FINAL
ENVIRONMENTAL IMPACT REPORT
JANUS SOLAR PROJECT

COUNTY OF COLUSA
COMMUNITY DEVELOPMENT DEPARTMENT
220 12th Street
Colusa, California 95932

State Clearinghouse No. 2020070577

February 3, 2023

JANUS SOLAR FINAL ENVIRONMENTAL IMPACT REPORT TABLE OF CONTENTS

APPENDICES

1 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Report (Final EIR) (State Clearinghouse No. 2020070577) is an informational document which examines and discloses the potential impacts of the Janus Solar Project (Project), as proposed by Janus Solar I, LLC (Applicant). Colusa County (County) will rely on the findings of this EIR, along with all other information in the formal record, to decide whether to approve, approve with modifications, or disapprove the application for the Conditional Use Permit as requested for the Project (UP No. 20-01).

The Final EIR consists of the Draft Environmental Impact Report (Draft EIR) published October 15, 2021, and responses to comments, as provided in Chapter 2. The Draft EIR and a digital copy of this Final EIR are contained on a CD in the cover of printed copies of this Final EIR and are available for viewing at the Community Development Department and local public libraries. An electronic version is available at the Colusa County's Community Development Department's website.

The County is the lead agency for reviewing the potential environmental impacts of the Project pursuant to the California Environmental Quality Act (CEQA), and directed the preparation of this Final EIR. The County will use this Final EIR, along with any other information developed in the County's formal record, when considering whether to certify the Final EIR and whether to approve the Applicant's CUP application to the County Development Department.

The Draft EIR detailed the Project; evaluated and described the potential environmental impacts associated with Project construction, and operation and maintenance; identified those impacts that have the potential to be significant; and presented mitigation measures that would avoid or minimize impacts, if adopted. The Draft EIR also evaluated alternatives to the Project, including the Reduced Acreage Alternative, Distributed Solar Alternative, Northeast Site Alternative, and the CEQA-required No Project Alternative.

1.2 INTENDED USE OF THE EIR

The EIR is intended to evaluate the potential environmental impacts that a proposed project may have to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to analyze all planning and permitting actions associated with the proposed Project. For detailed information on the proposed project, please refer to Chapter 2, Project Description of the Draft EIR, which provides a discussion of the proposed Project.

1.3 ORGANIZATION OF THE FINAL EIR

As required by CEQA Guidelines 15132, this Final EIR consists of the following elements:

1. The Draft EIR;
2. Comments received on the Draft EIR;

3. A list of persons, organizations, and public agencies that commented on the Draft EIR;
4. The County's responses to significant environmental points raised in the review and consultation process;
5. Other information added by the County; and
6. Minor revisions to the Draft EIR.

2 RESPONSE TO COMMENTS

2.1 LIST OF COMMENTERS

The following individuals and agencies provided comments on the Draft EIR:

A. Vance Boyes

B. Leo LaGrande

C. Bob and Cindy Freed

D. David R. Nelson, representing Jean Terkildsen, Elizabeth Katsaris, and Matthew Ferrini

E. Garnett A. Vann

F. Elizabeth Katsaris

G. Sid LaGrande

H. Peter G. Minkel, Central Valley Regional Water Quality Control Board

I. Monique Wilber, California Department of Conservation

Colusa County

EIR Public Meeting
Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

Letter A

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) VANCE BOYES

Mailing Address 757 MAIN STREET COLUSA, CA 95932

Telephone No. (daytime) 530 263-3310

E-mail address VRBOYES@GMAIL.COM

Organization/Affiliation LAND OWNER

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

1. SINCE THE PROJECT WILL HAVE MAJOR IMPACT ON THE ROAD [redacted] I BELIEVE THE ROAD NEEDS TO BE PAVED, ESPECIALLY SINCE THE COUNTY WILL NOT HAVE ANY MAJOR TAX REVENUE; AT A MINIMUM, [redacted]LY 1

2. I FEEL LOOKING AT ROLLING HILLS THAN SOLAR PANELS IS ESTETICALLY BETTER 2

3. [redacted]

Signature Vance Boyes

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

Letter B

Colusa County

EIR Public Meeting
Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) Leo LaGrande

Mailing Address PO Box 279, Williams CA

Telephone No. (daytime)

E-mail address leo@SBLagrande.com

Organization/Affiliation LaGrande Ranch

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar P

High [illegible]ers using Spring Valley Rd (gravel) in regards to damaging tree crops and livestock forage.

Defoliation and loss of crop or crops occur when excess dust is present.

Defoliation of an orchard would also effect crop yields the following year.

1

Signature

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

Letter C

Colusa County

EIR Public Meeting

Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print): Bob & Cindy Freed

Mailing Address: PO Box 151, Williams 95987

Telephone No. (daytime): 530 681 2412 or 530 304-8899

E-mail address: cfreed@colusanet.com

Organization/Affiliation: residence on East Camp Rd, Williams

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

Please See attached:

Signature _____

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

November 22 2021

Dear Mr. Plunker,

This letter is regarding the proposed Janus Solar Project, which is being considered west of Williams, off of Spring Valley Road. Our home is located on East Camp Road, which apparently would be a main thoroughfare for construction and maintenance of the project. With this in mind, we are adamantly opposed to the project. We are aware of several injury accidents, as well as fatalities, at the intersection of Highway 20 and East Camp Road --there is no turn lane on either roadway, making it a very dangerous area. In addition, East Camp Road is known to flood, closing the roadway in both directions (I've attached photos of from this year). With the proposed construction, more vehicles and trucks will be utilizing Highway 20 and East Camp Road, creating more traffic and likely more accidents. Furthermore, the additional wear and tear of the already rough East Camp Road will only add to more maintenance required on said roadway. 1

Please take into consideration all of the negative aspects of this project before agreeing to move forward. If you should have questions or would like to discuss our thoughts, please feel free to contact either of us.

Sincerely,

Bob & Cindy Freed

530-304-8899


BOB & CINDY FREED
TEXAS SISTERS SHEEP
2458 East Camp Rd.
458

Letter D

CLARK & NELSON
ATTORNEYS AT LAW
521 MARKET STREET
POST OFFICE BOX 968
COLUSA, CALIFORNIA 95932
(530) 458-5157
FAX (530) 458-2183
dave.clarkandnelson@gmail.com

DAVID R. NELSON
CHARLES T. YERXA, JR.

ROBERT D. CLARK
(1935-2004)

November 22, 2021

NOV 22 2021

Greg Plucker
Community Development Director
County of Colusa
1213 Market Street
Colusa, CA 95932

Re: Draft EIR - Janus Solar Project

Dear Mr. Plucker:

Please be advised that we are the attorneys for Jean Terkildsen, Elizabeth Katsaris and Matthew Ferrini, who own agricultural real property adjacent to and in the near vicinity of the real property upon which the above referenced project is proposed. Within this letter I will set forth my clients comments to the Draft EIR ("DEIR") for the Janus Solar Project.

1. **SIZE AND SCOPE OF PROPOSED PROJECT**: The proposed project seeks to convert 1,024 acres of real property from its historical use of cattle grazing and sheep grazing to a totally different use of an industrial/commercial utility use. This significant alteration of the use of this real property is sought to be done by means of a use permit. While it is recognized that the Colusa County Zoning Ordinance permits an energy production overlay zone within the Foothill/Agricultural Zoning classification, it is difficult to believe that the decision makers who adopted the current zoning ordinance contemplated a project in the Foothill/Agricultural zone of this magnitude. The conversion of more than 1,000 acres, from its historical farm and grazing use, to an industrial use, should be attempted only by means of a general plan amendment and rezoning of the property. The potential impacts and changes that would result if this project is built cannot be properly contemplated nor fully understood as a project of this type and of this size has never been developed in Colusa County. Colusa County should not permit and convert more than 1,000 acres from an agricultural use to an industrial use on the hope and expectation that unknown and undiscovered impacts will not occur. The development of this project will change the nature and use of not only the project area but also the surrounding agricultural areas. Solar projects of much smaller size should be considered in agricultural areas to determine what the long term impacts can be before undertaking a project of more than 1,000 acres. 1

Furthermore, approval of this project will prohibit the 2

future expansion of prime agricultural property should future water sources be found for the property (Sites Reservoir perhaps). This conversion of agricultural property to an industrial use conflicts with the overriding policy set forth in the General Plan that favors and protects the County's agricultural heritage.

2. **INADEQUATE REVIEW OF POTENTIAL DRAINAGE IMPACTS:** The DEIR indicates that there will not be any significant impact from drainage in that the water will drain from the property after the project is built in the same way that it does presently. However, the DEIR fails to consider the potential for the accelerated and increased offsite drainage flows, especially those related to peak flows during a storm event. The project contemplates placing 196,000 solar panels over 738 acres of the project site. While currently there are no improvements that would prevent water from rains to permeate into the soil and pond upon the property, the 196,000 solar panels will be impermeable and the rainwater will accelerate off of the panels and quite likely create a significant increase in downstream drainage. The criteria of the Energy Production Overlay zone provides in Section E(g) the following: "there shall be no net increase in offsite drainage flows, including peak flows during a storm event." Our clients contend that there is a great likelihood of a significant increase in offsite drainage which must be analyzed and mitigated within the DEIR.

3. **DUST IMPACTS:** The DEIR references that dust will be created as a part of the construction of the project. The dust will occur not only on the project site itself but along unpaved portions of Spring Valley Road which will serve as the primary means of ingress and egress to the project site. The DEIR proposes that the dust issue be mitigated by watering dust producing areas twice a day by water truck. The DEIR fails to analyze the potentially significant impact upon neighboring almond orchards. It is common knowledge within almond growing districts that the creation of dust near orchards significantly increases the infestation of mites that are detrimental to almond trees and can cause significant and long lasting impacts to the trees and their production capabilities. The DEIR needs to fully analyze the potential for damage from dust mites and provide mitigation measures that will be more significant than watering twice a day.

4. **TRANSMISSION POLES:** The DEIR recognizes that there will be numerous transmission poles located in the county road right of way from the project site down Spring Valley Road and then along Walnut Drive to the PG&E substation. The DEIR further advises that these transmission poles will be as high as 80 feet. That results in the poles and transmission cables being some 20 to 40 feet higher than the existing power poles along Spring Valley Road and Walnut Drive. This

increase in the number of poles and the height of the poles could have a significant impact upon agricultural aerial applicators servicing the orchard and open ground in the area. Poles and wires are a significant hazard to both fixed wing aircraft and helicopters used in agricultural application. Increasing the height of the poles and wires to 80 feet will result in a greater safety hazard for the applicators and may result in aerial application not being feasible in close proximity to the poles and wires. Alternatives to the proposed transmission lines, such as underground lines, should be considered.

5. **TRAFFIC AND ROADWAY IMPACTS:** As property owners and residents of the area in question, our clients are very familiar with the local roads and have concerns with regard to the impacts this project would have on the local roads. With Spring Valley Road being unimproved it may not be adequate in its current condition to accommodate the traffic f ows during construction, nor for emergency vehicle access to the project site both during construction and afterwards. As mentioned, Spring Valley Road is in large part unpaved and does not have adequate or appropriate drainage facilities. As a result, in times of rain events, the road becomes either unpassable or dangerous to travel upon. While Spring Valley Road presents transportation impacts the additional surrounding roadways will also be impacted. The DEIR acknowledges that Walnut Drive and East Camp Road will also be major routes to access the project site. While traffic will be greatly increased, particularly during construction, safety concerns must be addressed at both the intersection of Highway 20 and East Camp Road where there are no turn lanes as well as at the intersection of Highway 20 and Walnut Drive where again, there are no turn lanes. The DEIR is silent with regard to traffic safety concerns.

Furthermore, the number of truck trips is vastly understated. The DEIR references that during construction there will be a need of 15,000,000 gallons of water that would be trucked to the site. Projecting that a water truck can carry 4,000 gallons per load, that equates to 7,500 truck trips during construction. The most likely route for the water trucks would be Highway 20 to East Camp Road to Walnut Drive and to Spring Valley Road. That number of trucks making turns on the State Highway and County Roads without turn lanes creates significant safety issues. The actual number of truck trips will also impact the need for additional road maintenance.

