

Appendix B

Public Scoping Report

PUBLIC SCOPING REPORT

Arica and Victory Pass Solar Projects

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Acronyms

AB	Assembly Bill
AC	alternate current
AQMD	Air Quality Management District
BLM	Bureau of Land Management
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CRIT	Colorado River Indian Tribes
DC	direct current
DRECP	Desert Renewable Energy and Conservation Plan
EA	Environmental Assessment
EIS	Environmental Impact Statement
GHG	greenhouse gas
ITP	Incidental Take Permit
LSAA	Lake and Streambed Alteration Agreement
MW	megawatt
NEPA	National Environmental Protection Act
NPS	National Park Service
O&M	Operation and Maintenance
OHV	off-highway vehicle
PV	photovoltaic
ROW	right of way
SEZ	Solar Energy Zone
USFWS	US Fish and Wildlife Service
VRM	Visual Resources Management

1. Overview of CEQA Scoping Process

1.1 Introduction

Arica Solar, LLC and Victory Pass I, LLC, wholly owned subsidiaries of Clearway Energy Group, LLC, (the Applicants) have applied to the California Department of Fish and Wildlife (CDFW) for Incidental Take Permits (ITP) under the California Endangered Species Act (CESA) for the development of two solar photovoltaic (PV) projects on public lands. They would construct, operate, maintain, and decommission a 265-megawatt (MW) and a 200 MW, respectively, alternate current (AC) solar PV energy generating project. Each project would include up to 200 MW of battery storage. The Arica and Victory Pass Projects (Projects) would interconnect to the SCE Red Bluff Substation with a 3.2-mile-long, shared 230 kV gen-tie line. The Projects would also require authorization by the CDFW of a Lake and Streambed Alteration Agreement (LSAA). These discretionary permitting decisions are subject to review under the California Environmental Quality Act (CEQA) prior to issuing permits. As the CEQA lead agency, the CDFW will prepare a Draft and Final EIR to comply with CEQA.

The Projects would be located adjacent to each other on Bureau of Land Management (BLM)-administered federal lands within a Development Focus Area, in unincorporated Riverside County. The right-of-way (ROW) applications were for approximately 2,000 acres for Arica, and 1,800 acres for Victory Pass, but the developable area would be approximately 1,300 acres for Victory Pass and 1,350 acres for Arica. They are located approximately 50 miles east of Indio, CA, approximately 40 miles west of Blythe, CA, and 70 miles north of the California-Mexico border.

The ROW grant applications are also subject to review under the National Environmental Policy Act (NEPA). The CEQA review is being completed separately from the NEPA review. Although the CDFW is conducting an independent scoping process, it conducted a joint scoping meeting with the BLM to reduce the number of meetings the public had to attend to learn about the agencies policies and environmental review process.

BLM, as the Federal lead agency, will prepare an Environmental Assessment (EA) to comply with NEPA to respond to the Applicant's request for a ROW on federal land. The BLM is preparing an EA, as a tiered document from the Desert Renewable Energy and Conservation Plan (DRECP) Final Environmental Impact Statement (EIS). If the EA identifies significant effects the BLM would prepare an EIS for the Projects.

This scoping report documents the CEQA scoping process and summarizes the scoping comments received by the CDFW on the Projects. This report informs the CDFW of the range of issues and alternatives to be addressed in the EIR. The Lead Agency will use the comments received during the scoping period to:

- Identify key issues to focus the analysis
- Identify reasonable alternatives to the Projects
- Analyze environmental impacts of the Projects and alternatives
- Identify ways to avoid or reduce environmental impacts
- Inform the decision-making processes.

1.2 Summary of CEQA Scoping Process

As required by Section 15082 of the CEQA Guidelines (14 CCR 15000 et seq.), CDFW published a Notice of Preparation (NOP) on October 5, 2020 that summarized the Projects, states CDFW's intention to prepare

an EIR, and requested comments from interested parties. The NOP is included as Appendix A. The NOP was sent to the nearby communities as well as interested parties and adjacent Counties. Additionally, it was published on the CDFW website and on the California's Office of Planning and Research Web Portal. Newspaper notices (Appendix B) were published in the Hi-Desert and Desert Sun announcing the Projects and public scoping meetings, (see Appendix B).¹

During the comment period, the BLM and CDFW held one public scoping meeting. Due to the COVID-19 pandemic, the traditional format of in-person meetings was not used. The public scoping meeting was held virtually through the online web-based platform Zoom. This meeting took place from 5-7:30 p.m. on October 21, 2020. The BLM and CDFW provided a presentation explaining the NEPA and CEQA processes, the BLM's and the CDFW's roles throughout these processes, and public participation opportunities (the presentation is provided in Appendix C). The meeting was attended by 30 people (Appendix D). Formal comments were not received during the meeting, but the public was provided an opportunity to ask questions.

The comment period ended on November 4, 2020 for CEQA purposes. In total, 12 letters were received, see Table 1-1². These letters have been included in each Lead Agency's administrative record for the Projects, are documented in this scoping report, and will be considered in the drafting of the EIR.

1.3 Agencies, Organizations, and Persons Providing Scoping Comments

Federal and local agencies, Tribes, organizations, and members of the public provided written comments during the scoping period. Written comments received during the scoping period in response to the NOP are included in Appendix E. Table 1-1 presents the agencies, Tribes, organizations, and individuals that provided written comments during the scoping process in chronological order by commenter type.

1.4 Scoping Report Organization

This scoping report summarizes the comments and issues identified during the scoping period, including the public scoping meeting. The Lead Agency will review and consider all the scoping comments received in preparing the EIR for the Projects.

Section 2 provides summary information on the Applicant's stated Project objectives and a description of the Project.

Section 3 provides a summary of the comments received and issues raised during the scoping period.

Section 4 provides a summary of the questions received during the Public Scoping Meeting.

Section 5 provides a summary of future steps in the CEQA process and indicates opportunities for public participation in the environmental review process.

¹ The newspaper ads were published by the BLM as part of the NEPA outreach in addition to a press release.

² The list of scoping commenters under CEQA is slightly different from those under NEPA. The United States Environmental Protection Agency and Susan Orr (an individual) submitted comments to the BLM only; the South Coast Air Quality Management District submitted comments to the CDFW only. The NEPA only comments have not been summarized here but the CEQA lead agency has a copy of them for consideration where applicable.

Table 1-1. Comments Received During Public Scoping Period

Commenter	Date
Governmental Agencies	
National Park Service	November 2, 2020
The Metropolitan Water District of Southern California	November 2, 2020
South Coast Air Quality Management District	November 3, 2020
Tribes	
Colorado River Indian Tribes	November 1, 2020
Organizations and Individuals	
Defenders of Wildlife	October 23, 2020
Eagle Crest Energy	October 29, 2020
Desert Tortoise Council	October 31, 2020
Basin and Range Watch	November 2, 2020
California Native Plant Society	November 2, 2020
National Parks Conservation Association	November 2, 2020
National Audubon Society	November 2, 2020
Center for Biological Diversity and Sierra Club	November 4, 2020

2. Summary of the Project

2.1 Applicant's Project Objectives

The CDFW will consider the Applicant's Projects' objectives in developing a reasonable range of alternatives to the Projects under CEQA. The applicant has identified seven objectives for the Projects:

- To construct and operate a 265 MW and 200 MW solar PV energy facility using the best-fit PV technology to provide a renewable and reliable source of electrical power to California utilities;
- To comply with the BLM's "all-of-the-above" energy strategy to improve the management of energy resources found on Federal lands in a balanced way to ensure the Nation's economic and energy security and quality of life;
- To locate the Projects on BLM lands with high solar insolation and relatively flat terrain at sufficient scale to maximize operational efficiency;
- To minimize environmental impacts and land disturbance by locating the Projects in the DRECP Development Focus Area, and in proximity to an established utility corridor, in a location where the projects could share a gen-tie line with each other, and with road access and by avoiding sensitive environmental areas, recreational resources, and wildlife habitats (e.g., ACECs, DWMAs, CHUs, Category I and II desert tortoise habitat);
- To assist California and its investor owned utilities in meeting the State's RPS and greenhouse gas (GHG) emission reduction requirements, including the requirements under SB 350 to increase the State's RPS to 50 percent renewable power by 2030;
- Provide a new source of energy storage that assists the State in achieving or exceeding its energy storage mandates; and
- To provide community benefits through new jobs, spending in local businesses, and additional sales tax revenues.

2.2 Project Description

The Projects consist of utility-scale solar PV and energy storage projects. A 3.2-mile-long, shared 230 kV gen-tie line interconnects the shared switchyard with the SCE Red Bluff Substation. Arica would generate up to 265 MW and Victory Pass would generate 200 MW using PV technology and each would include up to 200 MW of integrated battery energy storage capacity.

The proposed Projects are comprised of the following components/facilities:

- Solar PV Panels and Mounting Systems: each solar facility would include a type of solar PV system to be selected at the time of procurement. The PV panels will be self-contained units designed to withstand exposure for 35 years. Module mounting systems that may be installed include either fixed-tilt or tracking technology, depending on the PV modules ultimately selected. Modules would be arranged next to each other in long strings called rows and supported by steel piles.
- Inverters, Transformers, and Electrical Collection System: The Projects would be designed and laid out primarily in increments which would include an inverter equipment area and transformers. Panels would be electrically connected into panel strings using wiring secured to the panel racking system. Underground cables would be installed to convey the direct current (DC) electricity from the panels to inverters to convert the DC to AC electricity.

- **Project Substations and Gen-Tie Line:** Up to two on-site substations (owned and operated by Arica Solar) will be constructed in the southwestern and southeastern portion of the Arica Solar site. One substation would be built at the Victory Pass site. These substations will connect with an adjacent switchyard on the Victory Pass Project site. Each of these substations is anticipated to be approximately 300 by 300 feet with poles up to 90 feet in height. The gen-tie line will run 2 miles west then turn south for one mile to reach the SCE Red Bluff Substation.
- **Operations and Maintenance (O&M) Facility:** The O&M facility, will be located near the substation and will be monitored by onsite O&M personnel or remotely. The O&M facility may consist of offices, a restroom, and a storage area. A septic system and leach field will be located at the O&M facility and will serve the Project's sanitary wastewater treatment needs.

Other features/components of the proposed facilities include a meteorological data collection system and telecommunications facilities.

Access to the sites would be via State Route 177 to the off-highway vehicle (OHV) route DC379 route. This route has been used and improved by the Athos and Palen Solar Projects. Multiple points of ingress/egress would be provided to the site and accessed by site personnel via locked gates. Security fencing would be installed along the perimeter of the proposed Project sites and motion-sensitive, directional security lights would be installed to provide adequate illumination around the substation areas, and at gates. Other security measures including infrared security cameras will be installed.

