

**APPENDIX A  
NOTICE OF PREPARATION**

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# COUNTY OF COLUSA

COMMUNITY DEVELOPMENT DEPARTMENT

220 12th Street

Colusa, California 95932

TELEPHONE (530) 458-0480 FAX (530) 458-0482

July 31, 2020

## NOTICE OF PREPARATION DRAFT ENVIRONMENTAL IMPACT REPORT

**To:** State Clearinghouse, Agencies and Interested Parties

**From:** Colusa County Community Development Department 220  
12<sup>th</sup> Street, Colusa CA, 95932

**Subject:** Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Proposed Janus Solar PV (Solar Farm), Use Permit Application No. 20-01 (Project).

### The Purpose of This Notice of Preparation

The purpose of the Notice of Preparation (NOP) is to comply with the California Code of Regulations (CCR) Section 15082. The Colusa County Community Development Department (the Department) is the Lead Agency for the project. The Use Permit application triggers environmental review and County staff has determined that an EIR is the appropriate level of review.

The County is requesting input for the preparation of EIR regarding the scope and content of environmental concerns from your agency's area of responsibility. The EIR will be utilized by various agencies for subsequent approvals. Please provide appropriate contact information for the person(s) in your agency for consultation regarding this project that is subject to the California Environmental Quality Act (CEQA).

The NOP is available on the County website at:

<https://www.countyofcolusa.org/25/Community-Development-Department>

## **Project Location**

The project would be located on private property currently used for grazing. The project site includes three parcels with Assessor Parcel Numbers 018-050-005, 018-050-006, and 018-050-013, which are 630.5, 255.7, and 137.7 acres in size, respectively, for a total area of 1,023.9 acres. These parcels are located at 1958 and 1961 Spring Valley Road. The site is more generally located in Township 14 North, Range 4 West, Sections 1, 2 and 3. The project would connect to the Cortina Substation, which is located on Walnut Drive approximately 3 miles northeast of the project site, as shown on Figure 1 (see Attachment A). The project is approximately 6.5 miles southwest of the city of Williams. State Highway 20 runs as close as 1 mile from the project site, to the north and west.

Several alignments for the 60 kilovolt (kV) generation tie (gen-tie) line from the project site to the Cortina Substation have been initially identified. The first would be located on the Colusa County's right-of-way (ROW) on Walnut Drive and Spring Valley Road and the second on private land and Walnut Drive ROW from the project site to the point of interconnection (POI) at the Cortina Substation. Both initial options are shown on Site Plan Option 1 and Site Plan Option 2 included as Attachment A. The gen-tie line may be overhead, underground, or a combination of both.

## **Project Setting**

The project site is located in a transitional area of Colusa County between the intensively farmed valley floor and the westerly foothills of the California Coast Range. Topographic survey is underway and has not been completed. Preliminary maps show that site topography varies from relatively flat to gently rolling hills with elevation changes of approximately 150 feet.

The Project site historically has been used for grazing activities and has cattle ranch facilities located in the northwest corner. These facilities include a single family residence and accessory ranching buildings (approximately 5 acres). The area immediately surrounding the homes site and ranching buildings includes an area of un-vegetated agricultural land and existing corrals (approximately 225.4 acres), all of which are outside the project boundary and would be retained by the landowner as a residence and for cattle ranching, as shown on CUP Site Plan Option 1 and CUP Site Plan Option 2, provided as Attachment A.

The Project site is under Williamson Act contract. While energy production is considered a compatible use under the County's Williamson Act Program, due to the size and scope of the project the County believes it is appropriate to cancel that portion of the contract affected by the project.

## **Project Description**

The project will utilize approximately 650 acres of the 1,023.9 acre project site. Construction is planned for the end of 2022. The project will be capable of producing 80 MWs of electricity for distribution on the PG&E grid. A more detailed description is provided as follows:

Solar Arrays and Inverter Blocks - The project solar PV power generation facilities include solar arrays and inverter blocks, as shown on the Site Plans, included as Attachment A. The project's solar PV modules (also known as panels) would convert solar energy into direct current (DC) electricity. By design, the solar PV panels absorb sunlight to generate electrical output by being manufactured with anti-reflective glass that also minimizes potential for glare. The PV modules would be mounted together in arrays on a modular tracking system such that the angle of the panels varies throughout the day. Each tracking assembly would consist of galvanized steel posts on which the frames which range between 6 and 10 feet above grade, depending on the topography, as shown on the Site Plans, included as Attachment A. The project would also include inverter blocks to convert the DC electricity from the solar arrays to alternating current (AC) electricity. The inverter blocks would be located along the internal access roads within the solar arrays. Each inverter block would consist of enclosed inverter stations and a transformer approximately 10 feet in height above grade set on concrete or steel foundations, as shown on the Site Plans, included as Attachment A.

Related and Supporting Facilities - The project-related supporting facilities include underground electrical collection lines, an on-site substation, a Battery Energy Storage System (BESS), a 60-kV transmission line to the point of interconnection (POI), an operations and maintenance (O&M) facility, internal service roads, security fencing, gates and lighting, a construction laydown yard, and other temporary construction areas.