6. **HAZARDOUS MATERIALS ASSOCIATED WITH BATTERIES:** The DEIR references that the project will include a battery energy storage system. Batteries are known to have hazardous waste and toxic materials associated with them and have the ability to leak, burn and/or explode. The DEIR fails to adequately analyze what threats the battery energy storage system as proposed will create for both humans,

wildlife and the environment. The DEIR further fails to adequately discuss whether local emergency personnel are capable of responding to an accident at the project site and if not, what training will be necessary. 8

7. IMPACTS TO COLUSA COUNTY AND THE CITY OF WILLIAMS: It does not appear that the project will provide any significant revenue source to either the County of Colusa or to the City of Williams. However, it goes without saying that the project will have impacts to county and city roadways, fire and emergency responders, drainage improvements, law enforcement amongst others. There is no analysis as to the economic benefits that would come to the County of Colusa or the City of Williams, nor is there any analysis of the economic costs to the County of Colusa and City of Williams. The citizens of Colusa County and the decision makers should be fully advised of impacts upon public agencies and particularly the fiscal impacts that will result from this project. 9

8. IMPACTS TO USE AND VALUE OF NEIGHBORING PROPERTY: As the owners of adjacent and neighboring agricultural property, our clients have concerns over what impact a project of this size and nature will have upon their farming operations and the value of their agricultural realty. The DEIR does not address what impacts a 1,000 acre industrial utility complex will have upon current and future neighboring agricultural properties and the extensive cattle and sheep grazing that occur in the area. The potential impacts include changes to the vistas, potential acceleration of drain waters, roadway impacts, hazardous material exposure, altering the safety and availability of aerial agricultural applications and potential impacts to local wildlife. The DEIR should address and adequately review what these cumulative impacts will have upon nearby property owners, their workers and their property. 10

9. ADDITIONAL EXPANSION: Could the creation of a 1,000 acre industrial utility complex lead to additional expansion of this type of use in the area? If so, the DEIR should review what the potential cumulative and future impacts could be to agricultural properties similarly situated within the County of Colusa. Cumulative impacts could be in conflict with Colusa County's General Plan that seeks to preserve and expand the County's agricultural heritage. 11

CLARK & NELSON
ATTORNEYS AT LAW

Thank you for your consideration of these comments and should you have questions with regard to these comments please feel free to contact the undersigned.

Very truly yours,

CLARK & NELSON

By 
David R. Nelson

DRN:d
cc: Jean Terkildsen
Elizabeth Katsaris
Matthew Ferrini

Letter E

Colusa County

EIR Public Meeting

Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) Garnett A. Vann

Mailing Address 365 Ruggieri Way, Williams Ca. 95987

Telephone No. (daytime) 530-473-2607

E-mail address gvann@vannbros.com

Organization/Affiliation Vann Bros, Vann Family Orchards

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

1 We have had our fill of powers lines and disruptions in our agricultural operations related to power lines going though many of our properties. We have already had our easement agreements broken by P,G+E and Western Power. Our original agreements allowed us to farm under the power lines. Then the lawyers got ahold of it and found loopholes to make us quit farming below the transmission wires. We will vigorously resist any attempt to build this facility.

Signature _____

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

Place
Stamp
Here

Colusa County
Community Development Department
Attn: Mr. Greg Plucker, Director
1213 Market Street
Colusa, CA 95932

Letter F

Colusa County

EIR Public Meeting
Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) Elizabeth Katsaris

Mailing Address

Telephone No. (daytime)

E-mail address katsaris@comcast.net

Organization/Affiliation

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

1.) Keeping in mind the threat to public health and safety in the event of a fire, will fire fighting equipment for the Fire Department be kept on site? If so, what type? | 1

2.) Are there any alternative projects with a bigger or smaller scope? | 2

3.) Is anything about this project going to change? | 3

4.) What is the maximum amount of acreage the project could entail? | 4

Signature Elizabeth Katsaris

Thank you for your assistance.

Written comments will be accepted until November 29, 2021 and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

The proposed Solar Project one spring Valley road is on the western edge of the pacific flyaway. My concern is the migrating ducks and geese will see this reflection and thinking it is water will try to land on these panels. injuring or killing themselves.

Also, this project will not be beneficial to the county or local land owners. best to serve only one land owner.

530-681-6378
Sid Le Sauk

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

JARED BLUMENFELD SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

29 November 2021

Colusa County
Community Development Department
1213 Market Street
Colusa, CA 95932
gplucker@countyofcolusa.com

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, JANUS SOLAR PROJECT, SCH#2020070577, COLUSA COUNTY

Pursuant to the State Clearinghouse's 15 October 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Janus Solar Project, located in Colusa 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 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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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) Permits[1]

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. 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

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[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.

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/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. 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 Threat 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 Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

NOVEMBER 16, 2021

Letter I

VIA EMAIL: GPLUCKER@COUNTYOFCOLUSA.COM
Greg Plucker
County of Colusa
1213 Market Street
Colusa, CA 95932

Dear Mr. Plucker:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE JANUS SOLAR PROJECT, SCH#2020070577

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Janus Solar Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

Janus Solar PV, LLC has applied to the Colusa County Community Development Department for a Use Permit to construct, operate, maintain, and decommission a photovoltaic (PV) electricity generating facility, with a battery energy storage system (BESS) and associated facilities and infrastructure, to be known as the Janus Solar Project.

The Project would generate and store up to 80 megawatts alternating current on an approximately 1,024-acre site, owned by a private landowner in unincorporated western Colusa County. To avoid environmental constraints, an estimated 768 acres of the 1,024-acre site would be used for the Project. The proposed battery energy storage system (BESS) would extend the period of time each day that the Project could contribute PV-generated energy to the electrical grid. The Project would connect to the electrical grid at the existing Cortina Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E), approximately 4 miles northeast of the Project site. The entirety of the Project site is included in a Williamson Act contract.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. 1

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]) 2

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at: 3

https://www.calandtrusts.org/resources/conserving-californias-harvest/

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland). 4

Conclusion

The Department recommends further discussion of the following issues:

- The Projects compatibility with, and/or, potential contract resolutions for lands within agricultural preserves and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Janus Solar Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

Janus Solar Project

Responses to Public Comments

February 2023

A VANCE BOYES

A-1

Comment Summary:

Since the project will have major impact on the road. I believe the road needs to be paved, especially since the county will not have any major tax revenue, at minimum.

Response:

The Draft Environmental Impact Report (DEIR) analyzed the potential impacts of additional construction and operation trips on local roads in Chapter 4, Section 4.17. The estimated total number of vehicles during the peak hours would be 230, based on land use, road connectivity, and the nearest location where traffic counts were available. A conservative range of 230 to 310 vehicles was used for analysis in the DEIR. The estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The Level of Service calculation for Walnut Drive and Spring Valley Road is provided as part of Appendix J of the DEIR and yields a Level of Service A during peak construction (DEIR page [p.] 4.17-6).

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties. As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months.

Application of dust suppressant would include pre-Project road conditioning that would grade and level the road prior to its application. In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, the **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> "***TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through*

photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.

The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."

Chapter 4, Section 4.2 of the DEIR analyzes air pollutant emissions associated with the Project, such as emissions from construction related activities including equipment exhaust, vehicle travel on paved and unpaved roads, and fugitive dust (PM_{10}) from soil disturbance activities. Mitigation Measure AQ-1 would be required to reduce dust emissions. Based on the Butte County Air Quality Management District recommended thresholds (on which the Colusa County Air Pollution Control District relies), the Project would result in a significant contribution to localized ambient air quality if daily emissions exceeded 80 pounds per day of PM_{10} during either construction or operation. Daily PM_{10} emissions will be well below this threshold for both construction and operation (DEIR p. 4.2-16). Detailed emissions calculations are provided in Appendix C of the DEIR.

In June 2022, the Applicant commissioned a field study (*Janus Solar Project Dust Suppressant Effectiveness Study)* to observe the degree of effectiveness of the dust suppressant that the County has historically used on an unpaved, rural road in Colusa County that was representative of Spring Valley Road and located nearby several nut orchards. The study was performed out of concern regarding the effects of potential dust emissions during use of Spring Valley Road during construction.

A liquid magnesium chloride dust suppressant commercially known as "Dust-Off" was applied to a portion of King Road, an unpaved roadway in rural Colusa County which borders orchards. A section of the roadway was also left untreated. The dust suppressant was applied at a rate of 0.5 gallons per square yard.

A triple-axle truck, fully loaded with 79,000 pounds of equipment, was driven at various speeds on the treated and untreated portions of the unpaved roadway. The study concluded that the application of dust suppressant was extremely effective in mitigating dust generation. As shown in Appendix C to the Final EIR, the effectiveness of the mitigation was observed at all speeds at which the treated portion of the road was driven.

Due to the observed effectiveness of application of the dust suppressant, its use was recommended as part of **Mitigation Measure AQ-1**. To address the concern raised in this comment, the following additions to **Mitigation Measure AQ-1** are proposed:

"AQ-1: Dust Control Measures

During construction of the Project, the primary construction contractor shall implement the following practices:

- *All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed.*
- *When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained.*
- *Limit traffic speeds on unpaved roads to 15 miles per hour.*
- *Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic.*
- *Curtail construction activities when the County's Air Quality Index exceeds 150.*
- *Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.*
- *During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.*
- *Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.*
- *The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to*:
  - *Read and understand applicable mitigation measures and have them available at the job site*
  - *Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities*
  - *Use contingency control measures when primary controls are ineffective*
  - *Monitor the worksite for compliance with the dust control mitigation measures*
  - *Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities.*
- *Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:*
  - *Date*
  - *Time*
  - *Wind speed*
  - *Temperature*

- *Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity*
- *Soil conditions (damp, dry, etc.)*
- *Corrective actions taken, if needed"*

In addition to the application of the dust suppressant during the construction of the Project, in order to ensure that the minimal traffic that would be generated once the Project has been constructed and is operation, **Mitigation Measure AQ-3** has been included to require the application of dust suppressant once a year to Spring Valley Road for the life of the Project.

"***AQ-3: Long-Term Dust Control***

Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director."

The California Environmental Quality Act (CEQA) does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

"***PS-1: Public Services Mitigation Fee***

Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
- *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*

- *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*

- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation Distict, a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District.*"

A-2

Comment Summary:

I feel looking at rolling hills is esthetically better than solar panels.

Response:

Impacts to visual resources are discussed in Chapter 4, Section 4.3 of the DEIR. An additional visual simulation was completed depicting the view from the gate of the commenter and is provided as Appendix D to the Final EIR. This visual simulation is from Key Observation Point (KOP) 6.

KOP 6 is located near Spring Valley Road, approximately 0.2 miles north of the Project site. KOP 6, Orientation 2 depicts views oriented southwest toward the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with relatively flat terrain. Existing structural features include a residence and fencing in the foreground. Vegetation includes grasses and trees. Dominant colors for the landscape are green-brown, tan, and green while the structures are gray, brown, and white. The vegetation consists of irregular, organic forms of contiguous grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Spring Valley Road. Considering the short duration of viewing, viewers would have a low viewer sensitivity to the visual changes in the area. This KOP also provides a typical view for the occupants of the residence west of Spring Valley Road. Considering the frequent viewing by local residents, viewers would have a moderate sensitivity to the visual changes in the area.

The Project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting and would be visible from this location by a casual observer. The colors, regular geometric forms and horizontal lines associated with the solar arrays and associated infrastructure would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the structures in the vicinity also possess gray color and horizontal and vertical lines (fencing). This viewpoint reflects the views of drivers traveling along Spring Valley Road. These impacts would be short term for travelers because they would only be approaching or paralleling the Project site for a limited time and their focus would be on

the road ahead. This viewpoint also reflects the views of the occupants of the residence west of Spring Valley Road. For views from residence, while appearing as new and visible features, the Project infrastructure would be consistent with other horizontal and vertical lines and geometric shapes visible throughout the landscape. As the Project would attract attention to the casual observer and the portion of the Project that would be visible would co-dominate the landscape, the contrast would be considered moderate. However, the Project would not block views of the surrounding agricultural open space or the trees in the middleground. Therefore, the impacts would be less than significant.

B LEO LAGRANDE

B-1

Comment Summary:

High [unreadable (concern?)] using Spring Valley Rd (gravel) in regards to damaging tree crops and livestock forage.

Defoliation and loss of crop or crops occur when excess dust is present.

Defoliation of an orchard would also effect crop yields the following year.

Response:

Chapter 4, Section 4.2 of the DEIR analyzes air pollutant emissions associated with the Project, such as emissions from construction related activities including equipment exhaust, vehicle travel on paved and unpaved roads, and PM_{10} from soil disturbance activities. Mitigation Measure AQ-1 would be required to reduce dust emissions. Based on the Butte County Air Quality Management District recommended thresholds (on which the Colusa County Air Pollution Control District relies), the Project would result in a significant contribution to localized ambient air quality if daily emissions exceeded 80 pounds per day of PM_{10} during either construction or operation. Daily PM_{10} emissions will be well below this threshold for both construction and operation (DEIR p. 4.2-16). Detailed emissions calculations are provided in Appendix C of the DEIR.

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  - *Time*
  - *Wind speed*
  - *Temperature*
  - *Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity*
  - *Soil conditions (damp, dry, etc.)*
  - *Corrective actions taken, if needed"*

In addition to the application of the dust suppressant during the construction of the Project, in order to ensure that the minimal traffic that would be generated once the Project has been constructed and is operation, **Mitigation Measure AQ-3** has been included to require the application of dust suppressant once a year to Spring Valley Road for the life of the Project.