3. Summary of Scoping Comments

This section of the report summarizes the comments raised by agencies, Tribes, organizations, and members of the public during the scoping process. Table 1-1 provides a list of commenters including federal agencies as well as Tribes, organizations, and individuals who provided comments. Environmental concerns were raised during the scoping process that focused on the potential effects to resources and issue areas. This scoping report summarizes the comments received according to the following major themes:

- Project Description
- Human environment issues
- Natural environment issues
- Indirect and cumulative impacts
- Project alternatives
- CEQA permitting issues

3.1 Project Description

Objectives

The Basin and Range Watch Organization states that the purpose and need for the Projects should balance the values of the land, and the current purpose and need does not take federal mandates into account. This organization states that the purpose and need statement is not broad enough to allow better alternatives.

The Basin and Range Watch questions the “need” for the project, citing the demands for energy in the evening hours, when solar generation is low or zero. The organization questions whether this instability will be solved with battery storage on site, and how much battery storage is included in the project, in megawatt-hours.

3.2 Human Environment Issues

Visual Resources

The National Park Service (NPS) noted that the area has been recognized as an International Dark Sky Park. Since nighttime construction could result in impacts to the natural night sky or nocturnal animals, the NPS requests that the conditions be analyzed and maintained during construction and operation, including night-time total darkness except for the entry station. NPS noted it was willing to consult on this issue.

The NPS stated that it conducted an initial viewshed analysis, and indicated that the Projects, in combination with the nearby Oberon Project, could change the character of the view from adjacent wilderness, specifically Buzzard Springs. The NPS recommended analyzing project specific viewshed impacts and the cumulative effect of solar project construction for the visitor wilderness experience. The National Parks Conservation Association also requested an evaluation of the cumulative impacts of multiple projects as it adds to the overall change in appearance from nearby wilderness areas.

The National Parks Conservation Association recommended that the environmental document should evaluate the potential effects of reflected sunlight on visibility for drivers on the adjacent Interstate 10.

The National Parks Conservation Association recommended that the visual resource process should be informed by substantive consultation with affected tribes and Native organizations, with an emphasis on diligent and flexible consultation.

Cultural Resources

The Colorado River Indian Tribes (CRIT) expressed their concerns regarding the ground disturbance required to install the PV panels and other facilities because it could disturb and remove, damage, or destroy additional cultural resources. They expressed concerns regarding cumulative impacts on the Tribes by the transformation of the desert.

CRIT stated that the CDFW must ensure that potential impacts to known and unknown cultural resources are analyzed or avoided, and they recommended that all cultural resources be surveyed, inventoried, and evaluated in a way that does not harm the resources or remove them from the site prior to preparation of the document. They stated that the CDFW should ensure that mitigation measures are developed to ensure maximum protection for cultural resources, and that tribal monitors are present for all activities that have a potential to impact cultural resources.

The CRIT stated that lead agencies are required under CEQA to identify impacts to “historic resources” and mitigate these impacts, and requires lead agencies to use preservation in place for archaeological resources if feasible, unless other mitigation would be more protective. Mitigation measures must first require avoidance of cultural resources, and only if avoidance is infeasible may the Projects impact cultural resources. This feasibility must be defined in the EIR as requiring a written evaluation, supported by substantial evidence, and available for tribal review and comment. The CRIT also stated that the CDFW should consider impacts to Traditional Cultural Properties and landscapes in the region.

Public Health and Safety

Basin and Range Watch and the National Parks Conservation Association expressed concerns related to disruption of surface features leading to fugitive dust creating poor air quality and increased risk of valley fever, a public health concern.

The South Coast Air Quality Management District (AQMD) recommends that the Lead Agency should perform a mobile source health risk assessment if the Projects generate diesel emissions from long term construction or vehicular trips.

Land Use

The Metropolitan Water District of Southern California highlighted a potential risk involving its Colorado River Aqueduct (CRA). An existing wasteway used for dewatering operations of the CRA exists approximately 1,850 feet north of the Projects’ sites. Although dewatering operations present a small risk of water reaching this part of the wasteway, the Projects’ impacts to Metropolitan Water District facilities should still be evaluated regarding this segment of the wasteway.

Metropolitan Water District requested an analysis of potential impacts to its transmission system, and requests that the California Independent System Operator includes Metropolitan Water District as a Potentially Affected System for the proposed Projects.

3.3 Natural Environment Issues

Biological Resources

Basin and Range Watch requested an analysis on the impacts of the gen-tie line connection to the substation on species such as desert tortoise, Mojave fringe-toed lizard, and other species.

Basin and Range Watch, and the National Parks Conservation Association expressed concerns regarding avian mortality linked to solar PV panels and polarized glare. Specifically, they recommend the “lake-effect,” along with high polarized light pollution, chromatic, achromatic, and glare should be studied, and that the cumulative effect of solar in the region be monitored or recorded. Basin and Range Watch listed several sources of data regarding avian mortality and solar projects and a list of cumulative projects that could result in impacts to avian species.

The National Audubon Society stated that the document has an obligation to analyze and mitigate for the impacts to birds protected by the Migratory Bird Treaty Act, California regulations in Section 3513 of the California Fish and Game Code as modified under AB 454 and the Memorandum of Understanding between BLM and U.S. Fish and Wildlife Service (USFWS) under Executive Order 3853 of January 17, 2001.

Basin and Range Watch stated that the DRECP maps do not appear to match up with applicant maps regarding Microphyll Woodland, and that this habitat should be avoided. The National Audubon Society recommended that the document review data provided by California Native Plant Society and Audubon California on microphyll woodlands provided during a protest meeting on the DRECP Record of Decision and update the standards, definitions, and maps of microphyll woodlands with more recent technology. The National Parks Conservation Association identified the potential for Photovoltaic Heat Island³ effects to microphyll woodland. They also recommend that the document should examine the likelihood of discretionary waivers allowing intrusions into desert dry wash woodland habitat, and its routing of access through that habitat.

Basin and Range Watch, Defenders of Wildlife, the National Parks Conservation Association, and the Center for Biological Diversity and Sierra Club expressed concerns regarding wildlife connectivity linkages that appear to cross the Projects, and cumulative impacts to linkages. Basin and Range Watch suggested an EIS should be prepared under NEPA because of the linkages and in particular desert tortoise connectivity impacts would not be fully mitigated to ensure long-term viability of the species. Defenders of Wildlife recommended that if the Projects overlay a linkage, the Projects comply with the appropriate DRECP CMAs to maximize retention of microphyll woodlands, maintain special status connectivity, and avoid construction of new roads. The NPS expressed concerns relating to habitat connectivity, specifically regarding bighorn sheep movement. It recommended reduced fencing or other means to maintain connectivity and cited the California Desert Connectivity Project as a resource for a comprehensive and detailed connectivity analysis. The National Parks Conservation Association recommended that the document include lessons learned from the Dome Fire in the Mojave National Preserve, regarding redundant and independent habitat linkages to compensate for the risk of wildfire and a warming climate. The Center for Biological Diversity and the Sierra Club stated that the EA and EIR must evaluate all direct, indirect, and cumulative impacts to wildlife movement corridors, not only from the proposed Projects, but also from existing projects that were permitted and constructed prior to the DRECP’s adoption. The

³ The National Parks Conservation Association noted that the Photovoltaic Heat Island effect is caused by a change in albedo and landscape structure, which can cause measurable increases in ambient air temperature and soil temperature.

Center for Biological Diversity and the Sierra Club recommended that any proposed on-site wildlife movement corridors are wide enough to minimize edge effects and allow natural processes of disturbance and subsequent recruitment to function as well as the ability of these spaces to provide key resources for species.

Basin and Range Watch stated that sand transport corridors, important to Mojave fringe-toed lizards, are not well mapped and would be better analyzed in an EIS [under NEPA].

Basin and Range Watch stated that impacts to rare plants must be fully analyzed in an EIS [under NEPA]. The California Native Plant Society and Desert Tortoise Council stated that proper surveys for plants must be conducted at appropriate times and included potential sensitive plants and survey recommendations. The California Native Plant Society highlighted cumulative impacts to rare plants and biological corridors due to nearby projects and noted the Projects should comply with the DRECP CMAs.

The Desert Tortoise Council suggested that for desert tortoise, the documents should include thorough analysis and discussion of the status and trend of the tortoise in the action area, conservation area, recovery unit and range wide. The document should also analyze the potential for an increase of common ravens and other predators and include a raven management plan.

The California Native Plant Society recommended that vegetation types on the Project sites should be mapped to the Alliance level in accordance with CDFW's Vegetation Classification and Mapping Standards, because this level is necessary to determine the potential impact to sensitive natural communities and special habitats. Potential impacts to special vegetation features, sand dune habitats, and riparian or wetland habitats should be documented and comply with the corresponding CMAs.

The Defenders of Wildlife stated that the DRECP requires compensatory mitigation for significant impacts to various biological resources. They recommended that specific compensatory mitigation requirements for unavoidable impacts be included in the EA, and that CDFW should be consulted regarding compensatory mitigation consistent with CDFW policy. They also included a list of DRECP CMAs that they considered applicable to the Projects.

The Desert Tortoise Council recommended that mitigation should be accompanied by agency-acceptable monitoring programs, tied to key actions of the Projects, success criteria, and follow up actions. This should also include an analysis of how all aspects of the Projects will conform to the DRECP. The Desert Tortoise Council recommended that their Best Management Practices from 2017 may be helpful to provide enhanced protection.

The Center for Biological Diversity and the Sierra Club stated that the EA and EIR must identify and evaluate impacts to species and ecosystems from invasive exotic species. Landscaping with exotic species should be banned from the Projects' sites.

The Center for Biological Diversity and the Sierra Club requested that thorough maps be created, and seasonal surveys be performed for sensitive plant species, vegetation communities, and animal species under the direction and supervision of the BLM and resource agencies such as USFWS and CDFW. Full disclosure of survey methods and results must be provided to the public and other agencies.

The Center for Biological Diversity and the Sierra Club stated that the EA and EIR must evaluate all direct, indirect, and cumulative impacts to sensitive habitats, including impacts associated with the establishment of unpermitted recreational activities, the introduction of non-native plants, the introduction of lighting, noise, and the loss and disruption of essential habitat due to edge effects. Analysis

of impacts within sensitive habitats should also analyze impacts to species such as the Yuma Ridgway's rail, desert tortoise, Mojave Fringe-toed lizard, burrowing owl, migratory birds, desert kit fox, and badger.

