB 5S
Central Valley Region (5)

RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

RWQCB 5R
Central Valley Region (5)
Redding Branch Office

RWQCB 6
Lahontan Region (6)

RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

RWQCB 7
Colorado River Basin Region (7)

RWQCB 8
Santa Ana Region (8)

RWQCB 9
San Diego Region (9)

Other _____

Conservancy



YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT

January 11, 2019

Mr. Ammon Rice
SMUD, Environmental Management
6201 S Street, MS H201
Sacramento, CA 95817

Dear Mr. Rice:

The Yolo-Solano Air Quality Management District (YSAQMD) has received the notice of Notice of Preparation (NOP) of the Draft Environmental Impact Report for the Solano 4 Wind Project (Project). The District has reviewed the document and has the following comments:

1. Based on the NOP's Exhibit 1 – Regional Location, it appears that the northeastern portion of the project site is within the boundaries of the YSAQMD, while the southwestern portion of the project site is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Consequently, project-related emissions that would occur within the boundaries of the YSAQMD should be evaluated against the appropriate thresholds of significance published by the YSAQMD. These thresholds can be found in the YSAQMD's *Handbook for Assessing and Mitigating Air Quality Impacts*.
2. The air quality analysis for the project should include an evaluation of the truck traffic that will occur as a result of the project. The analysis should examine whether these truck trips will cause any impacts to nearby sensitive receptors due to truck-related emissions of toxic air contaminants.

The District appreciates the opportunity to comment on the NOP for this project. If you have any questions about the comments included in this letter, please feel free to contact me at 530-757-3668 or email me at mjones@ysaqmd.org.

Sincerely,

Matthew Jones
Planning Manager, YSAQMD

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



January 25, 2019

Ammon Rice
Sacramento Municipal Utility District
6201 S. St, MS H201
Sacramento, CA 95817

RE: SCH# 2019012016 Solano 4 Wind Project Environmental Impact Report, Solano County

Dear Mr. Rice:

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

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

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

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

AB 52

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

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

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

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

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

Sincerely,



for
Sharaya Souza
Staff Services Analyst

cc: State Clearinghouse



February 1, 2019

State Clearinghouse

State.Clearinghouse@opr.ca.gov

PO Box 3044

Sacramento, CA 95812-3044

CEQA Project: **SCH #2019012016**

Lead Agency: Sacramento Municipal Utility District

Project Title: Solano 4 Wind Project

The Division of Oil, Gas, and Geothermal Resources (Division) oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells. Our regulatory program emphasizes the wise development of oil, natural gas, and geothermal resources in the state through sound engineering practices that protect the environment, prevent pollution, and ensure public safety. Northern California is known for its rich gas fields. Division staff have reviewed the documents depicting the proposed project.

The Sacramento Municipal Utility District is considering approval of a plan for a wind farm shown on the attached Well Location Map. The attached map shows the known wells located within a quarter-mile of the project area. Twelve gas wells are within a quarter-mile of the project area. All are abandoned. Note that the Division has not verified the actual locations of the wells nor does it make specific statements regarding the adequacy of abandonment procedures with respect to current standards. Of these wells, six are within the project boundaries. For future reference, you can review wells located on private and public land at the Division's website: <https://maps.conservation.ca.gov/doggr/wellfinder/#close>.

Based on our review of available data, no impact to known gas wells is likely. However, note that no specific information regarding turbine locations was given; it would be advisable to locate turbine towers more than 300 feet from the likely locations of the known wells to minimize interference of the 246-foot turbine blades with potential future drilling should the pre-existing wells require remedial action. Further, it would be advisable to verify locations of the known wells prior to construction of any nearby turbine.

The local permitting agencies and property owner should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil and gas wells. These issues are non-exhaustively identified in the following comments, and are provided by the Division for consideration by the local permitting agency, in conjunction with the property owner and/or developer, on a parcel-by-parcel or well-by-well basis. As stated above, the Division provides the above well review information solely to facilitate decisions made by the local permitting agency regarding potential development near a gas well.