Electrical Collection System - The electrical collection system would be installed underground. Underground AC electrical cables would be arranged in several branch circuits to connect the electrical output of the energy facility to the on-site substation. Cable lengths would vary with the distance of the solar arrays to the on-site substation.

Substation - The project substation would be located on an approximately 1-acre area in a corner of the project site within the perimeter fence. The substation would include a generator step-up transformer to increase the output voltage from the module blocks (34.5 kV) to the voltage of the 60-kV transmission line, protective relay and metering equipment, utility and customer revenue metering, and a station service

transformer that would provide power to the substation and its weatherproof control house.

Energy Storage System - The BESS would be located next to the substation within a 5-acre area. The BESS would consist of lithium ion battery technology that would be used to either control electric frequency or store energy from the solar project. The BESS would be housed in standard shipping containers or inside an air-conditioned building.

Transmission Line and Point of Interconnection - The 60-kV transmission line would extend from the project site approximately 2 to 4 miles (depending on the alignment) along the County ROW or a combination of County ROW and private land to reach the Walnut Drive substation. The line would be installed on existing, retrofitted or new poles, underground or a combination of the two.

Operations and Maintenance Facility - The O&M facility would include office space, storage, and sanitary facilities. The sanitary facilities would drain to an on-site septic system. Water would be supplied by either on-site wells or trucked to the site. An equipment storage area and a gravel parking lot for employees, visitors, and emergency response vehicles would be located adjacent to the container. The O&M facility would be located with the substation.

Internal Service Roads - Internal service roads would be built to access the project, for ingress and egress to the project site, to individual project components, and between the solar array rows to facilitate installation, maintenance, and cleaning of the solar panels. Roads throughout the arrays would provide access to the inverter equipment pads and substations and would be graveled. The roads would be 12 feet wide. A summary of the components and required acreage is listed in the Table Below.

Security Fencing, Gates, and Lighting - The solar array perimeter would be bordered by a 6- to 8-foot-tall woven wire or chain link fence. This type of fence would provide necessary security for the project while also being friendly to wildlife. A locked security gate would be located at the site entrance

Construction Laydown Yards - One main, temporary, construction laydown yard is included in the project. The laydown yard is approximately 3 acres in size and located within the project site. The laydown yard would be graded with a gravel surface and temporarily fenced to provide storage for supplies, vehicles, and equipment during construction.

## **Potential Environmental Impacts**

Pursuant to CEQA and CCR Section 15064, the discussion of potential environmental impacts in the EIR shall be focused on impacts identified by the County as potentially significant. The EIR will evaluate cumulative impacts of the project when considered in conjunction with other related past, current, and reasonably foreseeable future projects. The lead agency has initially identified

the following environmental considerations as potentially significant effects of the Project:

*Aesthetics* – The project is located in a rural area surrounded by existing agricultural uses consisting of grazing lands and scattered residential buildings and accessory buildings. The placement of PV solar panels and associated structures on the project site would alter the existing character of the site and surrounding area. The project site is divided by Spring Valley Road with majority of the facilities being located to the east of the road. Residents and travelers and residents in the area would observe alterations to the existing landscape. The EIR will provide an assessment of project impacts to visual resources, as well as glint and glare impacts.

*Agriculture and Forestry Resources* - The site is unirrigated and farming activities are restricted to ranching. The entire project site is designated as Farmland of Local Importance by the California Farmland Mapping and Monitoring Program. The project site is surrounded by grazing land. The project site is under Williamson Act contract. The EIR will provide an assessment of potential project related impacts to agricultural resources including potential cancellation of the Williamson Act contract.

*Air Quality and Greenhouse Gas Emissions* - The EIR will describe regional and local air quality in the vicinity of the proposed project site and evaluate impacts to air quality associated with the construction and operation of the project. An air quality study will be prepared to establish baseline conditions, and project and cumulative impacts. The proposed project's estimated air emissions will be compared to emissions thresholds of the Colusa County Air Pollution Control District and California Air Resources Board. The EIR will describe existing air quality conditions within the Sacramento Valley Air Basin and will evaluate the proposed project's potential air quality impacts. Potential air quality emissions include fugitive dust and combustion exhaust. The EIR will also include a discussion of greenhouse gas emissions and the proposed project's contribution to potential cumulative impacts on global climate change.

*Biological Resources* - Construction of the proposed project may modify biotic habitats used by sensitive plant and wildlife species. As such, site development may

be regulated by state or federal agencies, in addition to being subject to the provisions of CEQA. A preliminary biological assessment special status species review was completed in November of 2019 and was provided with the application. The assessment indicated that the project site primarily consists of non-native grasslands (approximately 706.1 acres); however, smaller areas of disturbed potential wetland (approximately 4.7 acres), disturbed riparian woodland (approximately 4.2 acres), and native forbs (approximately 21.9 acres) are present on the project site. The project site contains several ephemeral drainages and riverine drainages, all of which have been heavily disturbed due to historical and existing ranching activities. The preliminary biological assessment also determined that certain wildlife may utilize the habitats found on site, including raptor and bat species. One invertebrate species, the Vernal Pool Tadpole Shrimp, is considered to have moderate potential to utilize the site due to the potential wetlands. Additional plant and wildlife studies and a wetland delineation study will be prepared, and the Project's potential impacts to biological resources will be further analyzed in the EIR. A wetland delineation will be conducted to identify waters within the project boundary that are within federal or state jurisdiction.