The Center for Biological Diversity and the Sierra Club requested that the EA and EIR evaluate the Projects' impacts on locally rare species. All species found at the edge of their ranges or occur as disjunct locations must be evaluated for impacts by the proposed activities.

Water Resources

Basin and Range Watch, Defenders of Wildlife, and the National Parks Conservation Association noted potential impacts to the Chuckwalla Valley groundwater resources and indirect impacts to the Colorado River Watershed. Defenders of Wildlife recommended that all applicable DRECP CMAs associated with groundwater use be considered in the EA. Basin and Range Watch stated that the Section 1600 streambed alterations should be analyzed.

The Center for Biological Diversity and the Sierra Club stated that the EA and EIR must clarify the impacts to the jurisdictional Waters of the US, Water of the State of California, and surface hydrology across the site. The Projects must avoid, minimize to the greatest extent possible, or mitigate any impacts to surface waters and surface hydrology.

Metropolitan Water District expressed concerns regarding the potential impacts to California's Colorado River, particularly the surface that extends west along the I-10 Corridor from the Palo Verde Valley to the Chuckwalla Valley. Should the proposed Projects utilize groundwater from on-site wells for its water supply, Metropolitan Water District requested that groundwater use from on-site wells be analyzed to determine if any impacts would occur to the groundwater basin that is connected to the Colorado River. If groundwater is used over the course of the Projects' life, it must be monitored to ensure that no impacts occur to Colorado River resources. If impacts are detected, they must be mitigated.

Air Resources

Basin and Range Watch expressed concerns regarding the potential need for a concrete batch plant for construction, due to the amount of carbon dioxide emitted while pouring concrete. They also expressed concerns about fugitive dust creating impacts to visual resources, public health, and water usage. They cited the Desert Sunlight Project, which guarantees mitigation, but still resulted in "dust blackouts." This can also cause valley fever; see Public Health and Safety.

The NPS and the National Parks Conservation Association expressed concerns regarding soil erodibility during construction or high wind events. They recommended that the Projects include a clearly defined plan for air quality monitoring, including the potential for installing real-time monitors throughout the region during construction and operation. They recommended an adaptive management plan for fugitive dust, which builds on lessons learned by less successful efforts by nearby projects. The NPS recommended leaving desert biological crusts and desert pavement intact to the maximum extent possible.

The South Coast AQMD recommends that the Lead Agency use the South Coast AQMD CEQA Air Quality Handbook and website as guidance and use CalEEMod land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

The South Coast AQMD recommends that the Lead Agency quantify criteria air pollutants and compare them to the South Coast AQMD's CEQA regional pollutant emissions significance thresholds and localized significance thresholds to determine the air quality impacts.

The South Coast AQMD recommends that the Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project, such as construction, demolition, and operations. Air quality impacts from indirect sources such as sources that generate or attract vehicle trips, should be included in the analysis. Emissions from overlapping construction and operational activities should be combined and compared to the South Coast AQMD's regional air quality CEQA operational thresholds to determine the level of significance.

Climate Change

The National Parks Conservation Association expressed concerns regarding carbon sequestration in desert soils and recommend specific literature be examined for the environmental document. They recommended that a cost-benefit analysis should be done to determine the potential cost of halting active carbon sequestration versus releasing the carbon due to disturbance during construction of the Projects.

Basin and Range Watch expressed concerns regarding high temperatures in the desert, and the impact on the efficiency of battery storage cooling. The organization requested that the battery storage cooling system be analyzed and that a cost-benefit analysis be done to calculate the carbon savings of a solar project with AC cooled batteries compared to other solar developments in coastal regions or on commercial buildings.

The Center for Biological Diversity and the Sierra Club stated that the construction and operation of the proposed facilities would increase GHG emissions, which should be quantified and offset. The organizations also recommended that the EA and EIR should evaluate specific mitigation measures to reduce GHG emissions from mobile sources.

Hazards and Hazardous Materials

Basin and Range Watch expressed concerns regarding the type of PV panel used and the potential for the panels to leak chemicals into the environment.

Wildfire

The Center for Biological Diversity and the Sierra Club recommended fire prevention, including best management practices (BMPs) to prevent on-site fires and potential spread of wildfires to adjacent lands. These BMPs must be identified and addressed in the EA and EIR.

3.4 Indirect and Cumulative Impacts

CRIT expressed concerns about the cumulative impacts of these Projects to the cultural resources in the region. Cultural harm can be caused by the unearthing and destruction of cultural resources, in addition to the effects to non-tangible resources, such as viewsheds, landscapes, plants, and animals of significance to the Tribes. CRIT recommended using an expansive definition of cultural resources so that the documents can properly consider impacts to tangible and intangible resources, and that the resources should be assessed in a cumulative setting.

The Desert Tortoise Council requested that the relationship between these proposed projects and the DRECP be analyzed. They also request that the "heat sink" effect be discussed in relation to desert areas, desert tortoise, and climate change. They requested that the document use the eight principles for

cumulative effects stated by the CEQ for NEPA. They state that the range of actions should not just be the Projects, but all connected actions.

Eagle Crest Energy noted it is in the process of permitting the Eagle Mountain Pumped Storage Project. They submitted a comment expressing concern regarding the position of the Victory Pass Solar array, which potentially blocks their contemplated interconnection to the Red Bluff Substation, and potentially interferes with a CDCA utility corridor. They noted their original interconnection was not accurate.

The Center for Biological Diversity and the Sierra Club strongly recommended a robust cumulative impact analysis.

3.5 Project Alternatives

Basin and Range Watch stated that BLM can justify a No Action Alternative [for NEPA] by examining the need by utilities for additional utility scale development on public lands. They recommended an alternative that uses brownfields and distributed generation based on local small-scale distributed battery technology in urban centers. They stated that under NEPA, agencies are required to consider alternatives outside of their jurisdiction, which could consider rooftop solar generation closer to the demand for energy. Basin and Range suggested an off-site alternative on land with too much salinity to be used for agriculture, and in proximity to transmission. The Desert Tortoise Council recommended an alternative not located in the desert, specifically rooftop solar in the City of Los Angeles nearer to the demand.

Basin and Range Watch recommended an alternative that maximizes wildlife protection and minimizes cumulative impacts to wildlife and habitat to at least a no-net loss standard.

The Defenders of Wildlife recommended an alternative that reflect conformance with the DRECP and applicable CMAs. The Defenders of Wildlife stated that this would likely become the BLMs preferred alternative.

The Desert Tortoise Council also recommended that an alternative be proposed that uses a mowing and regrowth strategy for vegetation instead of blading, so that desert tortoise may be let into the solar field post construction. They recommend that this be used as an experiment to add to the limited data on solar field impacts on desert tortoise population, movement, and connectivity.

The Center for Biological Diversity and the Sierra Club stated that the EA and EIR must include a robust analysis of alternatives, including a private lands alternative(s) using other technologies including distributed generation.

3.6 CEQA Permitting Issues

Agency Permits/Consultation⁴

The South Coast AQMD requests that a copy of the Draft EIR, along with all appendices, technical documents related to air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets and air quality monitoring files be sent to them upon publishing of the draft document. Additionally, the South Coast AQMD should be identified as a responsible agency if the

⁴ Both the Basin and Range Watch and the CRIT included comments regarding NEPA adequacy. Because those topics were specific to the NEPA review, they have not been included in the Scoping Report. A summary of the comments is included in the BLM NEPA Scoping Report and the comments have been included in full in Appendix E for review.

Proposed Projects require a permit from the South Coast AQMD, as the assumptions made in the EIR will be the basis for evaluating the permit under CEQA.

CRIT requests a government to government consultation with CDFW, and requests that CDFW provide a written response to their concerns, either in a letter to the Tribe and/or in the EIR.

Baseline / Affected Environment

The National Parks Conservation Association noted the potential for a future baseline. The National Parks Conservation Association stated that since ecosystemic change is occurring in the desert the baseline should take into account the likelihood of increased storm strength, more frequent high wind events, shifts in timing of wildlife migration, appearances of species not formally seen, heightened importance of existing habitat, accelerated heat-related degradation of PV panels and hazards associated with chemical leakage, and increased demand for groundwater for dust control.

Mitigation Measures

The South Coast AQMD commented that if the Proposed Projects results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize impacts. Any impacts resulting from mitigation measures must also be analyzed.

4. Questions Received During the Public Scoping Meeting

This section of the report is a summary of the questions asked during the virtual public scoping meeting held on October 21, 2020. Table 4-2 provides a list of the individuals who provided questions during the scoping meeting.

Table 4-1. Public Scoping Meeting Questions

Commenter	Date
Kevin Emmerich	October 21, 2020
Judith Atchison	October 21, 2020
Ileene Anderson	October 21, 2020
Chris Clarke (NPCA)	October 21, 2020
Laura Cunningham	October 21, 2020
Scott Connelly	October 21, 2020
Susy Boyd	October 21, 2020
Garry George (Audubon)	October 21, 2020
Peter [Langenfeld]	October 21, 2020
Malinda Stalvey	October 21, 2020

Questions asked at the public scoping meeting ranged from inquiries about the type of document (EA or EIS) being prepared to in depth questions about which specific plants are in the Projects area. The general questions included clarifications about the NEPA document, the length of the comment period, and if the two Projects would be approved independently. An attendee asked if the NEPA and CEQA documents will be released concurrently. Clarifications were made regarding the meetings not accepting comments, only questions, where the documents and meeting materials will be posted online, and how to get on the notification list. An attendee asked how many jobs will be created through these Projects

Questions regarding biological resources included interest in the avian “lake effect”, increase of animals killed on the highway near other solar projects, what rare plants are present on the Project sites, and what mitigation is required for desert tortoise and Mojave fringed-toed lizards, both individually and cumulatively. Attendees asked which species the take permit was for, and when the biological studies are being conducted. Multiple questions about microphyll woodland were raised, including which avoidance measures would be used and what percentage would be removed. An attendee asked the hosts to speak about detailed mapping for wildlife corridors in the area.

Questions regarding water resources were asked, including how much water would be used and from which aquifer the water would come and the interaction with the Colorado River Water.

An attendee asked what the Projects’ VRM (Visual Resources Management) class is, and another asked how the cumulative visual impacts to a culturally sensitive landscape will be analyzed.

Questions were asked regarding plan amendments to the DRECP, if there any alternatives that include DRECP amendments. An attendee asked the BLM to update the BLM web maps with all permitted projects and post the plan of development on the ePlanning website.