1. It is recommended that access to a well located on the property be maintained in the event re-abandonment of the well becomes necessary in the future. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes

access. This includes, but is not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, and decking.

2. Nothing guarantees that a well abandoned to current standards will not start leaking oil, gas, and/or water in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges that wells abandoned to current standards have a lower probability of leaking oil, gas, and/or water in the future, but makes no guarantees as to the adequacy of this well's abandonment or the potential need for future re-abandonment.
3. Based on comments **1** and **2** above, the Division makes the following general recommendations:
 - a. Maintain physical access to any gas well encountered.
 - b. Ensure that the abandonment of gas wells is to current standards.

If the local permitting agency, property owner, and/or developer chooses not to follow recommendation "**b**" for a well located on the development site property, the Division believes that the importance of following recommendation "**a**" for the well located on the subject property increases. If recommendation "**a**" cannot be followed for the well located on the subject property, then the Division advises the local permitting agency, property owner, and/or developer to consider any and all alternatives to proposed construction or development on the site (see comment **4** below).

4. Sections 3208 and 3255(a)(3) of the Public Resources Code give the Division the authority to order the re-abandonment of any well that is hazardous, or that poses a danger to life, health, or natural resources. Responsibility for re-abandonment costs for any well may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general recommendations set forth in this letter. (Cal. Public Res. Code, § 3208.1.)
5. Maintaining sufficient access to a gas well may be generally described as maintaining "rig access" to the well. Rig access allows a well servicing rig and associated necessary equipment to reach the well from a public street or access way, solely over the parcel on which the well is located. A well servicing rig, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.
6. If, during the course of development of this proposed project, any unknown well(s) is/are discovered, the Division should be notified immediately so that the newly-discovered well(s) can be incorporated into the records and investigated. The Division recommends that any wells found in the course of this project, and any pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near oil or gas wells.

CEQA Project SCH #2019012016

February 1, 2019

Page 3

No well work may be performed on any oil or gas well without written approval from the Division in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re-abandonment work. (NOTE: the Division regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, Section 1723.5 of the California Code of Regulations states that all well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from the Division is required before work can start.)

DocuSigned by:

Charlene L Wardlow

Charlene L. Wardlow
Northern District Deputy

CC: Ammon Rice
Ammon.Rice@SMUD.org

Attachments: Map 1



Central Valley Regional Water Quality Control Board

1 February 2019

Ammon Rice
Sacramento Municipal Utility District
6201 S Street, MS H201
Sacramento, CA 95817

CERTIFIED MAIL
7018 1830 0001 0062 3978

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SOLANO 4 WIND PROJECT, SOLANO COUNTY

Pursuant to the Sacramento Municipal Utility District's 9 January 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Solano 4 Wind Project, located in Solano County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.



Jordan Hensley
Environmental Scientist



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DELTA STEWARDSHIP COUNCIL

A California State Agency

February 6, 2018

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Ken Weinberg

Ammon Rice
Sacramento Municipal Utility District
6201 S Street, MS H201
Sacramento, CA 95817

Executive Officer
Jessica R. Pearson

Via email: Ammon.Rice@smud.org

RE: Comments on Notice of Preparation of a Draft Environmental Impact Report for the Solano 4 Wind Project, SCH#2019012016

Dear Mr. Rice:

Thank you for the opportunity to comment on the Sacramento Municipal Utility District (SMUD) Solano 4 Wind Project Notice of Preparation (NOP) of an Environmental Impact Report (EIR). The Delta Stewardship Council (Council) recognizes SMUD's objectives to diversify its energy portfolio, increase the supply of renewable energy sources, and support the long-term viability of agriculture in the Montezuma Hills.

The Council is an independent State of California agency established by the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1; Delta Reform Act). As stated in the Delta Reform Act, the State has coequal goals for the Delta: providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place (Water Code §85054). The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan, regulatory portions of which became effective on September 1, 2013.