*Cultural and Tribal Cultural Resources* - The County has begun the AB 52 process by notifying seven tribes, six from the NAHC lists and another who has requested consultation in the past. A records search, tribal consultation, and a cultural pedestrian survey will be conducted for the project site.. There are no known historic architectural resources on the site. The EIR will examine the proposed project's potential to affect cultural resources and tribal cultural resources.

*Energy* - The EIR will include an analysis of the project's potential to result in impacts on energy conservation and/or consumption.

*Geology/Soils and Mineral Resources* - Initial construction, buildout, and operation of the proposed project on the project site could result in impacts related to geotechnical hazards, including seismicity of the area, potential for liquefaction and subsidence, potential for soil erosion, soil stability characteristics, and shrink/swell potential of site soils, as applicable.

Mineral resources in the County are general related to gravel along existing waterways. While no significant waterways exist on the project site gravel resources have the potential to be present due to the proximity of the Coast Range and possible alluvial fans.

It is currently unknown whether the proposed project site soils have the potential to contain paleontological resources. If such resources exist on the site, ground-disturbing activities could result in potentially significant impacts. geological

evaluation of the proposed project site will be conducted to establish baseline, project conditions, and impacts related to geology, soils, mineral resources, and paleontological resources.

*Greenhouse Gas Emissions* - The temporary construction activities associated with the proposed project, which would involve operation of heavy off-road equipment, on-road trucks, and construction worker commute trips, would generate greenhouse gas (GHG) emissions. However, as a solar facility, the proposed project is expected to displace traditional sources of electricity production that involves combustion energy sources (e.g., burning coal, fuel oil, or natural gas). As such, the provision of solar energy by the proposed project would produce GHG-free electricity that is anticipated to offset GHGs that would otherwise be generated by traditional sources of electricity. The potential impacts associated with GHG emissions generated during construction of the project and the potential GHG offsets resulting from operation of the project will be evaluated in the EIR. The proposed project's estimated greenhouse gas emissions will be evaluated for consistency with the Colusa County 2012 General Plan Update and 2017 State Scoping Plan.

*Hazards and Hazardous Materials* - There are no known hazards or hazardous materials located within the proposed project site according to the Phase 1 Environmental Site Assessment provide in the application. The EIR will evaluate the potential for the proposed project to result in, or be affected by, impacts associated with hazards and hazardous materials.

*Hydrology/Water Quality* - According to the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (Map Numbers 06011C0625F and 06011C0650F), the majority of the project site is located within Zone X. Zone X is an area determined to be outside the 0.2 percent annual chance floodplain. There are locations along drainages that are identified as Zone A and are considered to be with the 100 Year Flood Plain. The EIR will analyze the proposed project's impacts on hydrology and water quality.

*Land Use/Planning* - The EIR will describe the proposed project's potential effects on existing and planned uses on and around the project site. The General Plan land use designation is Upland Agricultural. The site is zoned as Foothill Agriculture (FA), which has a minimum parcel size of 80 acres. The designations are intended to promote and support agricultural uses such as grazing. The FA zoning designation allows the installation of energy production for off-site use with a Use Permit. The EIR will provide a discussion of relevant local plans and policies because conflicts with other uses, including agricultural operations, could potentially result in environmental impacts.



*Noise* - The EIR will describe the noise levels associated with proposed project construction and operations will compare these levels to applicable noise thresholds to determine whether the proposed project would result in a significant noise impact. A noise study will be prepared to establish baseline, project, and cumulative impacts.

*Population/Housing* - The EIR will evaluate the project's effect on population and housing in the local area based on estimations of project employment and distribution of the employees by place of residence.

*Public Services* - The EIR will evaluate the proposed project's potential to create an adverse impact to schools, and will also evaluate effects on local police and fire services along with parks and regional recreational facilities.

*Recreation* - Recreational activities such as hunting in the vicinity of the project will be analyzed in the EIR.

*Transportation/Traffic* - The EIR will evaluate the proposed project's impact on regional and local transportation facilities based on a transportation analysis that will assess both construction-related impacts (heavy truck trips and construction worker trips), as well as operational impacts (employee and visitor trips). Construction-related vehicles would primarily access the project site from State Route 20, Walnut Drive and Spring Valley Road. The EIR will evaluate traffic safety, road damage impacts, and agricultural aircraft operations.