5. Summary of Future Steps in the CEQA Process

The EIR process requires a team of interdisciplinary resource specialists to complete each step. An important part of the environmental review process is engaging the public and relevant agencies from the earliest stages of and throughout the planning process to address issues, comments, and concerns. The steps of the CEQA EIR process and decisions to be made are described as follows.



Appendix A

Notice of Preparation



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Arica and Victory Pass Solar Projects

Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting

Date: October 2, 2020

To: Responsible/Trustee Agencies and Interested Parties

From: California Department of Fish and Wildlife

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Arica and Victory Pass Solar Projects and Notice of Public Scoping Meetings

NOP Public Review Period: October 5 to November 4, 2020

Public Scoping Meeting:

Date: October 21, 2020

Location:

<https://zoom.us/j/99603454559>

Meeting ID: 996 0345 4559

Phone: (669) 900-9128

Meeting ID: 996 0345 4559

Time:

5:00 p.m. URL available for viewing meeting materials and exhibits. URL will be provided in chat with language on slide/in slide footer directing attendees to the chat box.

Meeting time: 5:30-7:30 p.m.

A. Introduction

In accordance with Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, the California Department of Fish and Wildlife (CDFW), as the CEQA lead agency, will prepare a Draft Environmental Impact Report (EIR) for the Arica and Victory Pass Solar Projects (Projects). Arica Solar, LLC and Victory Pass I, LLC (Applicants) are proposing the Projects on land administered by the Bureau of Land Management (BLM) within a Development Focus Area (DFA), areas identified as appropriate for renewable energy under the BLM California Desert Conservation Area Plan as amended by the Desert Renewable Energy and Conservation Plan (DRECP). The applicants will need to obtain a Lake and Streamed Alteration Agreement (LSAA) and an Incidental Take Permit (ITP) under the California Endangered Species Act (CESA) from the CDFW. CDFW's need to contemplate an ITP and LSAA triggers the need to comply

with CEQA. Therefore, CDFW, as the lead agency under California law, will prepare a Draft and Final EIR to comply with CEQA. Separately, the BLM will prepare an Environmental Assessment (EA) to comply with NEPA to respond to the Applicants' request for a right-of-way on federal land.

As required by CEQA, this NOP is being sent to the Office of Planning and Research, responsible and trustee agencies and interested members of the public who submitted a request for such notices. The purpose of the NOP is to inform recipients that CDFW is beginning preparation of an EIR for the proposed Projects and to solicit comments concerning the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed Projects. Information that will be most useful at this time would be descriptions of the significant environmental issues and reasonable alternatives and mitigation measures you would like to see explored in the Draft EIR.

This NOP includes background information on the projects and the project locations (Section B), a description of the proposed project (Section C), a summary of potential project impacts (Section D), time and information on the virtual public scoping meeting (Section E), information on how to provide comments to CDFW (Section F), and where documents are available for public review (Section G).

In accordance with CEQA Guidelines Section 15082(b), there will be a 30-day comment period for this NOP, beginning on October 5, 2020 and ending on November 4, 2020. CDFW welcomes agency and public input during the public review period. In the event that no response or well-justified request for additional time is received from any responsible, federal, or trustee agency by the end of the review period, CDFW may presume that such agencies have no response.

B. Background and Project Location

B.1 Background

The Applicants propose to develop and construct a 265-megawatt (MW) and a 200 MW, respectively, alternative current (AC) solar photovoltaic (PV) energy generating and battery storage project.

These Projects would be located adjacent to each other on BLM-administered federal lands, approximately 2,000 acres for Arica, and 1,800 acres for Victory Pass. For purposes of CEQA, the Arica and Victory Pass Projects will be reviewed under one document. These Projects are located within the California Desert Conservation Area (CDCA) planning area. The proposed Projects are also located within a Solar Energy Zone (SEZ) and within a DRECP Development Focus Area (DFA).

The Projects sites are currently vacant. The proposed Projects represent an increase in land use, but help California reach its goals in renewable energy, as well as comply with the BLM energy strategy to improve management of energy resources.

B.2 Project Location

The Projects are located in unincorporated eastern Riverside County, approximately 50 miles east of Indio, CA, approximately 40 miles west of Blythe, CA and 70 miles north of the California-Mexico border. Access to the site would be from State Route 177, approximately 8 miles from the proposed access gate. The Projects' legal descriptions are as follows:

Legal Description

Project Component	Township / Range	Sections
Arica Solar Field (2,000 acres)	T. 5 S., R. 16 E	<ul style="list-style-type: none"> Sec. 13, SW1/4 Sec. 14, Of the NE 1/4: NW1/4 1/4, SE 1/4 1/4, and SW 1/4 1/4, the entire SE1/4 Sec. 23, NE1/4, SW1/4, and SE1/4, of the NW1/4: NW 1/4 1/4, NE1/4 1/4, and SE1/4 1/4 Sec. 24
	T. 5 S., R. 17 E	<ul style="list-style-type: none"> Sec. 19, NW1/4, SW1/4
Victory Pass Solar Field (1,800 acres)	T. 5 S., R. 16 E	<ul style="list-style-type: none"> Sec. 22, SW1/4, SE1/2 Sec. 25, NW1/4, SW1/4 Sec. 26 Sec. 27, NE1/4, E1/2NW1/4, E1/2SW1/4, SE1/4 Sec. 34, N1/2NE1/4 Sec. 35, N1/2NE1/4, N1/2, NW1/4
Shared Gen-Tie Line	T. 5 S., R. 16 E	<ul style="list-style-type: none"> Crosses: Sec. 26, 27, 28, and 33
Shared Access Road	T. 5 S., R. 15 E	<ul style="list-style-type: none"> Sec. 13, NE1/4SW1/4, and N1/2SE1/4
	T. 5 S., R. 16 E	<ul style="list-style-type: none"> Sec. 18, N1/2SW1/4, and NW1/4SE1/4 Sec. 19, NE1/4NE1/4 Sec. 20, N1/4

The Projects sites consists of approximately 3,800 combined acres of BLM-administered land within the Riverside East SEZ and within a DRECP DFA (see Figure 1).

The proposed Projects sites are surrounded primarily by BLM-managed lands with some private parcels also located in the vicinity. South of the I-10, the gen-tie line will cross the Chuckwalla Area of Critical Environmental Concern and the Chuckwalla Special Recreation Management Area. The gen-tie will remain almost entirely within a BLM-designated utility corridor, including south of the I-10. Joshua Tree National Park, the Desert Lily Preserve ACEC and the Palen-Ford ACEC are less than 5 miles away from the Projects.

The Victory Pass site is crossed by the existing Southern California Edison (SCE) 115 kV transmission line, and the Red Bluff Substation is located south west of the Projects. The Red Bluff Substation connects the SCE 500 kV system (Devers-Palo Verde line and Colorado River-Devers line) with the 230 kV lines of local solar generators. Other existing, under construction, and approved solar projects located nearby are Desert Sunlight Solar Farm, Desert Harvest Solar Project, Palen Solar Project, and Athos Solar Project, which also connect to the Red Bluff Substation. Designated critical habitat for desert tortoise is located south of the Project sites.

C. Project Description

The Projects consist of utility-scale solar PV and energy storage projects. A 3.2-mile-long, shared 230 kV gen-tie line interconnects the shared switchyard with the SCE Red Bluff Substation. Arica would generate up to 265 MW and Victory Pass would generate 200 MW using PV technology and would include up to 200 MW each of integrated battery energy storage capacity.

The proposed Projects are comprised of the following components/facilities:

- **Solar PV Panels and Mounting Systems:** the solar facility would include a type of solar PV system to be selected at the time of procurement. The PV panels will be self-contained units designed to withstand exposure for 35 years. Module mounting systems that may be installed include either fixed-tilt or tracking technology, depending on the PV modules ultimately selected. Modules would be arranged next to each other in long strings called rows and supported by steel piles.
- **Inverters, Transformers, and Electrical Collection System:** The Projects would be designed and laid out primarily in increments which would include an inverter equipment area and transformers. Panels would be electrically connected into panel strings using wiring secured to the panel racking system. Underground cables would be installed to convey the direct current (DC) electricity from the panels to inverters to convert the DC to alternating current (AC) electricity.
- **Project Substations and Gen-Tie Line:** Two on-site substations (owned and operated by Arica Solar) will be constructed in the southwestern and southeastern portion of the Arica Solar site. One substation would be built at the Victory Pass site. These substations will connect with an adjacent switchyard on the Victory Pass Project site. Each of these substations is anticipated to be approximately 300 by 300 feet with poles up to 90 feet in height. The gen-tie line will run 2 miles west then turn south for one mile to reach the SCE Red Bluff Substation.
- **Operations and Maintenance (O&M) Facility:** The O&M facility, will be located near the substation and will be monitored by onsite O&M personnel or remotely. The O&M facility may consist of offices, a restroom, and a storage area. A septic system and leach field will be located at the O&M facility and will serve the Project's sanitary wastewater treatment needs.

Other features/components of the proposed facility include an optional battery for 200 MW of electricity, a meteorological data collection system, and telecommunications facilities.

Access to the sites would be via State Route 177 to the off-highway vehicle (OHV) route DC379 route. This route has been used and improved by the Athos and Palen Solar Projects. Multiple points of ingress/egress would be provided to the site and accessed by site personnel via locked gates. Security fencing would be installed along the perimeter of the proposed Project sites and motion-sensitive, directional security lights would be installed to provide adequate illumination around the substation areas, and at gates. Other security measures including infrared security cameras will be installed.

D. Potential Environmental Effects

The EIR will evaluate potential environmental effects of the proposed Projects. The EIR will identify reasonable alternatives, compare the environmental impacts of the alternatives to those of the proposed Projects, and propose mitigation to avoid and/or reduce impacts deemed potentially significant.

Potential issues and impacts to the existing environment to be analyzed in the EIR include the following environmental topics.

- | | |
|----------------------------|---------------------------------|
| ■ Aesthetics | ■ Hazards & Hazardous Materials |
| ■ Air Quality | ■ Hydrology / Water Quality |
| ■ Biological Resources | ■ Land Use / Planning |
| ■ Cultural Resources | ■ Mineral Resources |
| ■ Geology / Soils | ■ Noise |
| ■ Greenhouse Gas Emissions | ■ Population / Housing |

- Recreation
- Transportation / Traffic
- Tribal Cultural Resources
- Utilities / Service Systems
- Wildfire
- Energy
- Mandatory Findings of Significance

The EIR will also address the cumulative environmental consequences of the proposed Projects in combination with other closely related past, present, and reasonably foreseeable probable future projects in the area. This will serve to satisfy CEQA requirements regarding regional cumulative effect concerns. Pursuant to CEQA Guidelines Section 15063(a), CDFW has elected to proceed directly to the preparation of a Draft EIR rather than preparing an Initial Study.