Covered Action Determination and Certification of Consistency with the Delta Plan

Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta and Suisun Marsh, which are referred to as "covered actions". The Council exercises that authority through development and implementation of the Delta Plan. **State and local agencies are required to demonstrate consistency with 14 regulatory policies identified in the Delta Plan when carrying out, approving, or funding a covered action.**

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

Based on the project description and exhibits in the NOP, the proposed Solano 4 Wind Project may meet the definition of a covered action. Portions of the Solano 4 West site fall within the boundaries of the Legal Delta (Water Code section 12220) and Suisun Marsh (Public Resources Code section 29101).

According to the Delta Reform Act, it is the State or local agency approving, funding, or carrying out the project that ultimately must determine if that project is a covered action and, if so, file a Certification of Consistency with the Delta Plan (Water Code section 85225) prior to project implementation. As SMUD proceeds with design, development, and environmental impact analysis of the project, we invite you to engage Council staff in early consultation to discuss project features and mitigation measures that would enable consistency with the Delta Plan. More information on covered actions, early consultation, and the certification process can be found on the Council website at <http://deltacouncil.ca.gov/covered-actions>.

Comments Regarding Delta Plan Policies and Potential Consistency Certification

The following section describes regulatory Delta Plan policies that may apply to the proposed project based on the available information in the NOP. This information is offered to assist SMUD to prepare environmental documents that can be used to support the project's eventual Certification of Consistency. This information may also assist SMUD to describe the relationship between the proposed project and the Delta Plan in the EIR.

General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan
Delta Plan Policy **G P1** (23 CCR section 5002) specifies what must be addressed in a Certification of Consistency by a proponent of a project that is a covered action. The following is a subset of these requirements which a project must fulfill to demonstrate consistency with the Delta Plan:

Mitigation Measures

Delta Plan Policy **G P1** (23 CCR section 5002(b)(2)) requires that actions not exempt from CEQA and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with those identified in the Delta Plan Program EIR or substitute mitigation measures that are equally or more effective. Mitigation measures in the Delta Plan's Mitigation Monitoring and Reporting Program (Delta Plan MMRP) are available at:
http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_atta ch%202.pdf

The NOP identifies 11 resource areas in which the Solano 4 Wind Project could result in potentially significant environmental impacts that may require mitigation. Council staff recommends that SMUD review the mitigation measures in the Delta Plan MMRP for each of these resource areas. If the Draft EIR identifies significant impacts that require mitigation, Council staff recommends that SMUD apply the mitigation measures identified in the Delta Plan MMRP, when applicable and feasible.

Best Available Science

Delta Plan Policy **G P1** (23 CCR section 5002(b)(3)) states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The regulatory definition of "best available science" is provided in Appendix 1A of the Delta Plan (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%201A.pdf>)

Best available science is defined in the Delta Plan as the best scientific information and data for informing management and policy decisions. Six criteria are used to define best available science: relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review. (23 CCR section 5001(f)). This policy generally requires that the process used by the lead agency in analyzing project alternatives, impacts, and mitigation measures of proposed projects be clearly documented and effectively communicated to foster improved understanding and decision making.

Ecosystem Restoration Policy 3: Protect Opportunities to Restore Habitat

Delta Plan Policy **ER P3** (23 CCR section 5007) states that within priority habitat restoration areas depicted in Appendix 5 (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%205.pdf>), significant adverse impacts to the opportunity to restore habitat at appropriate locations must be avoided or mitigated. Please identify Delta Plan Policy ER P3 as part of the regulatory setting for the project in the Biological Resources section and/or the Hydrology and Water Quality section of the Draft EIR, as applicable. Based on the project location described in the NOP, it appears that the proposed construction of access roads and installation of turbines in the Solano 4 West project area could impact habitat restoration opportunities in the Suisun Marsh Priority Habitat Restoration Area. The Draft EIR should consider how the proposed project would avoid or mitigate potential impacts to the Suisun Marsh Priority Habitat Restoration Area.