*Utilities and Service Systems* - The proposed project would not require extension/connection to urban services such as potable water service, wastewater treatment, and storm-water drainage. However, the EIR will analyze drainage, wastewater, natural gas, and electrical systems and the proposed project's impact on these systems. The EIR also will analyze water supply for construction activities and solar facility maintenance. A water supply assessment will be conducted for the EIR analysis. The EIR will also describe the existing solid waste facilities that serve the project site.

*Wildfire* - The proposed project is/is not located within a Moderate fire hazard severity zone The EIR will evaluate the potential impacts of the project related to Wildfire.

**GROWTH INDUCEMENT** - The EIR will evaluate the proposed project's potential for growth inducement resulting from the construction and operation of the solar energy and battery facility, as well as new demand for housing, and goods and services. The effect of primary and secondary increases in employment and economic activity will be discussed.

**CUMULATIVE IMPACTS** - The EIR will discuss the incremental contribution of the proposed project to cumulative effects of other past, current, and planned and reasonably foreseeable projects in the vicinity. The summary of projects method will be used where applicable. Also, to the extent feasible, the Cumulative Impacts section will quantify the degree of severity of any cumulative impact.

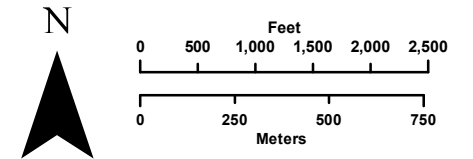
**ALTERNATIVES EVALUATED IN THE EIR** - In accordance with the CEQA Guidelines Section 15126.6, the EIR will describe a reasonable range of alternatives to the proposed project that are capable of meeting most of the proposed project's objectives, but would avoid or substantially lessen any of the significant effects of the proposed project. The EIR will also identify any alternatives that were considered but rejected by the Lead Agency as infeasible and briefly explain the reasons why. The EIR will also provide an analysis of the No project Alternative.

**OPPORTUNITY FOR PUBLIC COMMENT**

Interested individuals, groups, and agencies may provide to the County of Colusa Community Development Department, written comments on topics to be addressed in the EIR for the proposed project. Because of time limits mandated by state law, comments should be provided no later than 5:00 p.m. September 1, 2020. Agencies that will need to use the EIR when considering permits or other approvals for the proposed project should provide the name of a staff contact person. Please send all comments to:

Kent Johanns, Associate Planner  
Colusa County Community Development Department  
220 12<sup>th</sup> Street, Colusa CA, 95932  
(530) 458-0480  
[kjohanns@countyofcolsa.org](mailto:kjohanns@countyofcolsa.org)