In compliance with CEQA Guidelines Section 15126.6, the EIR will describe and evaluate the comparative merits of a reasonable range of alternatives to the proposed Projects. The EIR will also identify any alternatives that were considered but rejected by the lead agency as infeasible and briefly explain the reasons why. The EIR will provide an analysis of the No Project Alternative and will also identify the environmentally superior alternative. The alternatives to be analyzed in the EIR will be developed during the environmental review process and will consider input received during public scoping.

E. Public Scoping Meeting

CDFW will hold one virtual public scoping meeting (to be hosted by BLM for NEPA scoping purposes) to inform interested parties about the proposed Projects, and how to provide written comments on the scope and content of the EIR, and to provide agencies and the public with an opportunity to ask questions about the Projects. The meeting dates, locations, and times are as follows:

Date: October 21, 2020

Location:

<https://zoom.us/j/99603454559>

Meeting ID: 996 0345 4559

Phone: (669) 900-9128

Meeting ID: 996 0345 4559

Time:

5:00 p.m. URL available for viewing meeting materials and exhibits. URL will be provided in chat with language on slide/in slide footer directing attendees to the chat box.

Meeting time: 5:30-7:30 p.m.

For more information, please contact Magdalena Rodriguez via email at magdalena.rodriguez@wildlife.ca.gov or phone at 909.844.2520.

Everyone is encouraged to attend a meeting to express their concerns about the proposed Projects and to offer suggestions regarding the projects, including alternatives.

F. Providing Comments

At this time, CDFW is soliciting comments on the NOP regarding your views on how the Projects may affect the environment. This information will be considered when preparing the Draft EIR's discussion of environmental topics, significant effects, mitigation measures, and alternatives. Because of time limits mandated by state law, comments should be provided no later than 5:00 p.m. on November 4, 2020 (30-day comment period).

You may submit comments in a variety of ways: (1) by U.S. mail, (2) by electronic mail (email), or (3) by attending a virtual public scoping meeting and submitting written comments at that time. Comments provided by email should include "Arica and Victory Pass Solar Projects NOP Scoping Comments" in the subject line, and the name and physical address of the commenter should be contained in the body of the email.

Please send all comments to:

California Department of Fish and Wildlife

Attention: Magdalena Rodriguez, Project Manager

3602 Inland Empire Boulevard, Suite C220, Ontario, California 91764

OR via email: magdalena.rodriguez@wildlife.ca.gov

(subject line: "RE Arica and Victory Pass Solar Projects NOP Scoping Comments")

G. Location of Documents Available for Public Review

The NOP and all public review documents for this project will be available for review online at <https://www.wildlife.ca.gov/Notices>

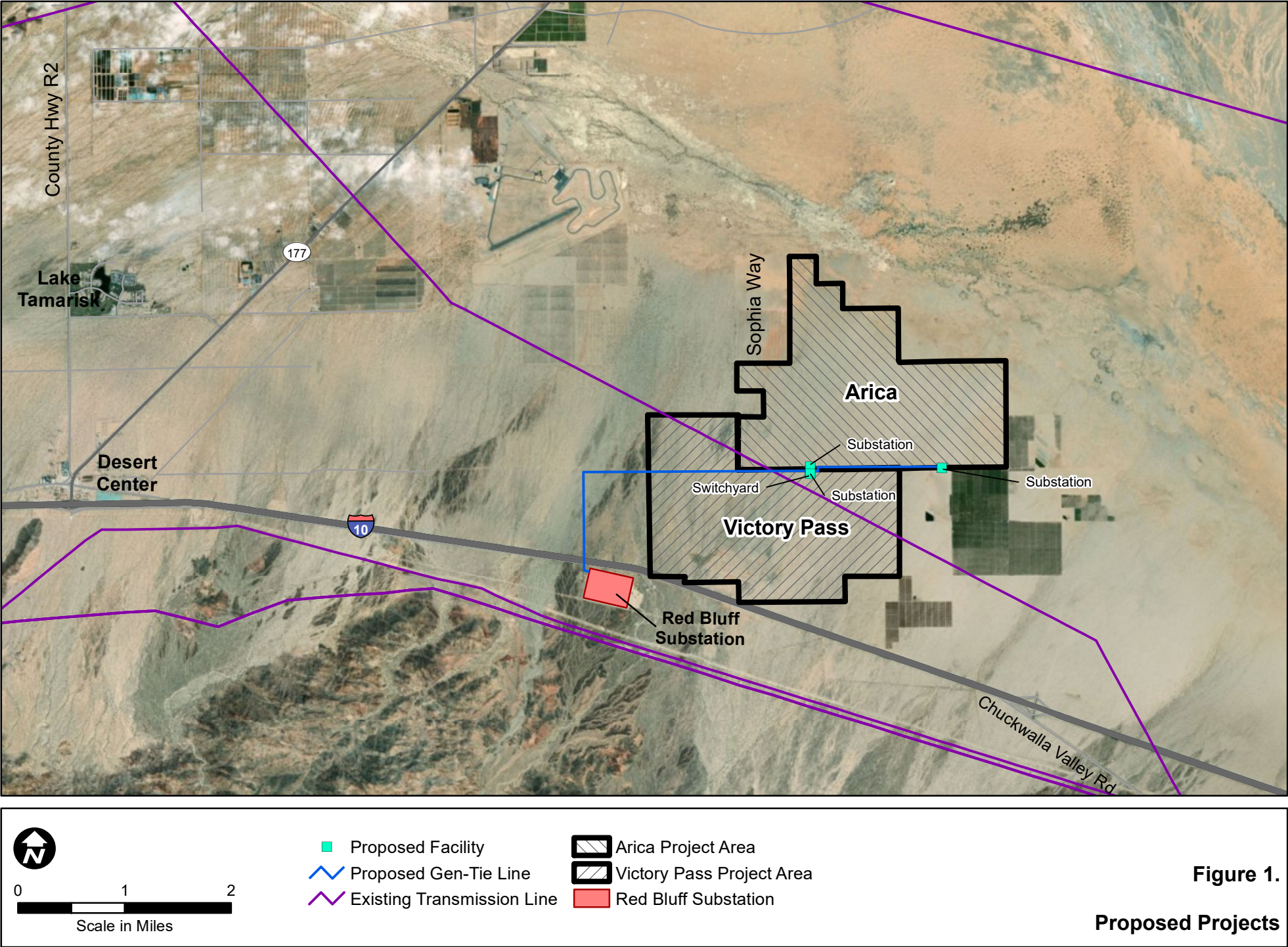


Figure 1.
Proposed Projects

Attachment 1

California Environmental Quality Act Environmental Checklist

Following are the questions included in Appendix G of the California Environmental Quality Act (CEQA) Guidelines Environmental Checklist Form (California Code of Regulations, Section 15000 et seq.). These are issues that may be evaluated in an Environmental Impact Report (EIR), if they are determined to be relevant to the project. This list is provided only to provide the reader with a general idea of the environmental topics that could be considered for the proposed project.

I. Aesthetics (Visual Resources)

Would the project:

- Have a substantial adverse effect on a scenic vista?
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

II. Agriculture and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- 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?
- Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104(g))?
- Result in the loss of forest land or conversion of forest land to non-forest use?

- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

III. Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

- Conflict with or obstruct implementation of the applicable air quality plan?
- 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?
- Expose sensitive receptors to substantial pollutant concentrations?
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

IV. Biological Resources

Would the project:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

V. Cultural and Paleontological Resources

Would the project:

- Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- Disturb any human remains, including those interred outside of dedicated cemeteries?

VI. Energy

Would the project:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

VII. Geology and Soils

Would the project:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - Strong seismic ground shaking?
 - Seismic-related ground failure, including liquefaction?
 - Landslides?
- Result in substantial soil erosion or the loss of topsoil?
- Be located on geologic units or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. Greenhouse Gas Emissions

Would the project:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

IX. Hazards/Hazardous Materials, Wildland Fire Ecology

Would the project:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. Hydrology and Water Quality

Would the project:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - result in substantial erosion or siltation on- or off-site;
 - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - impede or redirect flood flows?
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. Land Use and Planning (Lands and Realty)

Would the project:

- Physically divide an established community?
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. Mineral Resources

Would the project:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

XIII. Noise

Would the project result in:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- Generation of excessive groundborne vibration or groundborne noise levels?
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

XIV. Population and Housing (Socioeconomics and Environmental Justice)

Would the project:

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

XV. Public Services

Would the project 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 of the public services:

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

XVI. Recreation

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

XVII. Transportation and Traffic (Transportation and Public Access)

Would the project:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- Result in inadequate emergency access?

XVIII. Tribal Cultural Resources

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or
 - a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XIX. Utilities and Services Systems

Would the project:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- Substantially impair an adopted emergency response plan or emergency evacuation plan?

- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?
- Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
- Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

XXI. Mandatory Findings of Significance

- Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)
- Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Appendix B

Scoping Meeting Public Notices

**PROOF OF
PUBLICATION**

**STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE**

KEARNS & WEST
233 SANSOMME ST STE 400


SAN FRANCISCO CA 94104

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non paniel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/07/2020, 10/14/2020

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 7th of January 2021 in Green Bay, WI, County of Brown.


DECLARANT


Arica Solar and Victory Pass Solar Projects Environmental Review and Public Scoping Virtual Meeting

October 21, 2020, 5:30 p.m.
Public meeting access information below

Details: The Bureau of Land Management (BLM) is initiating environmental review and seeks public scoping comments on the proposed Arica Solar and Victory Pass solar projects, located near Desert Center in eastern Riverside County. BLM is considering an application to construct two photovoltaic solar projects on public lands. Each project would be approximately 2,000 acres in size, generate up to 265 MW of electricity with up to 200 MW of battery storage, and be sited entirely on BLM-managed public lands. The proposed projects would be located within areas analyzed and identified as suitable for renewable energy development as part of BLM's Desert Renewable Energy Conservation Plan Land Use Plan Amendment. The BLM is the lead federal agency for the National Environmental Policy Act (NEPA) review and is responsible for deciding whether to grant, grant with modifications or deny the right-of-way applications. California Department of Fish and Wildlife separately intends to produce an Environmental Impact Report for the projects as the lead agency for the California Environmental Quality Act (CEQA) review.

A virtual public meeting will be held on October 21, 2020 from 5:30 to 7:00 p.m., in accordance with NEPA and CEQA. Meeting materials will be available for previewing at 5:00 p.m. on October 21. The meeting can be accessed through BLM ePlanning page for each project, links to which can be found below.