"***AQ-3: Long-Term Dust Control***

Once a year generally in late spring the Applicant shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director."

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To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

"***PS-1: Public Services Mitigation Fee***

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- *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
- *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*

- *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
- *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*

· *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation Distict, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

C BOB AND CINDY FREED

C-1

Comment Summary:

Our home is located on East Camp Road, which apparently would be a main thoroughfare for construction and maintenance of the project. With this in mind, we are adamantly opposed to the project. We are aware of several injury accidents, as well as fatalities, at the intersection of Highway 20 and East Camp Road -- there is no turn lane on either roadway, making it a very dangerous area. In addition, East Camp Road is known to flood, closing the roadway in both directions (I've attached photos of from this year). With the proposed construction, more vehicles and trucks will be utilizing Highway 20 and East Camp Road, creating more traffic and likely more accidents. Furthermore, the additional wear and tear of the already rough East Camp Road will only add more maintenance required on said roadway.

Response:

The DEIR analyzed the potential impacts of additional construction and operation trips on local roads in Chapter 4, Section 4.17. The estimated total number of vehicles during the peak hours would be 230, based on land use, road connectivity, and the nearest location where traffic counts were available. A conservative range of 230 to 310 vehicles was used for analysis in the DEIR. The estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The Level of Service calculation for Walnut Drive and Spring Valley Road is provided as part of Appendix J of the DEIR and yields a Level of Service A during peak construction (DEIR p. 4.17-6).

The Transportation Injury Mapping System[1] data was reviewed for the years 2015 through 2020 (the last year which data was available). During those 5 years, 7 accidents were reported within 2 miles of the Project site, which includes: 2 accidents where driver or passenger had a complaint of pain, 3 minor injuries, 1 serious injury accident, and 1 fatality. Construction traffic will approach the Project site from Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. Three of the accidents recorded between 2015 and 2020 occurred at the intersection of Highway 20 and East Camp Road, including one minor injury accident in 2019, two minor accidents with complaints of pain in 2015 and 2016. The line of sight on Highway 20 at East Camp Road is approximately 1 mile in length, and the Project traffic is not anticipated to contribute to a greater accident rate.

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties.

[1] Transportation Injury Management System. TIMS - Transportation Injury Mapping System (berkeley.edu). Accessed on January 9, 2023.

As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months.

Application of dust suppressant would include pre-Project road conditioning that would grade and level the road prior to its application. In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, the **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> *"**TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction acitivies beginning and building permit issuance, the Project Owner shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Project Owner shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.*
>
> *The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."*

D CLARK & NELSON, ATTORNEYS AT LAW

D-1

Comment Summary:

The proposed project seeks to convert 1,024 acres of real property from its historical use of cattle grazing and sheep grazing to a totally different use of an industrial/commercial utility use. This significant alteration of the use of this real property is sought to be done by means of a use permit. While it is recognized that the Colusa County Zoning Ordinance permits an energy production overlay zone within the Foothill/Agricultural Zoning Classification, it is difficult to believe that the decision makers who adopted the current zoning ordinance contemplated a project in the Foothill/Agricultural zone of this magnitude. The conversion of more than 1,000 acres, from its historical farm and grazing use, to an industrial use, should be attempted only by means of a general plan amendment and rezoning of the property. The potential impacts and changes that would result if this project is built cannot be properly contemplated nor fully understood as a project of this type and of this size has never been developed in Colusa County. Colusa County should not permit and convert more than 1,000 acres from an agricultural use to an industrial use on the hope and expectation that unknown and undiscovered impacts will not occur. The development of this project will change the nature and use of not only the project area but also the surrounding agricultural areas. Solar projects of much smaller size should be considered in agricultural areas to determine what the long-term impacts can be before undertaking a project of more than 1,000 acres.

Response:

As stated in Chapter 4, Section 4.11.2.4 of the DEIR, the County's Zoning Code allows for energy production in areas zoned as Foothill Agriculture and Exclusive Agriculture with a Use Permit, or a Minor Use Permit if the project site is located in an Energy Production Overlay Zone. The County has determined that a Use Permit is required for the Project. Colusa County General Plan **Policy AG 2-1** states that alternative energy is permitted on agricultural land. In support of alternative energy, **Policy AG 2-5** describes that solar facilities should be encouraged.

> ***"Policy AG 2-1****: Agricultural-related industrial support operations shall be permitted on agricultural lands. Such uses may include, but are not limited to, processing, assembly, distribution and warehousing of agricultural materials and commodities and alternative energy systems that provide energy for on-site uses. These uses should be permitted on agricultural lands as principal permitted uses subjected to the standards of the Zoning Ordinance provided the following findings are made:*
>
> *a. The use provides a needed service to the surrounding agricultural area which cannot be provided more efficiently within designated industrial or commercial areas or which requires location in a non-urban area because of unusual site requirements, operational characteristics, or proximity to agricultural goods and products.*
>
> *b. The use avoids prime agricultural lands to the greatest extent feasible.*

c. If the use is sited on productive agricultural lands, less productive agricultural lands are not available in the vicinity.

d. The operational or physical characteristics of the use will not have a significant adverse impact on water resources or the use or management of surrounding agricultural properties within at least one-quarter (1/4) mile radius.

e. The use supports local agricultural productions.

f. The use is compatible with existing uses in the area.

g. The use will not adversely affect agricultural production in the area.

h. The use will not result in significant adverse traffic or air quality impacts.

***Policy AG 2-5:** Encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, biofuels, and solar or wind farms.*

*The Land Use section in the Colusa County General Plan includes **Table LU-1** which outlines the minimum parcel size, maximum dwelling density and allowed uses for each of the land use designations. Categories for the allow uses under Agricultural Upland which the project site is designated as, includes cultivated agriculture, agricultural industrial, livestock and animal keeping, agricultural commercial, agricultural-base tourism, low-intensity recreation, resource production, energy production, single family residential, and farmworker housing. Energy Production under Agriculture Upland states that solar facilities are permitted as allowed uses."*

D-2

Comment Summary:

Furthermore, approval of this project will prohibit the future expansion of prime agricultural property should future water sources be found for the property (Sites Reservoir perhaps). This conversion of agricultural property to an industrial use conflicts with the overriding policy set forth in the General Plan that favors and protects the County's agricultural heritage.

Response:

The Project site is located in the Westside Water District which supplies water for agricultural irrigation. An adequate baseline for agricultural impacts is provided in the DEIR. As described in Section 15125(a) of the CEQA Guidelines, the environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. Under the current environmental setting, the Project site does not contain irrigation infrastructure or an irrigation system connection to the Westside Water District and to assume future access to irrigation infrastructure would be highly speculative. Due to lack of irrigation water, the current use on the Project site is cattle ranching.

CEQA recognizes that the conversion of prime, unique, or farmland of statewide importance can result in a significant impact on agricultural resources (CEQA Guidelines, Appendix G). In this case, the Project site is grazing land (DEIR at 4.1-1) and is not considered prime, unique, or farmland of statewide importance (DEIR p. 4.1-5). Based on information from the United States Department of Agriculture Natural Resources Conservation Service, there are three soil types found on the Project that may be considered prime farmland when irrigated: Capay clay (approximately 23 percent of the Project site), Clear Lake Clay (approximately 6 percent of the Project site), and Corval loam (approximately 5 percent of the Project site). As stated previously, the property does not have irrigation infrastructure or an existing agreement or connection with the Westside Water District that would supply irrigation water. Therefore, the availability of irrigation water in the future is highly speculative, and conversion of the land from grazing uses to uses for renewable energy production and energy storage is not a significant adverse impact on agricultural resources due to the conversion of prime, unique, or farmland of statewide importance (DEIR p. 4.1-5).

D-3

Comment Summary:

The DEIR indicates that there will not be any significant impact from drainage in that the water will drain from the property after the project is built in the same way that is does presently. However, the DEIR fails to consider the potential for the accelerated and increased offsite drainage flows, especially those related to peak flows during a storm event. The project contemplates placing 196,000 solar panels over 738 acres of the project site. While currently there are not improvements that would prevent water from rains to permeate into the soil and pond upon the property, the 196,000 solar panels will be impermeable, and the rainwater will accelerate off of the panels and quite likely create a significant increase in downstream drainage. The criteria of the Energy Production Overlay Zone provide in Section E(g) the following: "there shall be no net increase in offsite drainage flows, including peak flows during a storm event." Our clients contend that there is a great likelihood of a significant increase in offsite drainage which must be analyzed and mitigated within the DEIR.

Response:

The 196,000 solar panels would not introduce impervious ground surfaces with the exception of those surfaces required for the battery energy storage system (BESS) foundations, the substation, the operations and maintenance building, tracking assembly piles and inverter foundations. These features would introduce a proportionately small amount of impervious surfaces to the 1,024-acre site. The Project will minimize grading by using portions of the site that are flat and will not significantly alter the existing drainage patterns. As discussed in the DEIR, the Project is not within a flood zone and would include minimal new impervious surfaces. Solar panel posts, fences, generation-tie (gen-tie) line poles, the BESS, the operations and maintenance building, and the substation would not prevent stormwater flow, and the Project's design would follow the natural drainage of the site (DEIR p. 4.10-9).

Under Section 402 of the Clean Water Act, a National Pollutant Discharge Elimination System (NPDES) General Permit would be required for the Project because it would disturb more than 1 acre of soil with the potential to discharge to the waters of the United States. The NPDES permit would regulate any stormwater discharge associated with construction, and would require the development and implementation of a Stormwater Pollution Prevention Plan that would include Best Management Practices designed to prevent sediment and other pollutants from reaching receiving waters. Additionally, the Stormwater Pollution Prevention Plan would be required to contain visual and chemical monitoring programs for non-visable pollutants (DEIR p. 4.10-3).

Section 44-2.20.20 of the Colusa County Code, states that "there shall be no net increases in off-site drainage flows, including peak flows during a storm event, and water quality measures shall be implemented to reduce stormwater pollutants." The Project would be required to be built compliant with the Colusa County Code.

D-4

Comment Summary:

The DEIR references that dust will be created as part of the construction of the Project. The dust will occur not only on the Project site itself but along unpaved portions of Spring Valley Road which will serve as the primary means of ingress and egress to the Project site. The DEIR proposed that the dust issue be mitigated by watering dust producing areas twice a day by water truck. The DEIR fails to analyze the potentially significant impact upon neighboring almond orchards. It is common knowledge within almond growing districts that the creation of dust near orchards significantly increases the infestation of mites that are detrimental to almond trees and can cause significant and long-lasting impacts to the trees and their production capabilities. The DEIR needs to fully analyze the potential for damage from dust mites and provide mitigation measures that will be more significant than watering twice a day.

Response:

Chapter 4, Section 4.2 of the DEIR analyzes air pollutant emissions associated with the Project, such as emissions from construction related activities including equipment exhaust, vehicle travel on paved and unpaved roads, and fugitive dust (PM_{10}) from soil disturbance activities. Mitigation Measure AQ-1 would be required to reduce dust emissions. Based on the Butte County Air Quality Management District recommended thresholds (on which the Colusa County Air Pollution Control District relies), the Project would result in a significant contribution to localized ambient air quality if daily emissions exceeded 80 pounds per day of PM_{10} during either construction or operation. Daily PM_{10} emissions will be well below this threshold for both construction and operation (DEIR p. 4.2-16). Detailed emissions calculations are provided in Appendix C of the DEIR.

In June 2022, the Applicant commissioned a field study (*Janus Solar Project Dust Suppressant Effectiveness Study)* to observe the degree of effectiveness of the dust suppressant that the County has historically used on an unpaved, rural road in Colusa County that was representative of Spring Valley Road and located nearby several nut orchards. The study was performed out of

concern regarding the effects of potential dust emissions during use of Spring Valley Road during construction.

A liquid magnesium chloride dust suppressant commercially known as "Dust-Off" was applied to a portion of King Road, an unpaved roadway in rural Colusa County which borders orchards. A section of the roadway was also left untreated. The dust suppressant was applied at a rate of 0.5 gallons per square yard.

A triple-axle truck, fully loaded with 79,000 pounds of equipment, was driven at various speeds on the treated and untreated portions of the unpaved roadway. The study concluded that the application of dust suppressant was extremely effective in mitigating dust generation. As shown in Appendix C of the Final EIR, the effectiveness of the mitigation was observed at all speeds at which the treated portion of the road was driven.