# CUP Site Plan Option 1 Colusa Co., CA

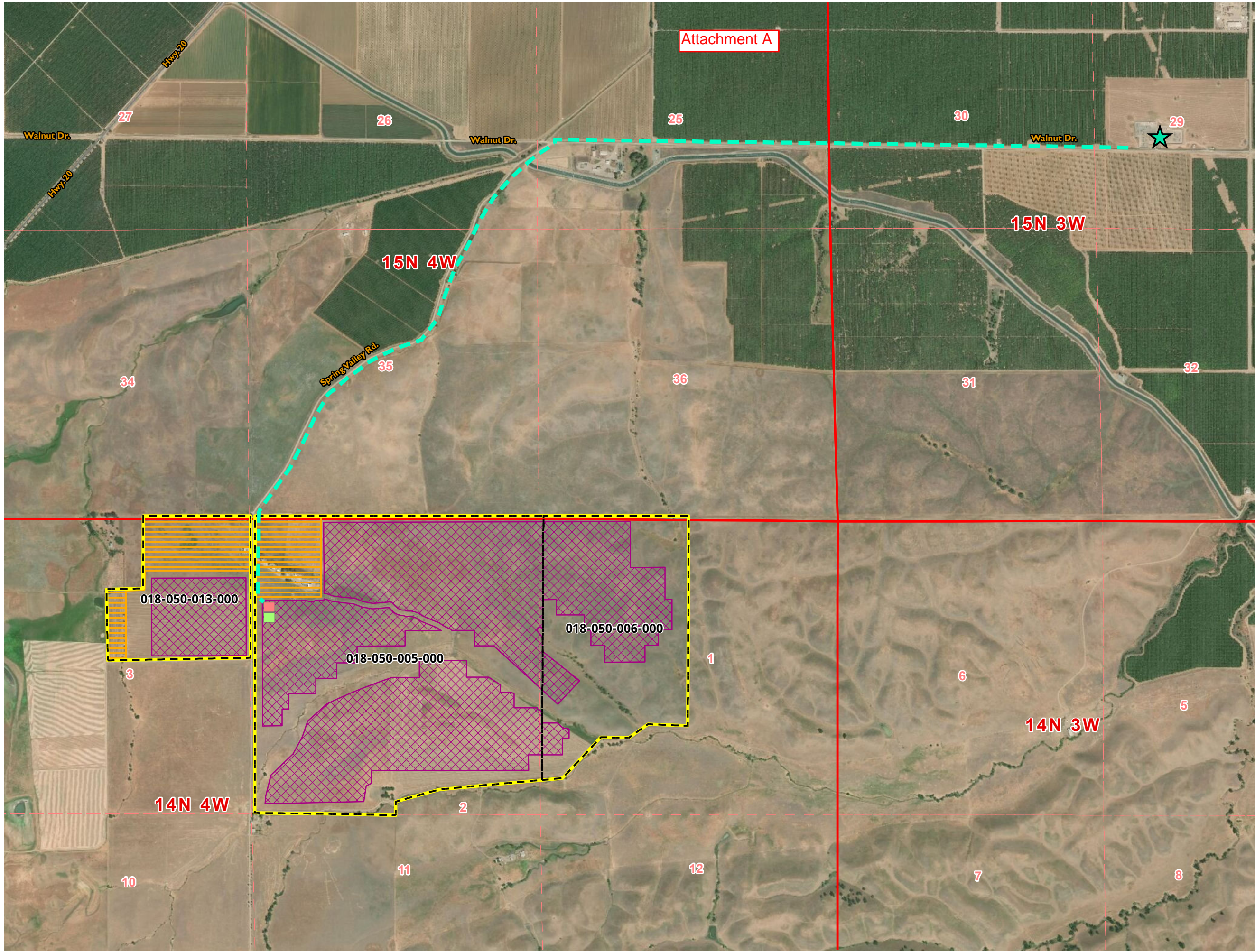


- Cortina Substation
- Gen-tie (40 Ft. Wide Transmission Easement; Opt. 1)
- Project Substation (Opt. 1)
- Project BESS (Opt. 1)
- Solar Panel Layout (Approx. 607 Ac)
- Favero's Cattle Ranch Operations
- Janus Solar Site
- Project Parcels (Approx. 1,018 Ac)
- Township
- Section

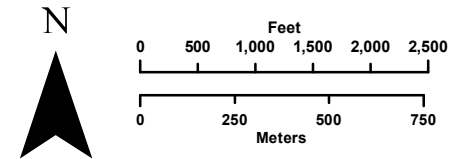
Date: April 15, 2020  
 Map Scale: 1:20,000  
 Projection: NAD 1983 UTM Zone 10N



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# CUP Site Plan Option 2 Colusa Co., CA