Project Location Map



Request for Public Comments: The public is invited to submit written comments on issues, concerns, potential impacts, alternatives and mitigation measures that should be considered as part of BLM's project review. Substantive written comments must be submitted to the BLM by November 1, 2020. More information on the public meeting, including links to access virtual meeting sessions, and methods for submitting comments can be found on the BLM ePlanning page for each project:

- Arica Solar: <https://go.usa.gov/xGw6u>
- Victory Pass Solar: <https://go.usa.gov/xGwFc>

The BLM will use all substantive scoping comments to prepare the environmental documents, which will be available for public review later this year. For more information, please contact BLM project manager Miriam Liberatore at 541-618-2200, or by email at mliberat@blm.gov. Pub: 10/7, 10/14/2020

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Requests for Public Comments: If public is notified, it is invited to submit requests for public comments, essential needs, alternative solutions and other information that could be considered applicable to the petition. The Board will consider all such information and will make a determination on the petition. The Board will also consider the public's comments on the petition. The Board will also consider the public's comments on the petition. The Board will also consider the public's comments on the petition.

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CORONAVIRUS
REPORT

Tuesday, Sept. 29

HOSPITALS

HI-DESERT MEDICAL CENTER

Confirmed COVID-19 patients: 1

No change from seven days ago

CONTINUING CARE CENTER

Confirmed COVID-19 patients: 0

No change from seven days ago

ALL SAN BERNARDINO COUNTY
HOSPITALS

Confirmed COVID-19 patients: 175

Up 2.9% from day before

Suspected COVID-19 patients: 59

Up 9.3% from day before

COVID-19 patients in ICUs: 49

Up 24% from day before

Suspected COVID-19 patients in ICUs: 8

Up 14.3% from day before

Number of beds occupied in ICUs: 309

Available ICU beds: 180

DESERT REGIONAL
MEDICAL CENTER

Confirmed COVID-19 patients: 19

10 more than seven days ago

CASES

SAN BERNARDINO COUNTY

Cases: 56,522

Up 0.2% from day before

Deaths: 966

Up 0.4% from day before

Fatality rate: 1.7%

Tested: 654,884

Rate of positive tests: 8.63%

Projected resolved: 53,735

(People who have not died within 10 days of getting sick or being diagnosed)

Ages of infected:

0-14: 3,880

15-19: 3,004

20-29: 12,709

30-39: 10,630

40-49: 9,309

50-59: 7,239

60-69: 4,892

70 and older: 3,787

Unknown: 72

MORONGO BASIN

Yucca Valley: 238 cases, 22 deaths

5,151 tested

Twentynine Palms: 89 cases, 1 death

3,395 tested

Joshua Tree: 96 cases, 3 deaths

2,695 tested

Morongo Valley: 43 cases, 1 death

699 tested

Landers: 11 cases, 1 death

312 tested

Pioneertown: 2 cases, 0 deaths

108 tested

CALIFORNIA

Cases: 828,461

Up 1,667 people from day before

Rate of positive tests in past seven days: 2.6%

Number of tests conducted: 15,430,420

Deaths: 16,177

Up 28 people from day before

Hospitalizations: 2,344 confirmed, 831 suspected

681 confirmed and 128 suspected patients are in ICUs

Sources: San Bernardino County and California public health departments

College and water board candidates to hold forum

MORONGO BASIN — Candidates for the Copper Mountain Mesa and Joshua Basin Water District boards will answer questions from the public in a forum held over Zoom at 6 p.m. Oct. 12.

The Rotary Club of Joshua Tree will host the forum. The public may send questions for the candidates to jtroary@yahoo.com by Oct. 9.

Candidates for seats on the Copper Mountain College board of trustees and District 5 on the Joshua Basin Water District board of directors have been invited.

To receive the Zoom link, email jtroary@yahoo.com.

Family looking for man last seen in Wonder Valley

By Kurt Schauppner
The Desert Trail

WONDER VALLEY — James Escalanta was on his way to help a woman whose car had gotten stuck on Shelton Road near Twentynine Palms Highway on June 25.

The 56-year-old Wonder Valley man made a cellphone call to his girlfriend, who was friends with the stuck woman, and said he could not find her. She contacted the woman and told her to honk her horn so Escalanta could find her.

That was the last time Escalanta was heard from, though the red metallic mountain bike he was riding has been recovered on Shelton Road, daughter-in-law Heather Parker said.

Parker and her husband, Jon, reported Escalanta



Escalanta

as missing to the Sheriff's Department, have taken to social media and traveled to the Morongo Basin from South Carolina hoping to find someone who might have an idea where he is.

"We actually flew out here week before last," she said. "No one has heard from him."

Parker said her father-

in-law worked as a handyman and had been staying with multiple people in Wonder Valley since December or January. Before that he lived for several years in Twentynine Palms.

She and her husband last visited Escalanta in 2017 and her husband speaks to him on the phone a couple of times a year.

Family members, she said, are hoping that human remains found near Shelton Road on Aug. 8 are not a clue to her father-in-law's fate.

"They are male remains," she said, noting that the family has been in touch with the county coroner and submitted a sample of the man's DNA.

"We are still actively pursuing this as a miss-

ing persons case," she said. "We just want to find out where he is."

She described Escalanta as rather stocky, about 5 foot 10 or 11 inches tall, with dark black hair pulled back into a pony tail, and a lot of tattoos. His nickname, she said, is Blackhawk.

She described the man as sometimes gruff but also big-hearted.

"He is like a big teddy bear. He would do anything to help anyone," she said. "He was just a very good, big-hearted person."

Speaking to people who knew him, she said, she and her husband heard one story after another about Escalanta helping or protecting them.

"He could be tough and stern too but definitely big-hearted."

Fifth-graders write to thank hospital heroes

By Jene Estrada
Hi-Desert Star

MORONGO BASIN — A group of fifth-grade students at Oasis Elementary School wrote letters to the doctors and nurses at the Hi-Desert Medical Center last week, thanking them for their hard work protecting the community during the COVID-19 pandemic.

Teacher Deann Dennis and her class were reading a news article in their distance learning curriculum earlier this week about two sisters in the California Bay area who had started a GoFundMe for local heroes in their area and throughout the state, including first responders and health care workers.

This sparked a conversation among the class about the Morongo Basin's own heroes and the class quickly identified the doctors and nurses at the Hi-Desert Medical Center as people who have been saving lives during the COVID-19 pandemic.

"They were really inspired," Dennis said. "Things moved quickly after that and we now have 200 letters for these health



JENE ESTRADA Hi-Desert Star

Aqilah Cox from Deanne Dennis' class at Oasis Elementary hands out letters to health care workers Thursday afternoon.

care workers."

Dennis and her co-worker, fifth-grade teacher Erin Witt, got volunteers from their class to write letters to these workers and collected them at the school.

The involved students included Aaliah Rogers, who wrote over 100 letters, and Emily Ozment, who wrote about 60 letters.

Dennis and Witt and a few of their students presented these letters to some of the health care

workers outside the Joshua Tree medical center on Thursday afternoon, Oct. 1.

"With everything going on for students right now, with all the difficulties they're facing, it really means a lot to all of us that they're showing their support in this way," said

Desert Care Network pandemic response coordinator David Cooke.

Cooke said the letters will be handed out to different staff members and possibly displayed at the hospital.

He thanked all of the students and teachers involved.

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Rich Gordon

B.A., M.A., J.D.

Hot, dry was story of September weather

By Ray Yeager

Special to the Hi-Desert Star

MORONGO BASIN — Extreme heat and lack of rain highlighted September weather.

Yucca Valley set a new high temperature of 109 degree on Sept 6. The old record was 105 set in 1994.

The average high was 90 degrees, which matches the historical average. The average low was 62, four degrees above average. The low temperature was 51 on the 10th. The average low is 62, four degrees above normal.

Other highs and lows: Landers: 109 and 53; Joshua Tree: 113 and 47; and Twentynine Palms: 114 and 60.

No rainfall was recorded in the Basin, which is beginning to be a big problem. Although we have had 3.68 inches so far for this year, only 0.17 has been recorded since May and the National Weather Service is predicting below-normal rainfall for our upcoming rainy season.

Arica Solar and Victory Pass Solar Projects Environmental Review and Public Scoping Virtual Meeting

October 21, 2020, 5:30 p.m.

Public meeting access information below

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10/15/2020

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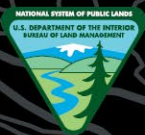
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Appendix C

Scoping Meeting Presentation



U.S. Department of the Interior
Bureau of Land Management

Arica and Victory Pass Solar Project

Virtual Public Scoping Meeting – October 21, 2020

The background of the lower half of the slide is a photograph of a large solar farm. Rows of solar panels are visible, stretching into the distance under a clear blue sky. Mountains are visible in the far background.

Welcome!

The meeting will start at 5:30 p.m.

Materials are available for review on the ePlanning webpages for each site. Links can be found in the chat box.



U.S. Department of the Interior
Bureau of Land Management

Arica and Victory Pass Solar Project

Virtual Public Scoping Meeting – October 21, 2020





Meeting Format

- Virtual Public Meeting begins 5:30 p.m.
- Opening and Introductions – Jeremiah Karuzas (BLM) and Ben Gettleman
- Clearway Energy Presentation – Susan Gladding
- Agency Presentation – Matt Toedtli (BLM) and Magdalena Rodriguez (CDFW)
- Public Questions and Answers
- Meeting concludes at 7:30 p.m.