Ecosystem Restoration Policy 5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species

Delta Plan Policy **ER P5** (23 CCR section 5009) calls for avoiding introduction and habitat improvements for invasive, nonnative species, or mitigating these potential impacts in a manner that appropriately protects the ecosystem. Please identify Delta Plan Policy ER P5 as part of the regulatory setting for the project in the Biological Resources section of the Draft EIR. The Draft EIR should analyze how the Solano 4 Wind Project would address both nonnative wildlife species as well as terrestrial and aquatic weeds within the Legal Delta and Suisun Marsh, and should describe how the project would avoid or mitigate for conditions that would lead to establishment of nonnative invasive species. In the event that mitigation is warranted, mitigation and minimization measures should be consistent with Delta Plan Mitigation Measure 4-1, as described in the Delta Plan MMRP available at: http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf

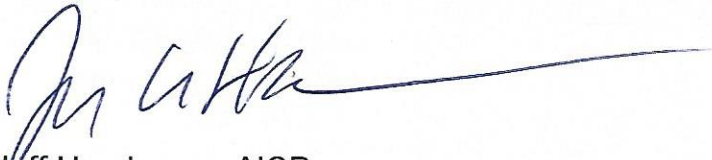
Delta as Place Policy 2: Respect Local Land Use when Siting Water or Flood Facilities or Restoring Habitats

Delta Plan Policy **DP P2** (23 CCR section 5011) requires water or flood facilities, or ecosystem restoration projects to avoid or reduce conflicts with existing or planned future land uses when feasible. If the Solano 4 Wind Project includes mitigation measures to restore habitat within the Legal Delta or Suisun Marsh, Policy DP P2 may also apply to the project. In that event, SMUD should consult with Solano County and the Delta Protection Commission regarding steps that may be taken to avoid conflicts between restoration activities and surrounding land uses, and the Draft EIR should document steps taken to avoid such conflicts.

Closing Comments

We invite SMUD to engage with Council staff in early consultation to collaborate and discuss project features and mitigation measures as the project proceeds with design and environmental impact analysis prior to submittal of a Certification of Consistency. We are available to discuss topics outlined in this letter as you proceed in the next stages of your project and approval processes. Please contact Avery Livengood at (916) 445-0782 (Avery.Livengood@deltacouncil.ca.gov) with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Henderson", with a long horizontal line extending to the right.

Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 7, 2019

Mr. Ammon Rice
Sacramento Municipal Utility District
6201 S Street, MS H201
Sacramento, CA 95817

Dear Mr. Rice:

Subject: Solano 4 Wind Project, Notice of Preparation of a Draft Environmental Impact Report, SCH #2019012016, Solano County

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the Solano 4 Wind Project (Project) located at an unnamed address within the Montezuma Hills Wind Resource Area (MHWRA) in southern Solano County. The MHWRA lies north of the confluence of the Sacramento and San Joaquin rivers and southwest of the City of Rio Vista, with the closest access roads at Collinsville Road and Birds Landing Road. The NOP was received in our office on January 22, 2019.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The Project includes decommissioning some existing Wind Turbine Generators (WTGs) and constructing 22 new WTGs to diversify the Sacramento Municipal Utility District's (SMUD) energy portfolio. The Project area consists of two main development areas, the Solano 4 West area, where 12 WTGs will be built, and the Solano 4 East area where 10 WTGs will be built. Montezuma Hills Road via Birds Landing Road provides local access to Solano 4 East, while Collinsville Road via Shiloh Road provides local access to Solano 4 West, new private roads will be constructed for access to WTGs and maintenance operations.

The Solano 4 West area is located on the north side of the confluence of the Sacramento and San Joaquin River and just east of the Suisun Marsh. The existing environment contains brackish water marsh habitat, upland grassland habitat, and a portion devoted to agriculture. The Solano 4 East area is located upland and east of the west area and contains upland grass habitat that currently contains 23 WTGs and is also used for grazing livestock and agriculture.

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the project, and that contains sufficient information to evaluate and review the project's environmental impact. Please include a complete description of the following Project components in the Project description:

- Number, size and location of WTGs already decommissioned and those to be decommissioned.
- Footprints of new permanent Project features, such as access roads and WTGs;
- Footprint of temporary staging areas;
- Locations and acreage of encroachment into marsh habitat and other sensitive areas;
- Operational features of the Project, including level of anticipated human presence including seasonal or daily peaks in activity, artificial lighting/light reflection, noise and greenhouse gas generation, traffic generation, and other features; and
- Construction schedule, activities, equipment and crew sizes.