Due to the observed effectiveness of application of the dust suppressant, its use was recommended for as part of **Mitigation Measure AQ-1**. To address the concern raised in this comment, the following additions to Mitigation Measure AQ-1 are proposed:

> ***"AQ-1: Dust Control Measures***
>
> *During construction of the Project, the primary construction contractor shall implement the following practices:*
>
> - *All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed.*
> - *When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained.*
> - *Limit traffic speeds on unpaved roads to 15 miles per hour.*
> - *Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic.*
> - *Curtail construction activities when the County's Air Quality Index exceeds 150.*
> - *Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.*
> - *During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.*
> - *Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.*

- *The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to:*
  - *Read and understand applicable mitigation measures and have them available at the job site*
  - *Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities*
  - *Use contingency control measures when primary controls are ineffective*
  - *Monitor the worksite for compliance with the dust control mitigation measures*
  - *Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities.*
- *Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:*
  - *Date*
  - *Time*
  - *Wind speed*
  - *Temperature*
  - *Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity*
  - *Soil conditions (damp, dry, etc.)*
  - *Corrective actions taken, if needed"*

In addition to the application of the dust suppressant during the construction of the Project, in order to ensure that the minimal traffic that would be generated once the Project has been constructed and is operation, an additional **Mitigation Measure AQ-3** has been recommended that the application be required to apply the dust suppressant once a year in for the life of the Project.

> *"**AQ-3: Long-Term Dust Control***
>
> *Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director."*

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the

economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

> ***"PS-1: Public Services Mitigation Fee***
>
> *Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:*
>
> - *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
> - *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
>   - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
>   - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
> - *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

D-5

Comment Summary:

The DEIR recognizes that there will be numerous transmission poles located in the county road right of way from the project site down Spring Valley Road and then along Walnut Drive to the PG&E substation. The DEIR further advises that these transmission poles will be as high as 80 feet. That results in the poles and transmission cables being some 20 to 40 feet higher than the existing power poles along Spring Valley Road and Walnut Drive. This increase in the number of poles and the height of the poles could have a significant impact upon agricultural aerial applications servicing the orchard and open ground in the area. Poles and wires are a significant hazard to both fixed wing aircraft and helicopters used in agricultural application. Increasing the height of the poles and wires to 80 feet will result in a greater safety hazard for the applicators and may result in aerial application not being feasible in close proximity to the poles and wires.

Alternatives to the proposed transmission lines, such as underground lines, should be considered.

Response:

Some of the existing transmission lines in the vicinity of the Project exceed 80 feet in height, such that the Project would not introduce pole heights taller than those that exist in the area. Additionally, the gen-tie line for the Project would be built entirely within the public right-of-way and would not intersect private property. As discussed in Chapter 2, Project Description of the DEIR, the new 4.1-mile-long overhead, 60 kilovolt gen-tie line would be partially located on the County's right-of-way on Walnut Drive and Spring Valley Road and partially on land administered by the United States Bureau of Reclamation, from the Project site to the point of interconnection at the Cortina Substation (DEIR p. 2-1).

To further address this comment, additional visual simulations were prepared, including a simulation of the gen-tie line at Spring Valley Road and Beauchamp/Walnut Drive. This KOP is KOP 2, approximately 1.3 miles north of the Project site, as shown in Appendix D of the Final EIR. KOP 2, Orientation 2 depicts views oriented south toward the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with gently rolling terrain to steep terrain in the background. Existing structural features include Spring Valley Road, fencing, a utility line in the foreground, and transmission lines in the middleground. Vegetation includes trees. Dominant colors for the landscape are green while the structures are gray and brown. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Beauchamp/Walnut Drive and Spring Valley Road. Considering the short duration of viewing, viewers would have a low viewer sensitivity to the visual changes in the area.

Most of the Project solar facility components, such as the solar photovoltaic (PV) generating components, substation, and BESS, would not be visible from KOP 2, Orientation 2 because of the screening of the Project site by rolling terrain, see Appendix D of the Final EIR. The Project gen-tie line would introduce brown and gray colors and regular vertical and horizontal lines into the landscape setting; and would be visible from this location as a portion of the gen-tie line would extend from the northeast corner of the Project site within the County's right-of-way on Spring Valley Road.

A second visual simulation was prepared looking west on Walnut Drive, just west of the Cortina Substation. KOP 6 depicts views oriented west toward Spring Valley Road, approximately 1.9 miles west. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with flat terrain to steep terrain in the background. Existing structural features include Walnut Drive, transmission and utility lines, and agricultural equipment. Vegetation includes trees. Dominant colors for the landscape are green, brown, and tan while the structures are gray, brown, and white. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers

traveling west along Beauchamp Drive. Considering the short duration of viewing, viewers would have a low viewer sensitivity to the visual changes in the area.

Most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location because of the screening of the Project site by vegetation, see Appendix D of the Final EIR. The Project gen-tie line would introduce brown and gray colors and regular vertical and horizontal lines into the landscape setting; and would be visible from this location as a portion of the gen-tie line would extend along Walnut Drive from Spring Valley Road to the Cortina Substation.

The colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line will appear very similar to the structures visible from this location, that also possess brown and gray colors and horizontal and vertical lines (utility and transmission lines). This viewpoint reflects the views of drivers traveling west along Walnut Drive and would be short term because travelers would only be paralleling the Project gen-tie line for a limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from Viewpoint 2B, the visual impacts are considered minor and less than significant.

A third visual simulation was prepared for KOP 7, further south on Spring Valley Road, as shown in Appendix D of the Final EIR. KOP 7 is located on Spring Valley Road, approximately 0.25 miles north of the Project site. KOP 7 depicts views oriented northeast away from the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with gently rolling terrain to hilly terrain in the foreground/middleground and steeper terrain associated with the foothills of the Coast Ranges in the background. Existing structural features include Spring Valley Road, fencing, a utility line in the foreground, and transmission lines in the middleground. Vegetation includes grasses and trees. Dominant colors for the landscape are tan and green while the structures are gray and brown. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Spring Valley Road. As the orientation of KOP 7 is directed away from the Project site, most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location, see Appendix D of the Final EIR.

For both KOP 2 and KOP 7, the colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line would appear very similar to the structures visible from this location that also possess brown and gray colors and horizontal and vertical lines (fencing, utility line, transmission lines). These impacts would be short-term for travelers because they would only be approaching or paralleling the Project gen-tie line for a

limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie line would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie line would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from KOP 2 and KOP 7, the visual impacts are considered minor and less than significant. Regarding aerial agricultural pesticide applications, based on information obtained from the Colusa County Agricultural Commissioner's office[2], there are nine growers with a total of 15 permitted sites adjacent to the proposed gen-tie line. These sites include orchards and field crops. Based on data available for the last three years, there were 27 aerial pesticide applications in 2019, five aerial pesticide applications in 2020, and one aerial pesticide application in 2021. The pole heights proposed as part of the Project are similar to existing obstacles for aerial applicators.

D-6

Comment Summary:

As property owners and residents of the area in question, our clients are very familiar with the local roads and have concerns with regard to the impacts this project would have on the local roads. With Spring Valley Road being unimproved it may not be adequate in its current condition to accommodate the traffic flows during construction, nor for emergency vehicle access to the project site both during construction and afterwards. As mentioned, Spring Valley Road is in large part unpaved and does not have adequate or appropriate drainage facilities. As a result, in times of rain events, the road becomes either unpassable or dangerous to travel upon. While Spring Valley Road presents transportation impacts the additional surrounding roadways will also be impacted. The DEIR acknowledges that Walnut Drive and East Camp Road will also be major routes to access the project site. While traffic will be greatly increased, particularly during construction, safety concerns must be addressed at both the intersection of Highway 20 and East Camp Road where there are no turn lanes as well as at the intersection of Highway 20 and Walnut Drive where again there are no turn lanes. The DEIR is silent with regard to traffic safety concerns.

Response:

The DEIR analyzed the potential impacts of additional construction and operation trips on local roads in Chapter 4, Section 4.17. The estimated total number of vehicles during the peak hours would be 230, based on land use, road connectivity, and the nearest location where traffic counts were available. A conservative range of 230 to 310 vehicles was used for analysis in the DEIR. The estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The Level of Service calculation for Walnut Drive and Spring Valley Road is provided as part of Appendix J of the DEIR and yields a Level of Service A during peak construction (DEIR p. 4.17-6).

[2] Data request response from the Colusa County Agricultural Commissioner's office. January 7, 2022.

The Transportation Injury Mapping System[3] data was reviewed for the years 2015 through 2020 (the last year which data was available). During those 5 years, 7 accidents were reported within 2 miles of the Project site, which includes: 2 accidents where driver or passenger had a complaint of pain, 3 minor injuries, 1 serious injury accident, and 1 fatality. Construction traffic will approach the Project site from Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. Three of the accidents recorded between 2015 and 2020 occurred at the intersection of Highway 20 and East Camp Road, including one minor injury accident in 2019, two minor accidents with complaints of pain in 2015 and 2016. The line of sight on Highway 20 at East Camp Road is approximately 1 mile in length, and the Project traffic is not anticipated to contribute to a greater accident rate.

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties. As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months.

Application of dust suppressant would include pre-Project road conditioning that would grade and level the road prior to its application. In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> *"**TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction acitivies beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.*

[3] Transportation Injury Management System. TIMS - Transportation Injury Mapping System (berkeley.edu). Accessed on January 9, 2023.

The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."

D-7

Comment Summary:

Furthermore, the number of truck trips is vastly understated. The DEIR references that during construction there will be a need of 15,000,000 gallons of water that would be trucked to the site. Projecting that a water truck can carry 4,000 gallons per load, that equates to 7,500 truck trips during construction. The most likely route for the water trucks would be Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. That the number of trucks making turns on the State Highway and County Roads without turn lanes creates significant safety issues. The actual number of truck trips will also impact the need for additional road maintenance.

Response:

Use of 4,000-gallon capacity water delivery trucks would result in 3,750 round trips or 7,500 one way trips to deliver 15,000,000 gallons of water during construction. The vendor and hauling trips described in Table 4.2-5 Construction Scenario Assumptions, account for these truck trips. Water use for dust control would be significantly reduced due to the use of additional dust suppressant control measures; however, the maximum, reasonable number of trips is included for a conservative analysis.

As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months. **Table 4.2-4** of the DEIR describes five main phases of construction, which include preparation, excavation, utilities/sub-grade, construction, and paving. The shortest phase would be 9 days for preparation and the longest phase would consist of 233 days for construction. During peak construction it is estimated that approximately 200 workers would be commuting to the Project site as seen in **Table 4.17-1** of the DEIR, with 25 percent participating in carpools.

The Transportation Injury Mapping System[4] data was reviewed for the years 2015 through 2020 (the last year which data was available). During those 5 years, 7 accidents were reported within 2 miles of the Project site, which includes: 2 accidents where driver or passenger had a complaint of pain, 3 minor injuries, 1 serious injury accident, and 1 fatality. Construction traffic will approach the Project site from Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. Three of the accidents recorded between 2015 and 2020 occurred at the intersection of Highway 20 and East Camp Road, including one minor injury accident in 2019, two minor accidents with complaints of pain in 2015 and 2016. The line of sight on Highway 20 at East Camp Road is approximately 1 mile in length, and the Project traffic is not anticipated to contribute to a greater accident rate.

[4] Transportation Injury Management System. TIMS - Transportation Injury Mapping System (berkeley.edu). Accessed on January 9, 2023.

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties. As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months. Per **Mitigation Measure AQ-1**, a flagger would be located on Spring Valley Road during peak truck trip periods to manage traffic.

In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> *"**TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction acitivies beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.*
>
> *The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."*

D-8

Comment Summary:

The DEIR references that the project will include a battery energy storage system. Batteries are known to have hazardous waste and toxic materials associated with them and have the ability to leak, burn and/or explode. The DEIR fails to adequately analyze what threats the battery energy storage system as proposed will create for both humans, wildlife, and the environment. The DEIR further fails to adequately discuss whether local emergency personnel are capable of responding to an accident at the project site and if not, what training will be necessary.

Response:

As discussed in Chapter 4, Section 4.9, Hazards and Hazardous Materials of the DEIR, Section 608 of the International Fire Code has been adopted by the state of California to minimize risk of fire from stationary battery storage systems and to contain fire in the event of such an incident. Compliance with Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries, reduces potential fire risk. Colusa County has adopted the California Fire Code in its Municipal Code as part of its building and construction regulations (Title 15, Chapter 15.10).

As discussed in the DEIR, all battery components for the BESS would be installed on concrete pads and contained within an enclosure to minimize the potential for sparks or ignition. All such enclosures would be equipped with a fire suppression system. Therefore, the proposed Project is not expected to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (DEIR p. 4.9-17).

Wildfire impacts are discussed in Chapter 4, Section 4.20 of the DEIR. The risk of wildfire due to operation of the BESS component of the Project was analyzed and determined to be a less than significant impact because each BESS used on-site would be designed, operated, and ultimately disposed of in compliance with all applicable requirements including the California Fire Code, Section 608 of the International Fire Code and Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries to further reduce potential fire risk. Additionally, the BESS would include fire protection systems (DEIR p. 4.20-9).