U.S. Department of the Interior
Bureau of Land Management

Welcoming Remarks





Participating in the Meeting

- Question and answer session after presentation
- Q&A tool for questions
- Chat box for technical support
- Official comments will not be taken during this meeting – can be submitted:
 - Through project ePlanning webpages (NEPA)
 - By mail or email (NEPA and CEQA)

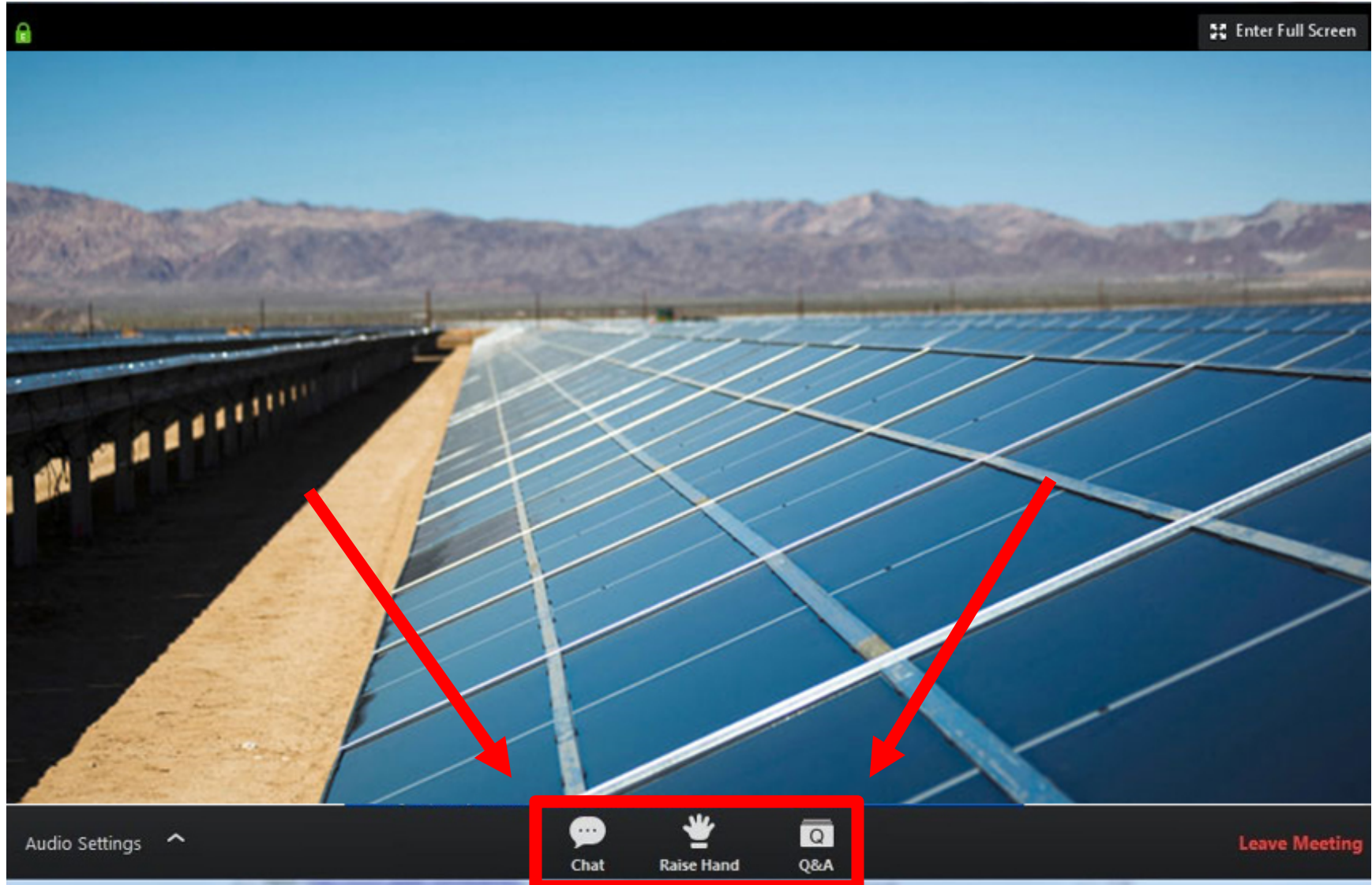


Tips for Productive Meetings

- Help ensure everyone gets equal time – use “raise hand” or submit question using “Q&A” tool during the Q&A period
- Keep questions concise
- Actively listen to others, seek to understand perspectives
- Meeting organizers may implement a time limit for each question, to ensure everyone has a chance to ask a question