Please include an explanation of how placement and design of permanent and temporary features, such as access roads, staging areas, and WTGs, reduces potential impacts to special-status species' nesting and foraging habitats as well as sensitive habitats, such as marsh, to the greatest extent possible.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380).

Fully protected, threatened or endangered, candidate, and other special-status bird and wildlife species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- Salt marsh harvest mouse (*Reithrodontomys raviventris*), fully protected under Fish and Game Code, an endangered species under CESA
- Golden eagle (*Aquila chrysaetos*), fully protected under Fish and Game Code
- Peregrine falcon (*Falco peregrinus anatum*), fully protected under Fish and Game Code
- Delta smelt (*Hypomesus transpacificus*), an endangered species under CESA
- Swainson's hawk (*Buteo swainsonii*), a threatened species under CESA
- California black rail (*Laterallus jamaicensis coturniculus*), a fully protected species under Fish and Game Code and a threatened species under CESA
- California tiger salamander (*Ambystoma californiense*), a threatened species under CESA
- Tricolored blackbird (*Agelaius tricolor*), a threatened species under CESA
- Longfin smelt (*Spirinchus thaleichthys*), a threatened species under CESA
- Burrowing owl (*Athene cunicularia*), a Species of Special Concern
- Northern harrier (*Circus cyaneus*), a Species of Special Concern
- Loggerhead shrike (*Lanius ludovicianus*), a Species of Special Concern

- Steelhead (*Oncorhynchus mykiss*), a Species of Special Concern
- Western red bat (*Lasiurus blossevillii*), a Species of Special Concern

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from “positive occurrence” databases such as California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

Swainson’s hawk was listed as a threatened species in 1983 by the California Fish and Game Commission. The number of Swainson’s hawk state-wide has declined. The listing of Swainson’s hawk was based on habitat loss and the decreased numbers across the state. Historic populations of Swainson’s hawk were thought to be in excess of 17,000. In 2005, a state-wide survey was conducted in the known range, and the results showed a state-wide estimate for the number of breeding pairs at 2,081.

California tiger salamander is endemic to California and numerous populations have been extirpated. Upland habitat destruction is indicated as a major cause of population decline, which is also attributed to breeding habitat destruction, habitat fragmentation, effects of introduced non-native species, and artificial migration barriers (CDFG 2009).

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at:
<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at:
<https://www.wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for “take” of special-status species;
- Modification resulting in degradation and loss of marsh habitat used by salt marsh harvest mouse and potentially California black rail and other wildlife for breeding, nesting, dispersal and foraging, through activities such as vegetation removal, alteration of soils and hydrology, and removal of habitat structural features;

- Permanent and temporary habitat loss associated with upland ground disturbance to fossorial species including special-status species such as burrowing owl and California tiger salamander;
- Obstruction of migratory bird/bat and resident bird/bat foraging habitat leading to collision with turbines and increased fatalities, including special-status species such as golden eagle, peregrine falcon, and Swainson's hawk;
- Temporary and permanent disturbances to bird nesting sites, including species such as the golden eagle and Swainson's hawk; and
- Erosion and increased sedimentation into waterways as a result of construction and ongoing site maintenance activities.

The CEQA document also should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species such as American peregrine falcon, California black rail, golden eagle, salt marsh harvest mouse, may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to include measures to ensure complete take avoidance of these fully protected species.

CDFW recommends incorporating avoidance and minimization measures in the draft EIR to reduce impacts to avian species as much as possible. This may include an Avian Protection Plan, including a micro-siting analysis.

California Tiger Salamander

CDFW is concerned that the proposed Project has the potential to impact California tiger salamander, a state-threatened species. The draft EIR should determine and quantify what the impacts are to California tiger salamander, and then present biological measures, such as take avoidance and minimization measures, and mitigation for any impacts to potential breeding and/or upland habitat, to conclude that the impacts have been mitigated to less-than-significant levels. This should include any impacts to hydrology on-site and next to the site for breeding

ponds. In addition, because California tiger salamander is a federally-listed species, we recommend contacting USFWS regarding impacts to this species.