The Project would include four federally required fire safety elements set forth by the National Fire Protection Association (NFPA):

1. There would be separation requirements which would include larger spacing than required.
2. Software limits and alarms would be installed in state-of-the-art operating systems based on regulations, operational experience, and supplier recommendations.
3. Thermal runaway protection would be tested in accordance with UL9540a.
4. Explosion control for the BESS would include mechanical deflagration prevention ventilation per NFPA 69.

The following fire prevention design measures are included in the Project:

- Fire breaks around the Project site boundary.
- Vegetation and agricultural products located on and around the Project site would be managed.
- Perimeter roads would be 18 feet wide and interior roads would be 9 feet wide to allow access by emergency vehicles.

- An Emergency Response Plan would be prepared in consultation with the Fire Department and BESS supplier, and local emergency response staff would be trained and oriented at the Project site.
- Infrared cameras would be used to monitor the temperature of enclosed areas.
- Smoke and fire protection where smoke detectors would be provided.
- Gas detection where gas detectors would be provided.
- Fire control and suppression where the BESS would have open sprinkler heads inside the cabinet enclosures with fire department connections outside the fenced area to ensure firefighter safety.

Additionally, over the last year, the Applicant, Chief Gilbert of the Williams Fire Protection Authority (WFPA), and WFPA's consultant have worked together to develop the following **Mitigation Measure FIRE-1, to be included** in Chapter 4, Section 4.20 Wildfire in the EIR:

"***FIRE-1: Wildfire Protection Measures***

- *Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary.*
- *Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief:*
    - *On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.*
    - *Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval.*

- *The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements.*

- *Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.*
- *As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief."*

D-9

Comment Summary:

It does not appear that the project will provide any significant revenue source to either the County of Colusa or to the City of Williams. However, it goes without saying that the project will have impacts to county or city roadways, fire and emergency responders, drainage improvements, law enforcement among others. There is no analysis as to the economic benefits that would come to the County of Colusa or the City of Williams, nor is there any analysis of the economic costs to the County of Colusa or the City of Williams. The citizens of Colusa County and the decision makers should be fully advised of impacts upon public agencies and particularly the fiscal impacts that will result from this project.

Response:

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

> " ***PS-1: Public Services Mitigation Fee***
>
> *Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:*
>
> - *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
> - *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
>   - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
>   - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
> - *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

D-10

Comment Summary:

As the owners of adjacent and neighboring agricultural property, our clients have concerns over what impact a project of this size and nature will have upon their farming operations and the value of their agricultural realty. The DEIR does not address what impacts a 1,000-acre industrial utility complex will have upon current and future neighboring agricultural properties and the extensive cattle and sheep grazing that occur in the area. The potential impacts include changes to the vistas, potential acceleration of drain waters, roadway impacts, hazardous material exposure, altering the safety and availability of aerial agricultural applications and potential

impacts to local wildlife. The DEIR should address and adequately review what these cumulative impacts will have upon nearby property owners, their workers and their property.

Response:

In the DEIR, impacts to agricultural resources are addressed in Chapter 4, Section 4.1, impacts to visual resources are addressed in Chapter 4, Section 4.3, impacts to hydrology and water quality resources are discussed in Chapter 4, Section 4.10, impacts to transportation are included in Chapter 4, Section 4.17, hazards and hazardous materials impacts are discussed in Chapter 4, Section 4.9, and impacts to biological resources are addressed in Chapter 4, Section 4.4. Cumulative impacts to each of these resources are discussed in their respective sections.

Given the prevalence of existing transmission lines in the vicinity of the Project which exceed 80 feet in height, the gen-tie line for the Project would not introduce a new element to the area with which aerial applicators are not currently encountering. Additionally, the gen-tie line for the Project would be built entirely within the public right-of-way and would not intersect private property. As discussed in Chapter 2, Project Description of the DEIR, the new 4.1-mile-long overhead, 60 kilovolt gen-tie line would be partially located on the County's right-of-way on Walnut Drive and Spring Valley Road and partially on land administered by the United States Bureau of Reclamation, from the Project site to the point of interconnection at the Cortina Substation (DEIR p. 2-1).

As mentioned in comment D-4, a dust suppressant study was conducted to measure the amount of dust picked up by vehicles during construction using a dust suppressant such as "Dust-Off." Mitigation Measure AQ-1 would reduce the potential impacts dust may have on the surrounding environment.

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

> "***PS-1: Public Services Mitigation Fee***
>
> *Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:*
>
> - *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*

- *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
  - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

D-11

Comment Summary:

Could the creation of a 1,000 acre industrial utility complex lead to additional expansion of this type of use in the area? If so, the DEIR should review what the potential cumulative and future impacts could be to agricultural properties similarly situated within the County of Colusa. Cumulative impacts could be in conflict with Colusa County's General Plan that seeks to preserve and expand the County's agricultural heritage.

Response:

The Land Evaluation and Site Assessment (LESA; Appendix B to the DEIR) addresses potential impacts on agricultural production on the Project site and a Zone of Influence. This study and the Agricultural Resources section of the DEIR (Chapter 4, Section 4.1) provide analysis that demonstrates the Project would have a less than significant impact on agricultural resources on the Project site and in adjacent areas.

The Colusa County General Plan includes the following policies related to agricultural land and energy development:

Policy AG 1-2: *Lands designated for agricultural use shall remain designated for agriculture and not be rezoned or redesignated to an urban use unless all of the following criteria are met:*

a. The lot(s) for which conversions is requested is adjacent to agriculture or agricultural support uses (e.g., receiving plants, hulling plants, warehousing, trucking, distribution, and other related activities)

b. Conversion will not be detrimental to existing agricultural operations

c. The conversion land is within 500 feet of existing urban infrastructure (e.g., water supply lines and sewer lines) and conversion will constitute a logical contiguous extension of designated urban area

d. *The lot(s) proposed for conversion include a buffer at the agricultural/urban transition zone to protect future users of conservation lands from nuisances associated with typical agricultural practices*

e. *No feasible alternative location (e.g., non-agricultural lands or less productive agricultural lands) exists.*

f. *The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding*

Policy AG 2-5: *Encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, biofuels, and solar or wind farms.*

Policy LU 2-11*: Develop accommodations for the development of large-scale commercial energy production, such as solar, on agricultural parcels. Such parcels shall require the following:*

- *A Use Permit.*
- *An Energy Production (EP) Overlay Zone.*
- *Detailed and rigorous site planning and development.*

Such projects shall only be located on agricultural parcels with marginal or poor farmland. Prime farmlands are not appropriate for this type of development.

The Community Development Department was informally approached in October 2022 by a developer interested in potentially developing a parcel in the County south of the project site, or more preferably near the Cortina Substation as a battery energy storage project. This undefined, potentially future project is known as the Beauchamp Project. The technology, footprint, and specific location are undefined and thus unknown at this time, but are anticipated to include battery storage within 1 mile of the Cortina Substation. The Community Development Department had not received a Use Permit application for the Beauchamp Project at the time of the publication of the Notice of Preparation or at the time of publication of the Draft EIR and still has not received a Use Permit application to date, as the project applicant is still defining the project site, which is anticipated to be less than 25-acres and limited to approximately 30 battery storage units. Project proponents have stated that any such project would feature screening and appropriate setbacks to minimize any change in the visual character of the area. Environmental impacts would be analyzed as part of the application process, should the currently undefined project be proposed through a Use Permit application.

The Community Development Department is interested in maintaining the agricultural character of the area and intends to site future, potential projects to avoid cumulative impacts to agriculture in the area. Given that the scope of the Beauchamp Project is unknown at this time, it would be speculative for the County to attempt to analyze its cumulative impacts, such that it is not considered a probable, future project and it is not included in the cumulative projects evaluated in the EIR.

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the

economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

"***PS-1: Public Services Mitigation Fee***

Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
  - *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
  - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

E VANN BROS, VANN FAMILY ORCHARDS

E-1

Comment Summary:

We have had our fill of power lines and disruptions in our agricultural operations related to power lines going through many of our properties. We have already had our easement agreements broken by PG&E and Western Power. Our original agreements allowed us to farm under the power lines. Then the lawyers got ahold of it and found loopholes to make us quit farming, below the transmission wires. We will vigorously resist any attempt to build this facility.

Response:

Thank you for providing context for your previous experience with transmission lines. Existing transmission lines in the vicinity of the Project exceed 80 feet in height, such that the Project would not introduce pole heights taller than those that exist in the area.

The gen-tie line for the Project would be built entirely within public right-of-way. As discussed in Chapter 2, Project Description of the DEIR, the new 4.1-mile-long overhead, 60 kilovolt gen-tie line would be partially located on the County's right-of-way on Walnut Drive and Spring Valley Road and partially on land administered by the United States Bureau of Reclamation, from the Project site to the point of interconnection at the Cortina Substation (DEIR p. 2-1).

Most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location because of the Project site screening by vegetation (Appendix D of the Final EIR). The Project gen-tie line would introduce brown and gray colors and regular vertical and horizontal lines into the landscape setting; and would be visible from this location as a portion of the gen-tie line would extend along Walnut Drive from Spring Valley Road to the Cortina Substation.

The colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line will appear very similar to the structures visible from this location, that also possess brown and gray colors and horizontal and vertical lines (utility and transmission lines). This viewpoint reflects the views of drivers traveling west along Walnut Drive. These impacts would be short term for travelers because they would only be paralleling the Project gen-tie line for a limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie line would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie line would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from Viewpoint 2B, the visual impacts are considered minor and less than significant.

A third visual simulation was prepared for KOP 7, further south on Spring Valley Road, as shown in Appendix D of the Final EIR. KOP 7 is located on Spring Valley Road, approximately 0.25 miles

north of the Project site. KOP 7 depicts views oriented northeast away from the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with gently rolling terrain to hilly terrain in the foreground/middleground and steeper terrain associated with the foothills of the Coast Ranges in the background. Existing structural features include Spring Valley Road, fencing, a utility line in the foreground, and transmission lines in the middleground. Vegetation includes grasses and trees. Dominant colors for the landscape are tan and green while the structures are gray and brown. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Spring Valley Road. As the orientation of KOP 7 is directed away from the Project site, most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location, see Appendix D of the Final EIR.

For both KOP 2 and KOP 7, the colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line would appear very similar to the structures visible from this location, that also possess brown and gray colors and horizontal and vertical lines (fencing, utility line, transmission lines). These impacts would be short-term for travelers because they would only be approaching or paralleling the Project gen-tie line for a limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie line would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie line would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from KOP 2 and KOP 7, the visual impacts are considered minor and less than significant.

F ELIZABETH KATSARIS

F-1

Comment Summary:

Keeping in mind the threat to public health and safety in the event of a fire, will firefighting equipment for the Fire Department be kept on site? If so what type?

Response:

As discussed in Chapter 4, Section 4.9, Hazards and Hazardous Materials of the DEIR, Section 608 of the International Fire Code has been adopted by the state of California to minimize risk of fire from stationary battery storage systems and to contain fire in the event of such an incident. Compliance with Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries, reduces potential fire risk. Colusa County has adopted the California Fire Code in its Municipal Code as part of its building and construction regulations (Title 15, Chapter 15.10).

As discussed in the DEIR, all battery components for the BESS would be installed on concrete pads and contained within an enclosure to minimize the potential for sparks or ignition. All such enclosures would be equipped with a fire suppression system. Therefore, the proposed Project is not expected to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving fires (DEIR p. 4.9-17).

Training sessions with the local fire department will be conducted at the facility so that local firefighting personnel can become familiar with the facility equipment and appropriate emergency procedures.

The Project would include four federally required fire safety elements set forth by the NFPA:

1. There would be separation requirements which would include larger spacing than required.
2. Software limits and alarms would be installed in state-of-the-art operating systems based on regulations, operational experience, and supplier recommendations.
3. Thermal runaway protection would be tested in accordance with UL9540a.
4. Explosion control for the BESS would include mechanical deflagration prevention ventilation per NFPA 69.

The following fire prevention design measures are included in the Project:

- Fire breaks around the Project site boundary.
- Vegetation and agricultural products located on and around the Project site would be managed.

- Perimeter roads would be 18 feet wide and interior roads would be 9 feet wide to allow access by emergency vehicles.
- An Emergency Response Plan would be prepared in consultation with the Fire Department and BESS supplier, and local emergency response staff would be trained and oriented at the Project site.
- Infrared cameras would be used to monitor the temperature of enclosed areas.
- Smoke and fire protection where smoke detectors would be provided.
- Gas detection where gas detectors would be provided.
- Fire control and suppression where the BESS would have open sprinkler heads inside the cabinet enclosures with fire department connections outside the fenced area to ensure firefighter safety.

Additionally, over the last year, the Applicant, Chief Gilbert of the Williams Fire Protection Authority (WFPA), and WFPA's consultant have worked together to develop the following **Mitigation Measure FIRE-1, to be included** in Chapter 4, Section 4.20 Wildfire in the EIR:

"***FIRE-1: Wildfire Protection Measures***

- *Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary.*
- *Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief:*
    - *On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.*
    - *Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling*

software. The computational fluid dynamic modeling shall be submitted for review and approval.