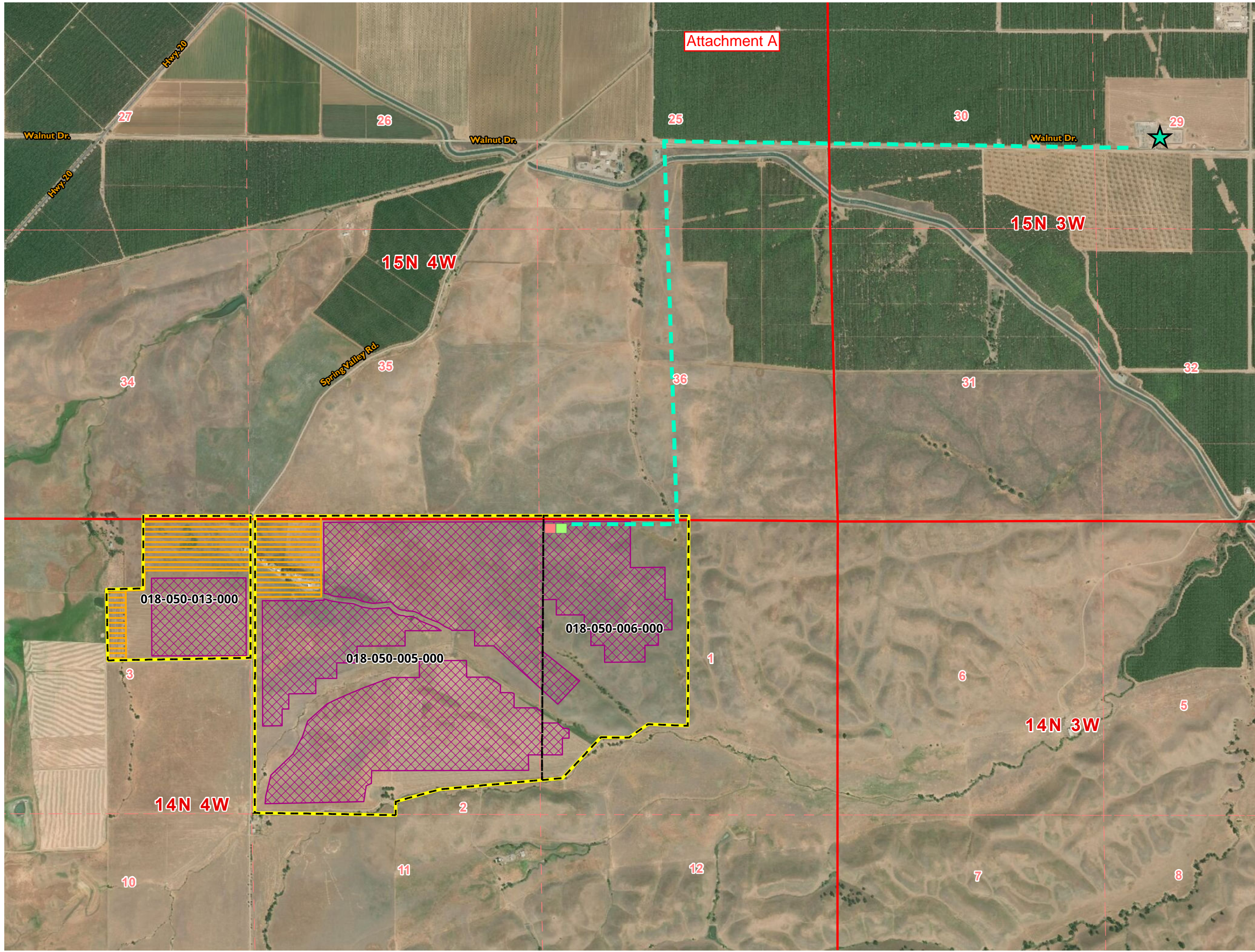


- Cortina Substation
- Gen-tie (40 Ft. Wide Transmission Easement; Opt. 2)
- Project Substation (Opt. 2)
- Project BESS (Opt. 2)
- Solar Panel Layout (Approx. 607 Ac)
- Favero's Cattle Ranch Operations
- Janus Solar Site
- Project Parcels (Approx. 1,018 Ac)
- Township
- Section

Date: April 15, 2020  
 Map Scale: 1:20,000  
 Projection: NAD 1983 UTM Zone 10N



Map produced by RWE Renewables for internal use only. Final analysis & site locations to be determined by RWE personnel through on-site verification. Map is not to be reproduced or redistributed without expressly written permission from RWE Renewables Americas, LLC.





September 2, 2020

Kent Johanns  
Colusa County Community Development Department  
220 12th Street  
Colusa, CA 95932

Re: Janus Solar Energy Project, UP #20-01, NOP

Dear Kent Johanns,

Thank you for providing PG&E the opportunity to review your proposed plans for Janus Solar Energy Project dated 7/31/2020. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

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**DEPARTMENT OF TRANSPORTATION**

District 3  
703 B Street  
MARYSVILLE, CA 95901-5556  
PHONE (530) 741-4233  
FAX (530) 741-4245  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

August 19, 2020

GTS# 03-COL-2020-00029

Mr. Kent Johanns  
Associate Planner  
County of Colusa  
547 Market Street  
Colusa, CA 95932

**Re: Janus Solar PV (Solar Farm)**

Dear Mr. Johanns:

Thank you for including the California Department of Transportation (Caltrans) in the application review process for the project referenced above. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability, livability, economy, and safety and health while enhancing California's economy and livability.

The project proposes to construct the Janus Solar PV (Solar Farm). The project will utilize approximately 650 acres of the 1,023.9 acres project site. Construction is planned for the end of 2022. The project will be capable of producing 80 MWs of electricity for distribution on the PG&E grid. The project is located in Colusa County approximately 6.5 miles southwest of the city of Williams. The following comments are based the documents received.

**Traffic Operations**

Please provide to the following:

1. Describe what mitigation may be needed at the intersection where the project site accesses State Route (SR) 20.
2. Provide the number of construction vehicles and trucks that will there be per day.
3. Provide the time frame from beginning to end of construction.

Mr. Kent Johanns  
August 19, 2020  
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***Encroachment Permit***

Any project along or within the State's Right-of-Way (ROW) requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans indicating State ROW must be submitted to:

Hikmat Bsaibess  
California Department of Transportation  
District 3, Office of Permits  
703 B Street  
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any question regarding these comments or require additional information, please contact Deborah Mckee, Interim Intergovernmental Review Coordinator for Colusa County, by phone (530) 741-5455 or via email at Deborah.McKee@dot.ca.gov.

Sincerely,

*David James Smith*

DAVID J. SMITH, Branch Chief  
Office of Transportation Planning  
Regional Planning Branch—North

Mr. Kent Johanns  
August 19, 2020  
Page 3

bcc: Jennifer Kwong-Bihlman, Traffic Operations  
Hikmat Bsaibess, Right of Way



## Kent Johanns

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**From:** Giovacchini, Annie@DOC <Annie.Giovacchini@conservation.ca.gov>  
**Sent:** Wednesday, August 12, 2020 1:48 PM  
**To:** Kent Johanns  
**Subject:** RE: Janus Solar UP #20-01

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Kent,

Please accept this e-mail as verification of receipt of the following document:

- 2020 07 31 Janus Solar Project NOP (Final OPR).pdf

As you may have guessed, most of the Department of Conservation is working remotely and it is taking a while before our mail is routed appropriately. I will be your point of contact in reference to the Cancellation process. You may send any further documents related to this project to me or to our Williamson Act program e-mail address at: [LCA@conservation.ca.gov](mailto:LCA@conservation.ca.gov) . Once you have received verification of receipt, no hard copy is necessary. I will be in contact with you if the Department has any comments in regard to this project. Please feel free to contact me if you have any further questions.