Swainson's Hawk

CDFW recommends conducting protocol-level surveys for Swainson's hawk nest sites to determine the appropriate mitigation to reduce impacts to less-than-significant. CDFW recommends using the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (TAC Report) available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

Due to the known raptor mortality associated with the operation of wind turbines, take of Swainson's hawk could occur within the Project site. CDFW believes that the loss of an individual Swainson's hawk from the breeding population is a significant impact. The draft EIR should outline Project impacts and require mitigation in the form of habitat enhancement, restoration or conservation to compensate for the loss of individual Swainson's hawks over the life of the Project, including both nesting and foraging habitat.

The draft EIR should mitigate for the loss of Swainson's hawk foraging habitat in a method consistent with the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*, CDFW 1994, (SWH Staff Report).

CDFW recommends that Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of active Swainson's hawk nest site should be reduced or eliminated during the critical phases of the nesting cycle (March 1 through September 15) in order to avoid significant impacts to the hawk. If Project activities, such as operating wind turbines, must be conducted during this critical phase, then the draft EIR should outline minimization measures, and may need to seek a take permit for the loss of Swainson's hawk.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code § 2080.

Mr. Ammon Rice
February 7, 2019
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Lake and Streambed Alteration Agreement

CDFW will require an LSAA, pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within any 1600-jurisdictional waters within the proposed Project area. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSAA until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully Protected Species may not be taken or possessed at any time (Fish and Game Code Section 3511).

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CONCLUSION

CDFW appreciates the opportunity to provide comments on the NOP for the draft EIR for the Project. CDFW supports the development of renewable energy resources for projects which are in compliance with existing State and Federal laws and acts, and when measures are implemented which effectively avoid or reduce impacts to native species and their habitats to less-than-significant levels. CDFW staff is available to meet with you to ensure that potential impacts to sensitive species are avoided, minimized or mitigated.

If you have any questions, please contact Ms. Deborah Waller, Environmental Scientist, at (707) 576-2880 or Deborah.Waller@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at Karen.Weiss@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

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February 8, 2019

Via Email and U.S. Mail

Ammon Rice
Sacramento Municipal Utility District
Environmental Management
6201 S Street MS H201
Sacramento, CA 95817
Ammon.Rice@smud.org

Re: Notice of Preparation of an Environmental Impact Report for the
Solano 4 Wind Project

Dear Mr. Rice:

On behalf of the Solano County Airport Land Use Commission (“ALUC”), we submit the following comments on SMUD’s January 9, 2019 Notice of Preparation of an Environmental Impact Report (“NOP”) for the Solano 4 Wind Project (“Project”). The ALUC disagrees with SMUD’s characterization of the Project and, in particular, with the NOP’s statement that SMUD “is not required to obtain ALUC approval for the development of ... the Project.” NOP at 9.

The purpose of this letter is to notify SMUD that the ALUC strenuously contests this assertion and intends to vigorously enforce the provisions of the State Aeronautics Act, Public Utilities Code §§ 21001 et sq. (“Act”) and the Travis Air Force Base Land Use Compatibility Plan (“LUCP”) that require SMUD to seek a consistency determination for the Project from the ALUC.

The Solano County ALUC exists to protect public health, safety, and welfare by ensuring compatible land uses within the vicinity of the County’s airports. Pub. Util. Code § 21670. To that end, the State Legislature has empowered the ALUC to develop land use compatibility criteria and to ensure that local agency actions conform to those criteria. Pub. Util. Code §§ 21674 – 21676.5. In 2015, the ALUC adopted the current iteration of the Travis Air Force Base LUCP to define land use compatibility criteria within the Base’s airport influence area (“AIA”).

The NOP indicates that the proposed Project would add up to 22 new wind turbine generators in the Montezuma Hills Wind Resource Area within the Travis Air Force Base AIA. At a height of 590 feet above ground level, these turbines would be significantly taller than any other turbines in the County. Therefore, the environmental impact report must fully and properly address the impacts of these proposed turbines — including but not limited to any issues of interference with radar installations, conflicts with land use plans, and flight-related impacts — and the environmental impact report must state that the Project requires ALUC approval.