- *The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements.*

- *Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.*
- *As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief."*

F-2

Comment Summary:

Are there any alternative projects with a bigger or smaller scope?

Response:

As discussed in Chapters 3 and 5 of the DEIR, four alternatives to the Project were analyzed, including the No Project Alternative, the Distributed Solar Alternative, the Reduced Acreage Alternative, and the Northeast Site Alternative.

No Project Alternative

In the No Project alternative, the Project site would continue to be used for agricultural grazing and the existing environmental setting would be maintained. Changes to the setting, including changes to the landscape (visual resources, habitat, and land use/agriculture); Project related impacts such as construction noise, traffic, and air emissions would not occur; and potential ground disturbance impacts to cultural and tribal resources, wildlife habitat would not occur. Additionally, the environmental benefits of renewable energy generation would not be realized from solar development of the site.

Distributed Solar Alternative

The Distributed Solar Alternative would develop solar PV systems on the existing rooftops throughout Colusa County, which would increase energy efficiency and renewable energy availability. Under this alternative, solar PV panels would be mounted on existing rooftops, such that no new land would be disturbed. It is anticipated that a similar amount of rooftop acreage (approximately 768 acres) would be required for the Project's 80 megawatts (MW) of solar generating capacity. Similar to the proposed Project, the Distributed Solar Alternative would be designed to operate year-round using solar PV technology to convert solar energy into direct current electricity. The energy generated could be used for on-site uses with the potential to be shared using a community solar arrangement that allows multiple users to share power from a single local source. No new construction of transmission facilities or electrical substations would be required for the power generated by distributed solar PV systems.

Reduced Acreage Alternative

Compared to the Project, the Reduced Acreage Alternative would reduce the Project's impacts to biological resources, cultural resources, and noise. Though none of these Project impacts are significant after mitigation, the Reduced Acreage Alternative, by reducing the acres of land disturbed and the proximity of noise-emitting facilities to offsite receptors, would reduce the potential for biological, cultural, and noise impacts compared to the Project. The Reduced Acreage Alternative also entails less surface disturbance, less construction dust, reduced construction and decommissioning emissions, and reduced demand for water. The Reduced Acreage Alternative would not meet the Project Objectives to generate 80 MW of electricity at the point of interconnection (POI) in a cost-effective manner. It would only generate up to 50 MW of electricity and would not be economically viable to develop or be commercially financeable due to its reduced capacity, and it would generate less economic benefits to the County.

The Northeast Site Alternative

The Northeast Site Alternative site size is approximately 107 acres smaller than the Project site; however, it is anticipated that the same amount of acreage would be used for solar and ancillary facilities as the Project (768 acres) in order to maximize the capacity to generate electricity. Due to the anticipated set-aside areas for giant garter snake (*Thamnophis gigas*) along the existing agricultural canals, solar arrays would be required to be distributed throughout the site rather than concentrated in a single area. The scattered distribution of solar arrays would result in less efficient production of electricity and a significant decrease in capacity compared to the Project's

80 MW. Compared to the Project, the Northeast Site Alternative is anticipated to have increased impacts to agricultural and biological resources, due to its occurrence on prime farmland, and because it includes habitat for the federally and state threatened giant garter snake.

Section 2.5 (Cumulative Projects) of the Draft EIR discusses other notable projects in the County, including one solar and 3 non-solar projects. In addition, the Community Development Department was informally approached in October 2022 by a developer interested in potentially developing a parcel in the County south of the project site, or more preferably near the Cortina Substation as a battery energy storage project. This undefined, potentially future project is known as the Beauchamp Project. The technology, footprint, and specific location are undefined and thus unknown at this time, but are anticipated to include battery storage within 1 mile of the Cortina Substation. The Community Development Department had not received a Use Permit application for the Beauchamp Project at the time of the publication of the Notice of Preparation or at the time of publication of the Draft EIR and still has not received a Use Permit application to date, as the project applicant is still defining the project site, which is anticipated to be less than 25-acres and limited to approximately 30 battery storage units. Project proponents have stated that any such project would feature screening and appropriate setbacks to minimize any change in the visual character of the area._Environmental impacts would be analyzed as part of any application process, should the currently undefined project be proposed through a Use Permit application.

F-3

Comment Summary:

Is anything about this project going to change?

Response:

The Project is described in Chapter 2, Project Description of the DEIR. According to Section 15064 of the CEQA Guidelines, a new CEQA document would be required if substantial changes are proposed to the Project that would require major revisions to the DEIR. Substantial changes might occur if there were new significant environmental impacts or a substantial increase in the severity of previously identified environmental impacts. Any new CEQA document required due to substantial changes to the Project would be circulated for public review.

The changes described to the DEIR to address public and agency comments and minor errata, including the additions to **Mitigation Measure AQ-1** and the addition of **Mitigation Measures AQ-3, PS-1, TRANS-1, and PS-1**, are not considered substantial changes. The changes do not result in new significant impacts or a substantial increase in the severity of previously identified environmental impacts, but are intended to further address less than significant impacts and correct minor editorial issues in the DEIR.

F-4

Comment Summary:

What is the maximum amount of acreage the project could entail?

Response:

The Project size is described in Chapter 2 of the DEIR. The Project site is 1,024 acres, of which only an estimated 768 acres would be used for the Project. As discussed in Chapter 3, Alternatives, the Applicant used a number of criteria to efficiently site the Project (DEIR p. 3-3). These criteria included the following:

- Sufficient incoming solar radiation.
- Flat terrain (less than 15 percent slope across the majority of the site).
- Minimal environmental constraints, such as significant wetlands, protected species habitat.
- Site devoid of "permanent" structures, including orchard trees.
- Enough acreage for desired project size.
- Contiguous acreage.
- Capacity of point of interconnection.
- Distance to point of interconnection.

G SID LAGRANDE

G-1

Comment Summary:

The proposed solar project on spring valley road is on the western edge of the pacific flyway. My concern is the migrating ducks and geese will see this reflection and thinking it is water will try to land on the panels, injuring or killing themselves.

Response:

The potential risks to migrating birds is discussed in Chapter 4, Section 4.4, Biological Resources of the DEIR. Although data from PV solar array-type facilities indicate instances of avian mortality resulting from collisions, the best available scientific information to date does not indicate a significant risk of substantial avian mortality occurring at facilities such as the Project. Current research on the topic indicates that though avian species, and specifically aquatic habitat avian species, may perceive PV solar facilities as waterbodies, it remains unclear the proportion of species that might actually land or attempt landing.[5] Risk of mortality to aquatic birds from nearby, local waterfowl hunting resulted in 30,555 waterfowl kills during the 2020-2021 season, which is much higher than that posed by PV solar facilities.[6, 7] The DEIR concludes that the Project operations and maintenance would have no substantial adverse effects on special-status migratory birds, and the impact would be less than significant with mitigation incorporated (DEIR p. 4.4-28 and 4.4-29).

G-2

Comment Summary:

Also, this project will not be beneficial to the county local landowners but to serve only one landowner.

Response:

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

[5] Kosciuch, K.; Riser-Espinoza, D.; Moqtaderi, C.; Erickson,W. Aquatic Habitat Bird Occurrences at Photovoltaic Solar Energy Development in Southern California, USA. Diversity 2021, 13, 524. https://doi.org/10.3390/d13110524.

[6] Colusa National Wildlife Refuge. Free Roam Hunt Results Season 2020-2021.

[7] Sacramento National Wildlife Refuge Complex. Hunt Results Season 2020-2021.

"***PS-1: Public Services Mitigation Fee***

Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
- *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
    - *The PSMF fee may be pro-rata should the solar and/or battery components become operationalin phases throughout the year and/or for being operational for a portion of the year.*
- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

H CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

H-1

Comment Summary:

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 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_2018_05.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.

Response:

Applicable water quality plans and regulations are discussed in Chapter 4, Section 4.10 of the DEIR.

H-2

Comment Summary:

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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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 (L1D)/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/centralva lley/water issues/storm water/ind ustrial ge neral 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. 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:

http://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: http://waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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/

Response:

Applicable water quality plans and regulations are discussed in Chapter 4, Sections 4.4 and 4.10 of the DEIR.

I CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF LAND RESOURCE PROTECTION

I-1

Comment Summary:

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

Response:

CEQA recognizes that the conversion of prime, unique, or farmland of statewide importance can result in a significant impact on agricultural resources (CEQA Guidelines, Appendix G). In this case, the Project site is grazing land (DEIR p. 4.1-1) and is not considered prime, unique or farmland of statewide importance (DEIR p. 4.1-5). As such, and as recognized by the DEIR, conversion of the land from grazing uses to uses for renewable energy production and energy storage is not a significant adverse impact on agricultural resources (DEIR p. 4.1-5). This conclusion is buttressed by a LESA – a tool recommended be used by lead agencies in Appendix G of the CEQA Guidelines to determine the significance of the conversion. In this case, the project specific LESA prepared for this Project concludes that "the Project will not result in a significant loss of farmland and will not have a significant impact on agricultural land use." (Appendix B to DEIR, LESA Analysis at p. 1).

The County disagrees that mitigation is required in this instance because there is no evidence that the Project would result in a significant impact due to conversion of unirrigated, grazing land to a renewable energy use.

I-2

Comment Summary:

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conversation easements, among other measures, as potential mitigation (See Cal. Code Regs., tit. 14 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The

conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

Response:

The Department of Conservation letter asserts that the Project will have a significant impact on California's agricultural land resources because it involves "the conversion of agricultural land" and therefore the County should require mitigation in the form of purchase of conservation easements or payment of mitigation fees.

The County disagrees that mitigation is required in this instance because there is no evidence that the Project would result in a significant impact on agricultural resources.

Mitigation is required to address a project's "significant adverse impacts." (CEQA Guidelines Section 15126.4). As recognized in the DEIR, where a project does not result in significant adverse impacts, mitigation is not warranted. The executive summary of the DEIR summarizes the conclusions of the analysis of impacts to agricultural resources and concludes that the conversion of grazing land is not significant and that "no mitigation [is] required."

The assertion that the Project has a significant impact on agricultural resources and requires mitigation is not supported by the information and analysis provided in the DEIR. The DEIR properly concludes that the Project's impacts on agricultural resources is not significant. As such, no mitigation is required.

I-3

Comment Summary:

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

https://www.calandtrusts.org/resources/conserving-californias-harvest/

Response:

Thank you. Comment noted.

I-4

Comment Summary:

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the

holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

Response:

The case cited by the Department of Conservation–Kings and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal. App. 5 814 ("KG Farms") is not applicable to this Project. This case addressed the potential conversion of thousands of acres of prime, unique, and farmland of statewide importance due to oil and gas exploration activities over a 20-year time period. The EIR in that instance concluded that this conversion would be considered "significant." Here, in contrast, the conversion of grazing land is not considered significant. Therefore, the court's discussion of the adequacy of mitigation offered in the Kern County oil and gas EIR is not relevant to the Project.

3 MINOR REVISIONS TO THE DRAFT EIR

3.1 INTRODUCTION

This section includes minor edits to the Draft EIR. These modifications resulted from minor clarifications and staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

3.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR

Table ES-1 is revised on pages ES-4, ES-5, ES-17, ES-18, and ES-19 as follows:

Potential Impacts	Level of Significance	Mitigation Measure
IMPACT 4.2-2: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less than Significant Impact	**AQ-1: Dust Control Measures** During construction of the Project, the primary construction contractor shall implement the following practices ~~during all construction related activities~~: • All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed. • When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained. • Limit traffic speeds on unpaved roads to 15 miles per hour • Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduc dust associated with truck traffic. • Curtail construction activities when the County's Air Quality Index exceeds 150. • Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period. • During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The

Potential Impacts	Level of Significance	Mitigation Measure
		traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below. • Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles. • The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to: • Read and understand applicable mitigation measures and have them available at the job site • Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities • Use contingency control measures when primary controls are ineffective • Monitor the worksite for compliance with the dust control mitigation measures • Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities. • Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information: • Date • Time • Wind speed • Temperature • Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity • Soil conditions (damp, dry, etc.) • Corrective actions taken, if needed **AQ-3: Long Term Dust Control** Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director.