Sincerely,

### Annie Giovacchini

Associate Environmental Planner | Division of Land  
Resource Protection

#### California Department of Conservation

801 K Street, MS 14-15, Sacramento, CA 95814

T: (916) 324-9038

E: [annie.giovacchini@conservation.ca.gov](mailto:annie.giovacchini@conservation.ca.gov)



**From:** DLRP@DOC <[DLRP@conservation.ca.gov](mailto:DLRP@conservation.ca.gov)>  
**Sent:** Wednesday, August 12, 2020 11:26 AM  
**To:** Giovacchini, Annie@DOC <[Annie.Giovacchini@conservation.ca.gov](mailto:Annie.Giovacchini@conservation.ca.gov)>  
**Subject:** FW: Janus Solar UP #20-01

Annie,

Wanted to make sure you got this.

## Kent Johanns

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**From:** Kearns, Zachary@Wildlife <Zachary.Kearns@Wildlife.ca.gov>  
**Sent:** Tuesday, August 11, 2020 2:10 PM  
**To:** Kent Johanns  
**Subject:** RE: ACC Biomass/Janus Solar

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kent,

Perfect, thank you so much. I don't have anything additional for the ACC at this time, but I began my desk research for Janis solar, and I'll have comments to you by the September 1<sup>st</sup> deadline.

Thanks again,

Zach Kearns  
Environmental Scientist  
(916) 358-1134  
1701 Nimbus Rd.  
Rancho Cordova, CA 95670



**From:** Kent Johanns <[kjohanns@countyofcolusa.com](mailto:kjohanns@countyofcolusa.com)>  
**Sent:** Tuesday, August 11, 2020 1:43 PM  
**To:** Kearns, Zachary@Wildlife <[Zachary.Kearns@Wildlife.ca.gov](mailto:Zachary.Kearns@Wildlife.ca.gov)>  
**Subject:** RE: ACC Biomass/Janus Solar

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Hi Zach,

That explains it. Let me know if you have any questions on the ACC project and provide any comments you have on the Janus Solar NOP, which may have also been forwarded to you. There was hard copy mailed to the Region 2 office and I received the confirmation receipt the other day. If not, I have attached it for your review.

Kent Johanns  
Associate Planner  
Community Development Department  
Colusa County  
(530) 458-0480  
[kjohanns@countyofcolusa.org](mailto:kjohanns@countyofcolusa.org)



## NATIVE AMERICAN HERITAGE COMMISSION

August 4, 2020

Kent Johanns  
County of Colusa  
220 12<sup>th</sup> Street  
Colusa, CA 95932

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Julie Tumamait-Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2020070577, Janus Solar PV (Solar Farm) Project, Colusa County**

Dear Mr. Johanns:

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.**

- 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\\_CalEPA.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPA.pdf)

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, subs. (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: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse


**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

1199 Big Tree Rd  
 St Helena, CA 94574  
 (707) 967-1400  
 Website: [www.fire.ca.gov](http://www.fire.ca.gov)



June 4, 2020

To:  
 Colusa County  
 Community Development Department  
 Planning Unit  
 220 12<sup>th</sup> Street  
 Colusa, CA 95932  
 Attn; Kent Johanns

Regarding: **Janus Solar PV, LLC, UP#20-01**

Mr. Johanns,

Please see comments from CAL FIRE regarding the proposed development by Janus Solar on lands which are located in the State Responsibility Area (SRA). When projects of this nature are located in the SRA, the developer/builder is required to comply with the California Code of Regulations and California Public Resources Code. I have viewed the documents available to me at the time of this response and have identified the following requirements:

**ROAD STANDARDS: CCR 1273/PRC 4290**

- Two 9 foot traffic lanes (18 foot wide road surface)
- Minimum 40,000 lb. load capability (California Vehicle Code)
- Maximum grade 16 %
- Minimum vertical 15 foot clearance
- Minimum curve radius 50 feet
- Turnarounds shall be a minimum 40 foot radius or 60 foot hammerhead "T"
- Turnouts shall be a minimum 10 feet wide and 30 feet long, with a 25 foot taper at each end
- Dead-End Roads shall not exceed:
  - ◊ 800 feet for parcels zoned for less than 1 acre
  - ◊ 1320 feet for parcels zoned for 1 acre to 4.99 acres
  - ◊ 2640 feet for parcels zoned for 5 acres to 19.99 acres
  - ◊ 5280 foot for parcels zoned for 20 acres or larger
  - ◊ Turnarounds required every 1320 feet and at terminus

**BRIDGES: CCR1273.07/PRC 4290**

- Minimum 40,000 pound load capability (California Vehicle Code) minimum 15 foot vertical clearance
- Appropriate signing including: weight limits, vertical clearance limitations, one-way road and single lane conditions shall reflect the capability of each bridge

- One lane bridges (if approved) shall provide an unobstructed visibility from one end to the other and turnouts at both ends

#### **GATE ENTRANCES: CCR 1273.11/PRC 4290**

- Gate entrances shall be at least 2 feet wider than width of the traffic lane(s) serving that gate.
- All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and open to allow a vehicle to stop without obstructing traffic on that road.
- Where a one-way road with a single traffic lane provides access to a gated entrance, a 40 foot turning radius shall be used.