Because wind turbines—especially those of this size—can generate air traffic control radar interference, rotor turbulence, and vertical obstruction hazards, section 5.6.1 of the Travis AFB LUCP requires that all new and replacement turbines in the County that are greater than 100 feet in height AGL “shall be referred to the ALUC for a consistency determination.” Travis Air Force Base LUCP, § 5.6.1. At 590 feet, the proposed Project turbines exceed this height threshold by nearly a factor of 6. Accordingly, the Project must be submitted to the ALUC for a consistency determination.

The Act broadly empowers the ALUC to review the plans, regulations, and actions of local agencies to ensure compatibility with the appropriate LUCP. In granting this authority, the Legislature made clear that the ALUC’s jurisdiction reaches beyond cities and counties to include special districts and other local agencies such as SMUD. Indeed, the Legislature specifically amended the Act in 2000 to remove any doubt on this point, providing that “special districts, school districts, and community college districts are included *among* the local agencies that are subject to” ALUC review. Pub. Util. Code § 21670(f) (emphasis added); *see also* Senate Floor Bill Analysis for SB 1350 (August 2000) at ¶ 27 (rejecting the Napa Sanitation District’s assertion that it was not subject to ALUC authority).

Municipal utility districts such as SMUD are organized under the laws of the State to provide “governmental, or at least quasi-governmental,” services to regional service territories. *Sacramento Mun. Util. Dist. v. County of Sonoma*, 235 Cal. App. 3d 726, 733 (1991); *see also Grason Elec. Co. v. Sacramento Mun. Util. Dist.*, 770 F.2d 833 (holding SMUD’s grant of municipal authority entitled it to state action immunity). SMUD is therefore plainly “among the local agencies” that are subject to ALUC review under the Act. *See* Pub. Util. Code § 21670(f).

We understand that SMUD has in the past asserted that it is exempt from ALUC review by virtue of Government Code section 53091, which exempts certain electrical facilities from compliance with the “[z]oning ordinances of a *county* or *city*.” *See* Gov’t Code § 53091(f) (emphasis added). To the extent this continues to be SMUD’s

position, SMUD is misguided. As a matter of law, the ALUC is neither a county nor a city. Instead, it is an independent governmental entity empowered and entrusted by the Legislature to implement and safeguard the Act's important public purposes. Accordingly, the exemption set forth in section 53091(e) does not apply to the ALUC.

Notably, SMUD likewise is not a city or a county and thus it does not possess the power the Legislature granted to cities and counties—and *only* to cities and counties—to overrule certain ALUC determinations. *See* Pub. Util. Code § 21676 (granting certain override powers to cities and counties by virtue of their power to adopt and amend general plans); § 21676.5 (same); *see also Pac. Gas & Elec. Co. v. Sacramento Mun. Util. Dist.*, 92 F.2d 365, 366 (1937) (noting that “[SMUD] is not coterminous with any county or municipality.”). By virtue of their independent land-use planning authority, cities and counties possess unique discretion to determine whether their land-use plans conform to the ALUC's compatibility criteria. Pub. Util. Code §§ 21676(a), 21676.5. SMUD, by contrast, does not possess independent land-use planning authority to create a general plan and thus cannot avail itself of the powers the Act grants to cities and counties.

In light of the foregoing and pursuant to its authority under the Act, the Solano County ALUC hereby requests that SMUD submit the Solano 4 Wind Project to the ALUC for mandatory consistency review. The ALUC looks forward to working with SMUD to ensure that any future development of the Solano 4 site prioritizes the health, safety, and welfare of Solano County's residents, and is consistent with the development criteria established in the Travis Air Force Base LUCP.

Please do not hesitate to contact me if you have any questions or concerns about this letter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Robert “Perl” Perlmutter

cc: Thomas Randall, Chair, Solano County ALUC
Lee Axelrad, Deputy County Counsel