Potential Impacts	Level of Significance	Mitigation Measure
PUBLIC SERVICES		
IMPACT 4.15-1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: i) Fire protection? ii) Police protection? iii) Schools? iv) Parks? Other public facilities?	No Impact	~~No mitigation required.~~ **PS-1: Public Services Mitigation Fee** Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval: • A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa. • The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project. ○ The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied. ○ The PSMF fee may be pro-rata should the solar and/or battery components be put into operation in phases and/or operational for a portion of the year. • The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District.
TRANSPORTATION		
IMPACT 4.17-1: Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less Than Significant Impact	~~No mitigation required.~~ **TRANS-1: Road Inspection and Repairs** Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works

Potential Impacts	Level of Significance	Mitigation Measure
		staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director. Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director. The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after project decommissioning to address any road damage as a result of decommissioning construction traffic.
IMPACT 4.20-2: Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildlife?	Less Than Significant Impact	**FIRE-1: Wildfire Protection Measures** • Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary. • Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief: o On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections

Potential Impacts	Level of Significance	Mitigation Measure
		compatible with responding fire apparatus. The source and supply for the water shall be clearly identified. ○ Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval. • The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements. Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis. • As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief.

Chapter 2 Project Description

Page 2-11

2.4.1.1.3.6 Access and Circulation

Access to the Project area would be via a main entrance on Spring Valley Road and/or a secondary access along private right-of-way also connecting to Spring Valley Road. An access gate would be provided at the site entry. 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 substation. The perimeter roads would be a minimum of 18 feet wide and interior roads would be a minimum of 9 feet wide and would be sufficient for Colusa County and California Department of Forest and Fire Protection (CAL FIRE) access.

Page 2-13

2.4.1.4 Cortina Substation Improvements

To accommodate the Project, PG&E would construct network upgrades, interconnection facilities, and an approximately 1,000 foot span of transmission line that extends from the County road right-of-way for Walnut Drive adjacent to the Cortina Substation property ~~line~~ to the ~~new~~ Project's bay ~~station~~ within the existing footprint of the ~~PG&E facility~~ Cortina Substation. All PG&E improvements will be constructed within the Cortina Substation property boundary ~~and~~/or affect existing PG&E structures. To accommodate the gen-tie line, PG&E would potentially increase the heights of up to four existing 115 kV transmission structures west of the Cortina Substation from a current height of 110 feet to a maximum height of up to 135 feet, and within the Cortina Substation property relocate 1-2 existing poles adjacent to Cortina Substation to create space for entry of the Project's gen-tie line.

Network upgrades include a grounding system, steel support structures, outdoor lighting, and outlets, and a disconnect switch. Improvements would also include installation of underground conduits, pull boxes, and junction boxes. Civil foundation improvements consisting of site surfacing and grading would be incorporated within the substation facility.

Interconnection facilities to be constructed at the Cortina Substation would include a circuit breaker, disconnect switches, surge arresters, and a dead-end/pull off structure. A line current differential relay scheme and breaker failure and reclosing relays would be installed. Improvements would also include the installation of fiber termination for the gen-tie line.

Page 2-20 and 2-21

2.5 CUMULATIVE PROJECTS

Cumulative impacts refer to the combined effect of proposed Project impacts with the impacts of other past, present, and reasonably foreseeable future projects. According to the CEQA Guidelines Section 15355 "cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the proposed Project when added to other closely

related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. In addition, as stated in the CEQA Guidelines Section 15064 (h)(4), "the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed Project's incremental effects are cumulatively considerable."

The CEQA Guidelines Section 15130 (b)(1) states that the information utilized in an analysis of cumulative impacts should come from one of two sources, either:

1) A list of past, present and probable future projects producing related cumulative impacts, including, if necessary, those projects outside the control of the agency; or
2) A summary of projections contained in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions.

The cumulative analysis provided in this Draft Program EIR utilizes the first method and is based on a list of future projects provided by the County. Cumulative project land uses and intensities are provided in Table 2-1 and shown on Figure 2-7.

The Community Development Department was informally approached in October 2022 by a developer interested in potentially developing a parcel in the County to the south of the project or near the Cortina Substation as a battery energy storage project. This undefined, potential future project is known as the Beauchamp Project. The technology, footprint, and specific location are undefined and thus unknown at this time but are anticipated to include battery storage within 1 mile of the Cortina Substation. Further, the project ownership is understood to be changing which could entail further changes to the project. The Community Development Department had not received a Use Permit application for the Beauchamp Project at the time of the publication of the Notice of Preparation or at the time of publication of the Draft EIR and still has not received a Use Permit application to date, as the project applicant is still determining the location of the project site, which is anticipated to be less than 25-acres. Proponents of the Beauchamp Project have stated that any such project would feature screening and appropriate setbacks to minimize any change in the visual character of the area. Environmental impacts would be analyzed as part of the application process, should the currently undefined project be proposed through a Use Permit application.

The Community Development Department is interested in maintaining the agricultural character of the area and intends to site future, potential projects to avoid cumulative impacts to agriculture in the area. Given that the scope of the Beauchamp Project is unknown at this time, it would be speculative for the County to attempt to analyze its cumulative impacts, such that it is not considered a probable future project and it is not included in the cumulative projects evaluated in the EIR.

Agriculture and Forestry

Page 4.1-5

Impact 4.1-1: *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?* **(No Impact)**

Based on information from the United States Department of Agriculture Natural Resources Conservation Service, there are three soil types found on the Project that may be considered prime farmland when irrigated: Capay clay (approximately 23 percent of the Project site), Clear Lake Clay (approximately 6 percent of the Project site), and Corval loam (approximately 5 percent of the Project site). As stated previously, the property does not have irrigation infrastructure or an existing agreement or connection with the Westside Water District that would supply irrigation water. Therefore, the availability of irrigation water in the future is highly speculative, and conversion of the land from grazing uses to uses for renewable energy production and energy storage is not a significant adverse impact on agricultural resources due to the conversion of prime, unique, or farmland of statewide importance.

The Project site is designated as Farmland of Local Importance by the California Department of Conservation and is not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, such that there would be no impact.

Section 4.2 Air Quality

Page 4.2-21

AQ-1: Dust Control Measures

During construction of the Project, the primary construction contractor shall implement the following practices ~~during all construction related activities~~:

- All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed.
- When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained.
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic.
- Curtail construction activities when the County's Air Quality Index exceeds 150.
- Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.
- During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.
- Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.
- The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to:

  - Read and understand applicable mitigation measures and have them available at the job site
  - Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities
  - Use contingency control measures when primary controls are ineffective
  - Monitor the worksite for compliance with the dust control mitigation measures
  - Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities.
- Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:
  - Date
  - Time
  - Wind speed
  - Temperature
  - Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity
  - Soil conditions (damp, dry, etc.)
  - Corrective actions taken, if needed

AQ-2: Construction Equipment Requirements

During construction, diesel particulate filters or other CARB-verified diesel emission control strategies shall be installed on construction equipment. All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit. All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked and determined to be running in proper condition before the start of work. Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors shall be limited.

AQ-3: Long Term Dust Control

Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director.

Section 4.15 Public Services

Page 4.15-2 through 4.15-4

IMPACT 4.15-1: *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

i) Fire protection

~~**No Impact.**~~ **Less than Significant Impact.** The Williams Fire Protection Authority would provide fire services to the Project site. The station is located at 810 E Street in the city of Williams and is approximately 12 miles from the Project site. While t~~T~~he Project would be designed in compliance with federal, state, and local worker safety and protection codes and regulations which would minimize the potential for the occurrence of fire~~,~~, the construction of the Project would introduce a greater fire risk than exists today. The Project is not anticipated to contribute an increase in population that would cause an increase in the demand for fire protection.

In addition, Project maintenance and operation may introduce potential ignition sources such as transformers, electric transmission line (including gen-tie inline), substations, maintenance vehicles, and gas/electric-powered machinery. The proposed inverters and photovoltaic arrays may also be identified as a potential ignition source. However, the potential fire risk is low for these Project components. All battery components for the battery energy storage system would be installed on concrete pads and contained within an enclosure to minimize the potential for sparks or ignition. All such enclosures would be equipped with a fire suppression system. Although the overall fire risk is low, there is the potential for increased calls for fire service during the construction and life of the project greater than what exists today. **Mitigation Measure PS-1** would provide general funding for provision of public services in Colusa County, such that the costs for potential increased fire protection would be less than significant.

~~Therefore, the proposed Project is not expected to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.~~

ii) Police protection

Less than Significant Impact ~~**No Impact.**~~ The Project site would be serviced by the Colusa County Sheriff's Department. The County's Sheriff's office is located at 929 Bridge Street in the city of Colusa and is approximately 17 miles to the east. ~~The Project is not anticipated to contribute an increase in population that would increase the demand for police protection. No new residences are proposed as part of the Project. The construction and operation of the Project would not substantially increase the demand for police services.~~

The facility would be secured with chain link fencing along the perimeter of the Project site. Access to the facility would be provided by individual site entry points. Controlled security lighting would be installed and would allow for the Project site to be monitored remotely. Lights would be installed at substations for maintenance and security purposes.

~~By implementing these measures, the Project would not result in any substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which~~

~~could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police services.~~

While the Project includes design features that would help secure the site, the construction of the Project would potentially increase sheriff dispatches as part of emergency responses associated with the Project. **Mitigation Measure PS-1** would provide general funding for provision of public services in Colusa County, such that the costs for potential increased police protection would be less than significant.

iii) Schools

No Impact. The nearest school is Williams Elementary School which is 6.1 miles away from the Project site at 1404 E Street in the city of Williams. The Project is not anticipated to contribute an increase in population or the associated potential increase in school-aged children, and therefore would not result in any increase demand for schools.

While the project could employee up to 200 employees during the 11-month construction period, it is anticipated that the majority of these workers would temporarily commute during this period. Once constructed, permanent employment would include up to three employees. Thus, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.

iv) Parks

No Impact. The nearest park ~~from the Project site~~ is 11.3 miles from the Project site. The Northview Park is located at 180 Virginia St., Williams, CA 95987. The Project is not anticipated to contribute an increase in population, and therefore would not result in any increase demand for park facilities.

Thus, the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any park services. Parks and other recreational resources are discussed further in Section 4.16, Recreation.

v) Other public facilities?

No impact. The Project is not anticipated to contribute to increased population growth. It is not anticipated that the demand for public facilities such as libraries or parks would be created. Therefore, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any other public facilities.

Mitigation: ~~None required.~~ **PS-1: Public Services Mitigation Fee**

Prior to issuance of a building permit for the solar and/or battery components of the project, project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the project or as a lump sum payment for multiple years until the project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.
- The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the project.
    - The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.
    - The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.
- The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."

Section 4.17 Transportation

Page 4.17-6

IMPACT 4.17-1: *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?* **(Less than significant Impact)**

The LOS analysis performed for the Traffic Analysis Memorandum provided in Appendix J relies on the conservative estimates due to the lack of traffic count data. Given the remoteness of the Project site, the local roads are believed to have far fewer vehicles than their capacity. Applying the conservative estimate of 800 vehicles per day under current conditions, during the peak hour there would be 80 or fewer vehicles on the road using the Highway Capacity Manual standard estimation method of peak hour being 10 percent. The Highway Capacity Manual capacity for a single free flow lane is 1,800 vehicles per hour (TRB 2016). These intersections are two-way stop-controlled intersections, so they have one free-flowing lane in each direction. The estimated total number of vehicles during the peak hours, taking into account 80 vehicles per hour at Walnut Drive and at East Camp Road currently, plus 150 vehicles generated by Project construction, would be 230 to 310. The actual capacity of the intersection is far less than the sum of the two lanes since there would be a break in the traffic for stopped vehicles; however, the estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The LOS calculation for Walnut Drive and Spring Valley Road is provided as Appendix A and yields a LOS A during peak construction. Based on this conservative estimate, it can be reasonably concluded that the LOS will be C or better during construction.

Because the existing roadways would still be functioning under their estimated capacity, there will be no need to mitigate for traffic and a Traffic Management Plan is not anticipated to be needed for this Project.

During the construction phase, service roads would be constructed in between the solar arrays and around the Project site. Signage indicating the speed limit and stop signs would be posted where appropriate. Due to the remoteness of the Project site, it is not expected to interfere with any bicycle or pedestrian facilities.

The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, the Project impact would be less than significant.

Mitigation: ~~None required.~~ **TRANS-1: Road Inspection and Repairs**

Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.

Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.

The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after project decommissioning to address any road damage as a result of decommissioning construction traffic.

Section 4.20 Wildfire

Page 4.20-8 through 4.20-9

IMPACT 4.20-2: *Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildlife?* **(Less than Significant Impact)**

Construction and Decommissioning

During Project construction and decommissioning, the primary fire hazards would be heat or sparks from vehicles and construction equipment. These hazards could potentially ignite dry vegetation at the site, especially during the warmer, dry months between June and October. Additionally, construction activities such as welding and grinding could generate sparks which would increase the likelihood of ignition. Therefore, dependent on the time of year and location of

construction activities at the Project site, there could be a temporary increase in exacerbated fire risk in the area.