#### **EMERGENCY WATER SUPPLY STANDARDS: CCR 1275/PRC 4290**

As approved by the Inspection Authority, shall meet or exceed either:

- PUC Revised General Order #103, Sec. VIII or other applicable sections
- NFPA Standard 1231, or
- ISO Rural Class 8 Standard
- The local jurisdiction may require more, as these are minimum standards Fire Hydrant (As required):
  - Shall be 18 inches above grade
  - Minimum 8 feet from flammable vegetation
  - Minimum 4 feet and maximum 12 feet from roadway
  - Minimum 50 feet and maximum 1/2 mile from building it serves
  - 2 -1/2 inch or 4-1/2 inch male N.H. male fitting • Suitable Crash Protection if Required by Local jurisdiction
  - Located where fire apparatus using it will not block roadway
  - Identified with a 3 in. reflectorized blue dot on driveway address sign, or placed within 3 feet of hydrant or using highway marker as specified by State Fire Marshal.

#### **ROOFING**

- Class A roof required

#### **Public Resources Codes § 4291.3**

(a) Subject to any other applicable law, a state or local fire official, at his or her discretion, may authorize an owner of property, or his or her agent, to construct a firebreak, or implement appropriate vegetation management techniques, to ensure that defensible space is adequate for the protection of a hospital, adult residential care facility, school, aboveground storage tank, hazardous materials facility, or similar facility on the property. The firebreak may be for a radius of up to 300 feet from the facility, or to the property line, whichever distance is shorter.

(b) The director may authorize an owner of a property not listed in subdivision (a) to construct a firebreak, or implement appropriate vegetation management techniques, within a radius of up to 300 feet from a structure, or to the property line, whichever distance is shorter, if it is determined by the director as necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires.

- Clearance to bare mineral soil or other non- flammable material such as gravel required under solar panels
- 300' clearance around other hazardous areas such as battery storage

## Public Resources Codes § 4292

Except as otherwise provided in Section 4296, any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the director or the agency which has primary responsibility for fire protection of such areas, maintain around and adjacent to any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction, or dead end or corner pole, a firebreak which consists of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower. This section does not, however, apply to any line which is used exclusively as telephone, telegraph, telephone or telegraph messenger call, fire or alarm line, or other line which is classed as a communication circuit by the Public Utilities Commission. The director or the agency which has primary fire protection responsibility for the protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

## Public Resources Codes § 4293

Except as otherwise provided in Sections 4294 to 4296, inclusive, any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the director or the agency which has primary responsibility for the fire protection of such areas, maintain a clearance of the respective distances which are specified in this section in all directions between all vegetation and all conductors which are carrying electric current:

(a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, four feet.

(b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, six feet.

(c) For any line which is operating at 110,000 or more volts, 10 feet.

In every case, such distance shall be sufficiently great to furnish the required clearance at any position of the wire, or conductor when the adjacent air temperature is 120 degrees Fahrenheit, or less. Dead trees, old decadent or rotten trees, trees weakened by decay or disease and trees or portions thereof that are leaning toward the line which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to remove such hazard. The director or the agency which has primary responsibility for the fire protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

We appreciate the opportunity to provide fire safety input for this project.

Sincerely,

  
Joe Baldwin  
Battalion Chief- Fire Prevention/ Law Enforcement

**CAL FIRE**

Sonoma-Lake-Napa Unit





# WILLIAMS FIRE PROTECTION AUTHORITY

810 E Street • P.O. Box 755 • Williams, California 95987  
(530) 473-2269 • Fax: (530) 473-3174 • E-mail: wfpa@frontiernet.net

5/28/2020

County of Colusa  
Community Development Department  
Planning Unit  
220 12<sup>th</sup> Street  
Colusa CA 95932

RE: Janus Solar PV Project:

The Williams Fire Protection Authority has reviewed the Use permit application for Janus Solar PV, LLC. UP #20-01 and provide the following comments.

**Fire Concerns: Wildland**

What mitigation factors are going to be used for fire prevention under the solar array?  
What mitigation factors will be used to prevent fire from spreading onto solar array property?  
(Borders)

**Road ways:** Need to meet PRC Code 4290, 4291 & 4292 Cal Fire Standard. Proposed 12 foot roads are not acceptable.

**Water Supply:** Need to meet Cal Fire standard, WFPA 2019 Fire Coded adoption, and or NFPA 1142 for rural water supply

**Training:** Are they going to provide public safety training for first responders?

**Impacts Fee's:** Are storage containers for batteries going to be considered structures and are impact fees going to be applicable?

**Considerations:** Building Helicopter pad for emergency use during and after construction.

**Overall Project:** The WFPA feels that this is a good project for the County of Colusa as long as all of the impacts are met for public safety.

  
Jeffery A. Gilbert Fire Chief