As discussed in Section 4.20.2 Regulatory Setting, wildfires release large amount of air pollutants, which can pose as a harmful exposure to first responders such as firefighters, as well as the surrounding communities. The Project site includes relatively flat topography with some rolling hills, and sparse vegetation. While the use of vehicles and equipment on the Project site could introduce an ignition source that could lead to the spread of wildfire, the risk of such an impact would be low. Due to the short-term duration of construction as well as the existing flat topography, lack of vegetation on-site, and distance to population centers, a potential ignition from Project construction is not likely to lead to the spread of wildfire. Therefore, impacts to wildfire risk from Project construction and decommissioning would be less than significant.

Operation

The Project would include battery energy storage systems and other supporting electrical equipment elements that may be susceptible to fire. However, each battery energy storage system used on-site would be designed, operated, and ultimately disposed of in compliance with all applicable requirements including the California Fire Code, Section 608 of the IFC, which has been adopted by the State of California, to minimize risk of fire from stationary battery energy storage systems and contain fire in the event of such an incident, and Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries to further reduce potential fire risk. Additionally, the battery energy storage system would include fire protection systems. Intermittent maintenance activities could increase the potential for ignition on-site due to the presence of vehicles and use of equipment; however, given the low frequency and nature of maintenance activities as well as the site topography, vegetation, and surrounding land uses, Project operation and maintenance would not significantly exacerbate existing wildfire risks. The potential impacts related to wildfires would be less than significant.

Mitigation: FIRE-1: Wildfire Protection Measures

- Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary.
- Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief:
    - On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.

- Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval.
- The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements.

- Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.
- As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief.

Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, and 4.20

Pages 4.1-13, 4.2-21, 4.3-18, 4.4-34, 4.5-24, 4.6-7, 4.7-12, 4.8-7, 4.9-17, 4.10-10, 4.11-4, 4.12-3, 4.13-19, 4.14-4, 4.15-4, 4.16-3, 4.17-8, 4.18-3, 4.19-8, 4.20-10

PG&E Cortina Substation Improvements

To accommodate the Project, PG&E would construct network upgrades, interconnection facilities, and an approximately 1,000-foot span of transmission lines that ~~would~~ extends from ~~where the Applicant's gen-tie line terminates at the boundary of PG&E's~~ the County road right-of-way for Walnut Drive adjacent to the Cortina Substation property to the Project's bay within the existing footprint of the ~~available PG&E~~ Cortina Substation ~~bay~~. The improvements would include the installation of a grounding system, disconnect switches, surge arresters, outdoor lighting and outlets, and fiber termination for the gen-tie line. ~~The~~ All PG&E improvements ~~made~~ would be constructed within the ~~existing~~ Cortina Substation property boundary ~~footprint~~ and/or affect existing PG&E structures. To accommodate the gen-tie line, PG&E would potentially increase the heights of up to four existing 115 kV transmission structures west of the Cortina Substation from a current height of 110 feet to a maximum height of up to 135 feet, and within the Cortina Substation property relocate 1-2 existing poles adjacent to Cortina Substation to create space for entry of the Project's gen-tie line.

APPENDIX A
PUBLIC NOTICES

COLUSA COUNTY

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT REPORT
JANUS SOLAR PROJECT (PD-3829/UP 20-01), SCH Number 2020070577

NOTICE IS HEREBY GIVEN THAT the County of Colusa, as the Lead Agency, has prepared a Draft Environmental Impact Report (DEIR) for the proposed Use Permit (UP) and Williamson Act contract cancellation to construct, operate, maintain, and decommission a photovoltaic (PV) electricity generating facility, with a battery energy storage system (BESS) and associated facilities and infrastructure, commonly known as the Janus Solar Project (Project).

PROJECT LOCATION: The Project is approximately 6.5 miles southwest of the City of Williams. State Highway 20 runs about one mile from the Project site, north and west. The proposed Project would be located on three parcels (APN's 018-050-005, -006, and -013) totaling 1,023.9 acres currently used for cattle grazing in Colusa County, California. The Project would connect to the Cortina Substation, located on Walnut Drive, approximately 3 miles northeast of the Project site.

PROJECT DESCRIPTION: The Project consists of three major components: a solar energy generating facility, the battery energy storage system (BESS), and the generation tie-line. The solar facility would include arrays of solar PV modules (or panels) and support structures, power inverters and transformers/power conditioning stations, and an on-site substation. The Project would include approximately 196,000 solar PV modules in multiple solar arrays interconnected to form a utility-scale PV system. Other solar facility components would include a project substation, access roads, perimeter fences, telecommunications infrastructure, a meteorological data collection system, signage, lighting, stormwater facilities, and an operations and maintenance building.

The BESS is expected to be located adjacent to the aforementioned substation. Batteries would be contained within enclosures. The combined footprint for the BESS would be approximately 5 acres. Key components of the BESS include batteries and battery storage system enclosures and controllers, converters, inverters, and transformers. The BESS enclosures would also house required heating, ventilation, and air conditioning (HVAC) and fire protection systems.

The on-site substation would connect to the existing Cortina Substation via an approximately 3-mile-long, 60 kV gen-tie line strung on approximately 59 new poles of up to 80 feet in height. The gen-tie line also would include fiber optic line for communications.

PUBLIC REVIEW PERIOD: The 45-day public review period for the DEIR begins on October 15, 2021 and ends on November 29, 2021. All comments must be received within this time period. Written comments should be submitted to Greg Plucker, Community Development Director, 1213 Market Street, Colusa, CA 95932 or to gplucker@countyofcolusa.com.

DOCUMENT AVAILABILITY: The DEIR and other project documentation is available for review online at: https://www.countyofcolusa.org/996/Janus-Solar-Project. Hard copies are available for review at the Colusa Main Library at 738 Market St. in Colusa, CA 95932, the Williams Branch Library at 901 E Street in Williams, CA 95987, and the Community Development Department at 1213 Market Street, Colusa, CA. 95932.

SCHEDULE PUBLIC MEETING: A public meeting has been scheduled for Thursday, November 4, 2021 at Granzella's Conference Room, 391 6th St., Williams, CA 95987 from 6:00 pm to 7:30 pm.

SIGNIFICANT ANTICIPATED ENVIRONMENTAL EFFECTS: The DEIR evaluates the Project's potentially significant impacts and recommends mitigation measures to avoid/reduce impacts. The Project is not expected to result in any significant, unmitigated impacts.

HAZARDOUS WASTE SITES: The proposed project is not located on any hazardous waste sites lists enumerated under Section 65965.5 of the Government Code.

QUESTIONS: If you have any questions about this project, please contact Greg Plucker, County of Colusa, Community Development Department by phone at (530) 458-0480 or by email at gplucker@countyofcolusa.com.

Dated: October 15, 2021

/s/ Melissa Kitts, Deputy Clerk

10/21/2021 – WPR #2021-5056

APPENDIX B
RECIPIENTS OF THE FINAL EIR

Individuals
Bob and Cindy Freed
Brent Edward LaGrande
Catherine Maureen Ahart
Clifford Allan Myers
David Nelson
Diane Frost
Elizabeth Ferrini Katsaris
Garnett Vann
James Charter
Jean Ferrini
Jean Terkildsen
Jeremiah and Jessica Karlonas
Joe Ferrini
Jonathan and Laura Zilli
Larry and Darlene Farmer
Leo LaGrande
Matt Ferrini
Matt LaGrande
Matthew Ferrini
Richard Mora
Salt Creek Orchards Group
Sid LaGrande
Spring Valley Ranch Partnership
Stephen Marsh
Thomas and Perry Charter
Vance and Nancy Boyes
Vann Brothers General Partnership
Ward Charter

State/Federal
Cal Fire
California Department of Wildlife Region 2
California Energy Commission
California Public Utiltiies Commission
Caltrans
Central Valley Regional Water Quality Control District
Department of Conservation Land Resource Protection
Pacific Gas and Electric
Reclamation District #1004
US Fish and Wildlife
Western Area Power Administration Sierra Neveda Region
Williams Fire Protection Authority

Local Agencies
Agricultural Commissioner
Air Pollution Control District
County Assessor
Environmental Health
Kent Boes - Supervisor District 3
Public Works
Sherrif's Department

APPENDIX C
DUST SUPPRESSANT EFFECTIVENESS STUDY PHOTO LOG

Photograph Log
Janus Solar Project
Dust Suppressant Effectiveness Study

Photo 1: **Description:** Test #1: Untreated roadway, truck traveling at 15 mph	

Photo 2: **Description:** Test #2: Road treated with dust suppressant, truck traveling at 15 mph	

Photo 3: **Description:** Test #2: Untreated roadway, truck traveling at 25 mph	

Photo 4: **Description:** Test #2: Treated with dust suppressant, truck traveling at 25 mph	

Photo 5: **Description:** Test #3: Untreated roadway, truck traveling at 40 mph.	

Photo 6: **Description:** Test #3: Treated with dust suppressant, truck traveling at 40 mph	

APPENDIX D
ADDITIONAL PHOTOGRAPHIC SIMULATIONS

Key Viewpoint plan

EXISTING CONDITIONS

SIMULATED CONDITIONS

JANUS SOLAR PROJECT

Colusa County, CA

PHOTO SIMULATION

Key Observation Point 02:
Beauchamp Dr

Photograph Information

Time of photograph:	3:35pm
Date of photograph:	3/16/21
Weather condition:	Mostly Sunny
Viewing direction:	South
Latitude:	39.120208°
Longtitude:	-122.263393°

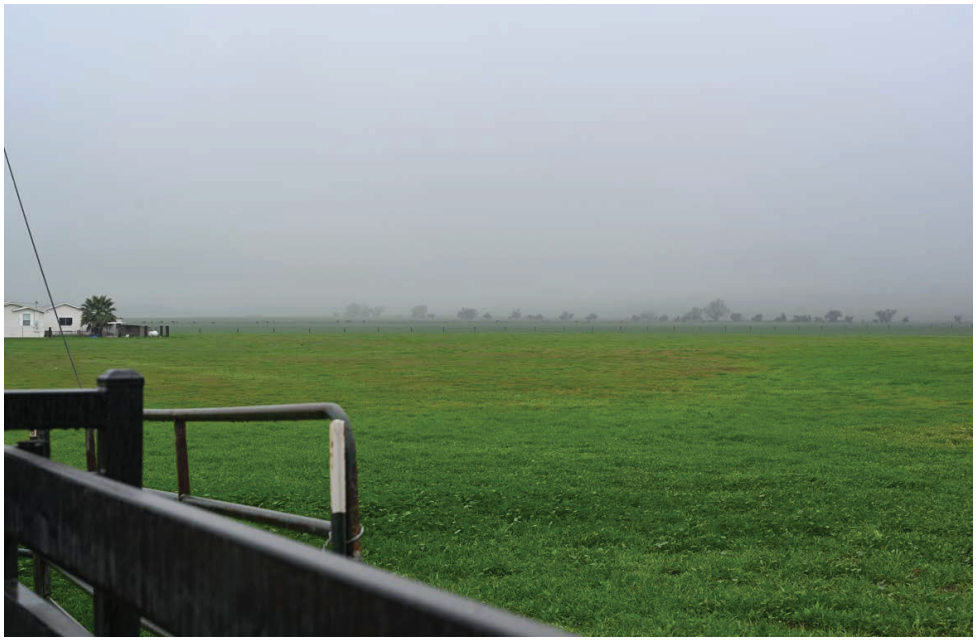
Disclaimer: visualizations and plans are for reference only; Not for construction

TETRA TECH

RWE

Key Viewpoint plan

EXISTING CONDITIONS



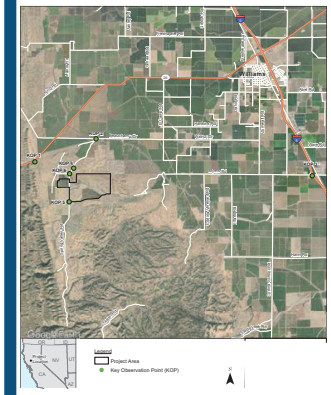
SIMULATED CONDITIONS

JANUS SOLAR PROJECT

Colusa County, CA

PHOTO SIMULATION

Key Observation Point 06:
Spring Valley RD Residence



Photograph Information

Time of photograph:	3:55pm
Date of photograph:	12/06/21
Weather condition:	Foggy
Viewing direction:	Southwest
Latitude:	39.101417°
Longtitude:	-122.281694 °

Disclaimer: visualizations and plans are for reference only; Not for construction

TETRA TECH

RWE

Key Viewpoint plan

EXISTING CONDITIONS

SIMULATED CONDITIONS

JANUS SOLAR PROJECT

Colusa County, CA

PHOTO SIMULATION

Key Observation Point 07:
Spring Valley Rd

Photograph Information

Time of photograph:	2:58pm
Date of photograph:	3/16/21
Weather condition:	Mostly Sunny
Viewing direction:	Northeast
Latitude:	39.104781°
Longtitude:	-122.278892°

Disclaimer: visualizations and plans are for reference only; Not for construction

TETRA TECH

RWE