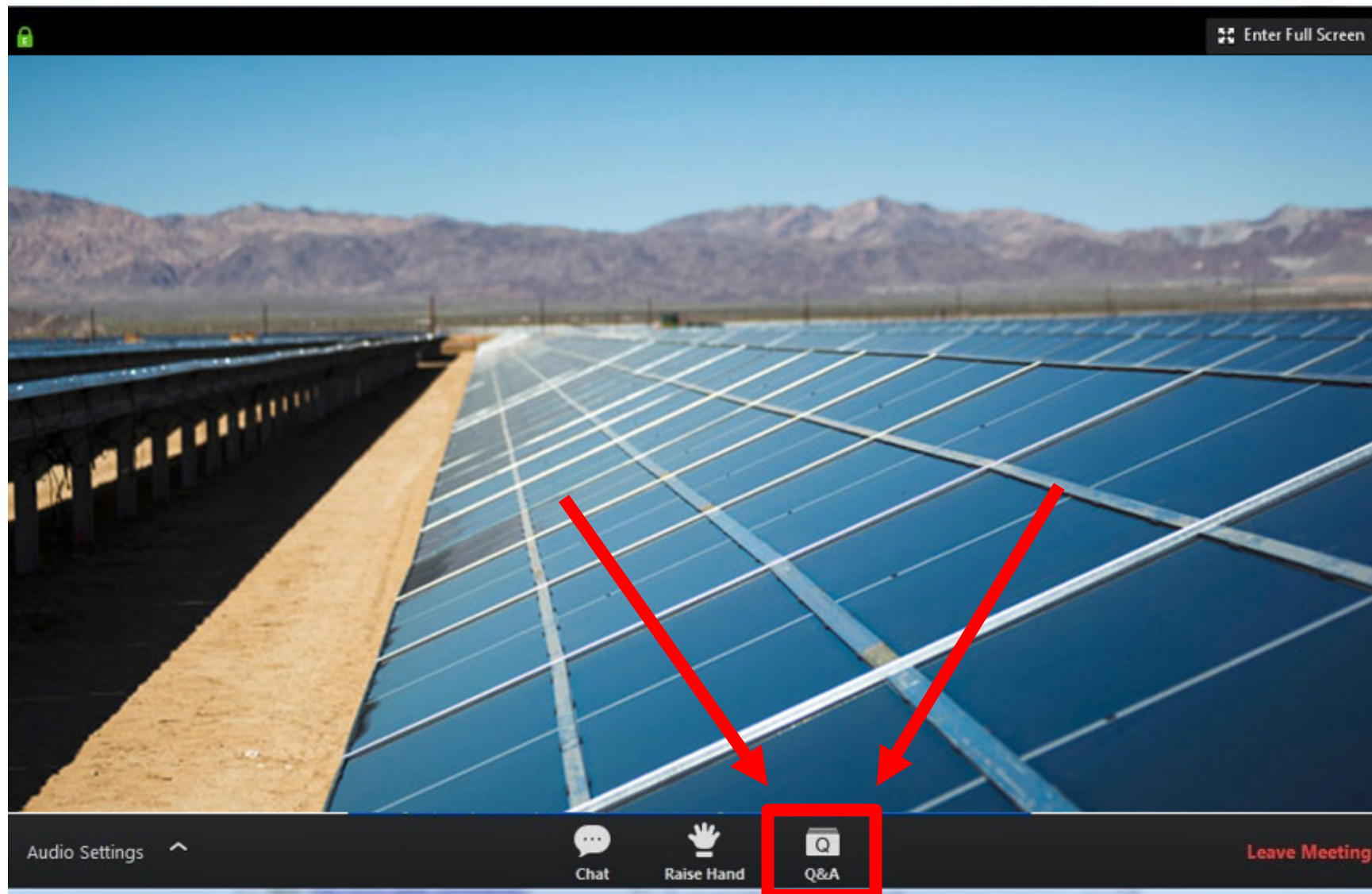


Webinar Functions



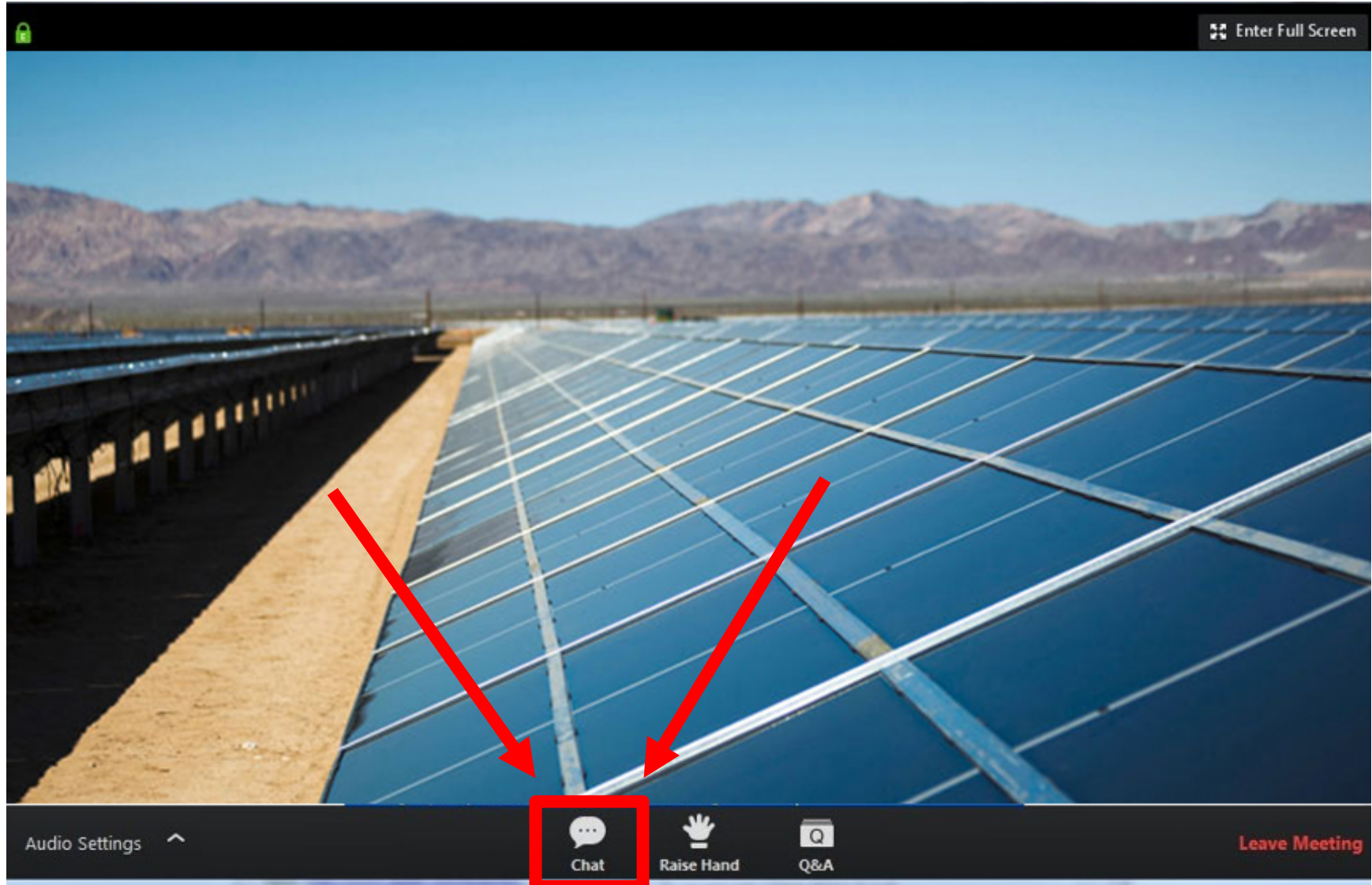


Submitting Questions



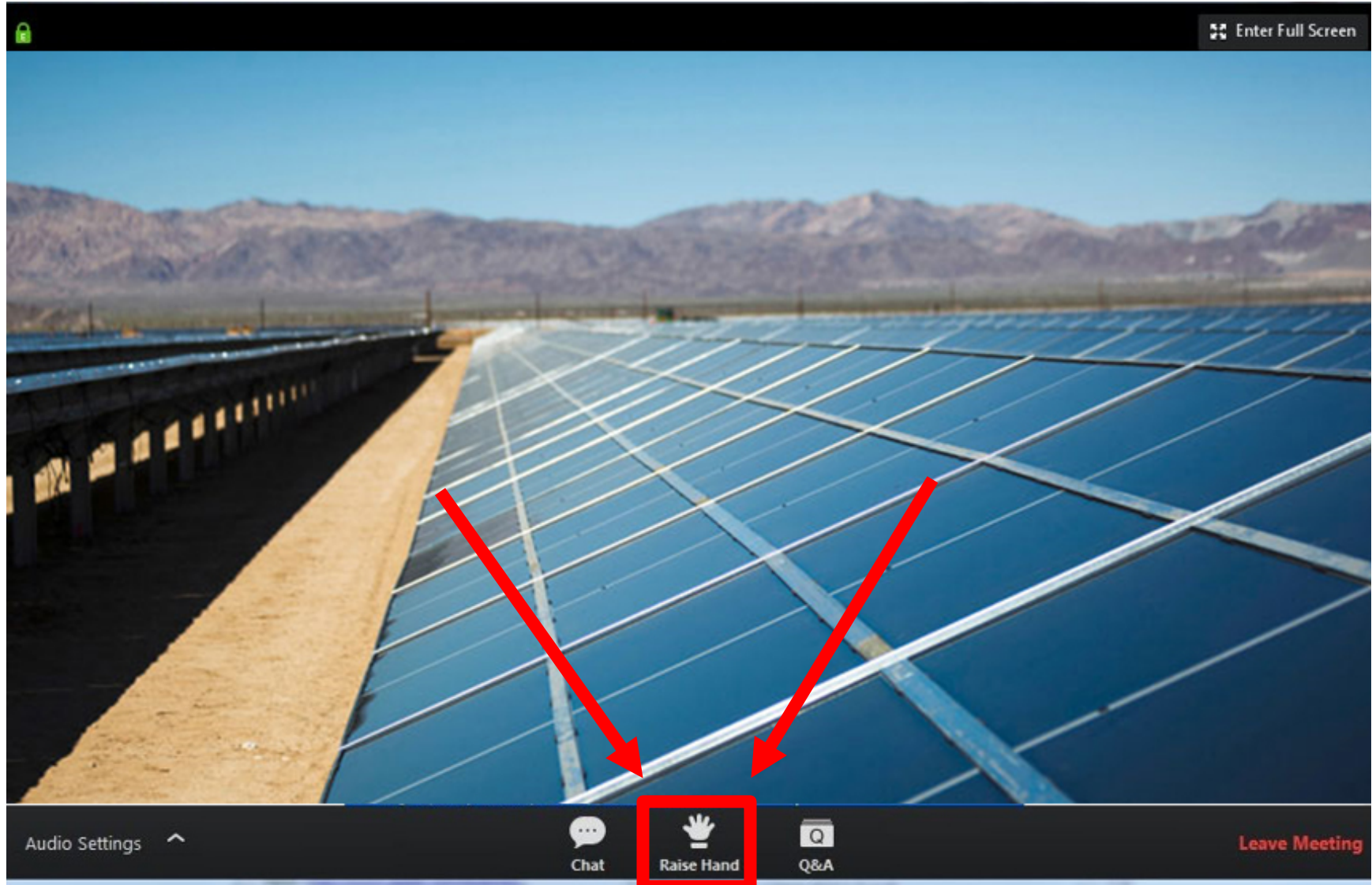


Chat – Technical Support





Raising Hand



Arica & Victory Pass Solar Projects

BLM and CDFW Scoping Meeting
October 21, 2020

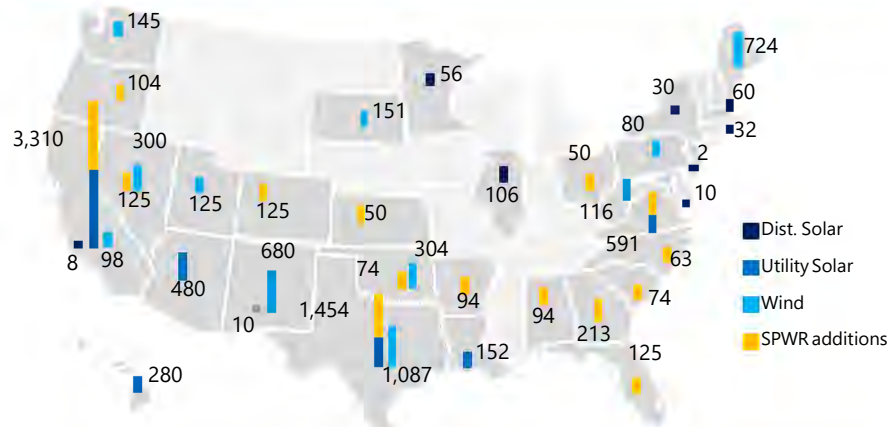
About Clearway

Clearway is one of the largest operators of renewables in the U.S. with **4.1 GW** Under Management and an **8.9 GW** Development Pipeline of utility scale wind and solar

4.1 GW Portfolio of Assets Under Management¹



8.9 GW Development Pipeline



About Clearway

- Clearway was formed with the completion of the sale of NRG Renew and NRG's controlling interest in NYLD, to GIP, a leading global, independent infrastructure investor.
- Clearway operates 2.8 GW of utility scale wind, 1.1 GW of utility scale solar, and over 300 MW of distributed and community solar – with operations across 28 states.

The Clearway Team

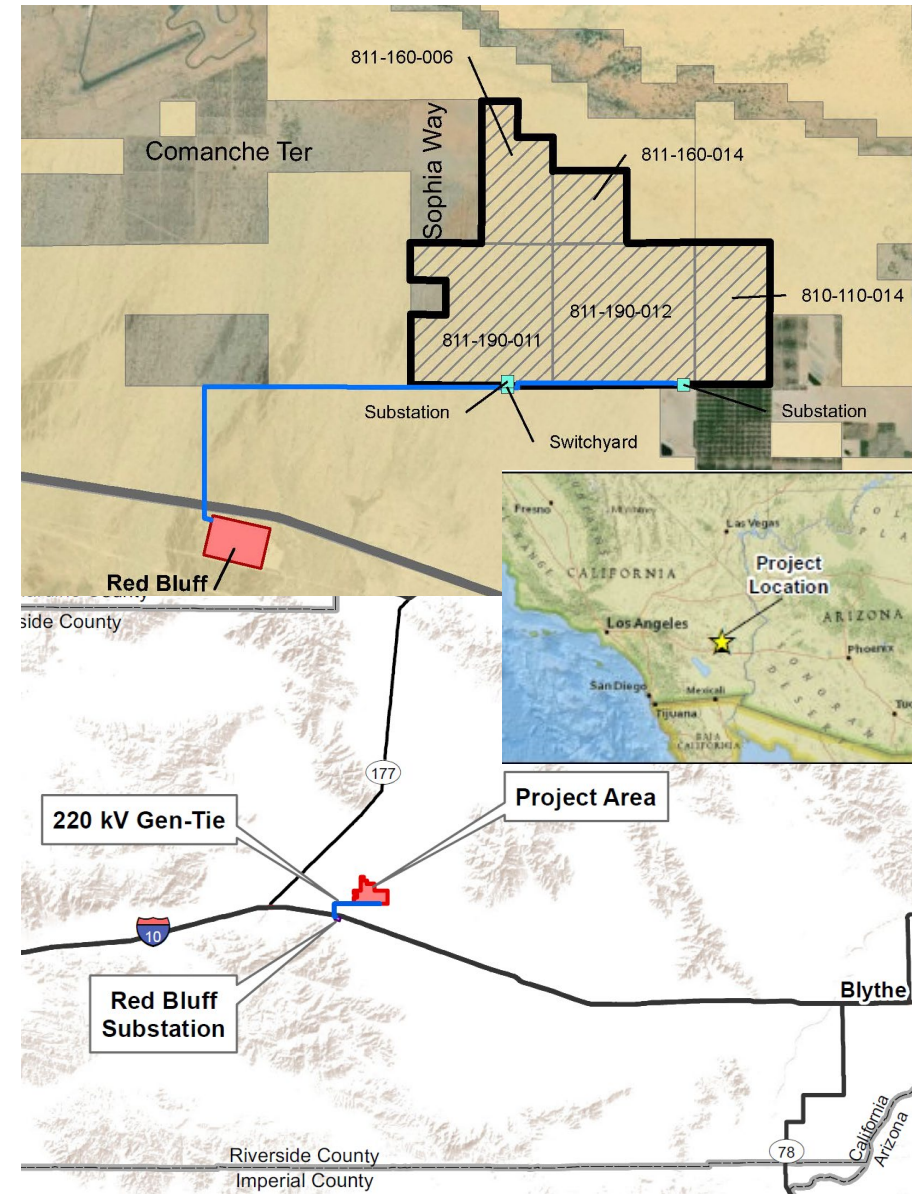
- The Clearway platform is staffed with more than 500 employees making up robust development, origination, construction and operations teams to provide efficient project transitions from project origin to operations.
- **Arica Solar, LLC** and **Victory Pass I, LLC** are the project sponsors and are wholly-owned subsidiaries of Clearway Energy Group LLC.

Clearway operates more than **140 wind and solar projects** nationwide

¹Gross MW under management, not inclusive of 223 MW Clearway Group manages on behalf of 3rd parties
Proprietary and Confidential Information

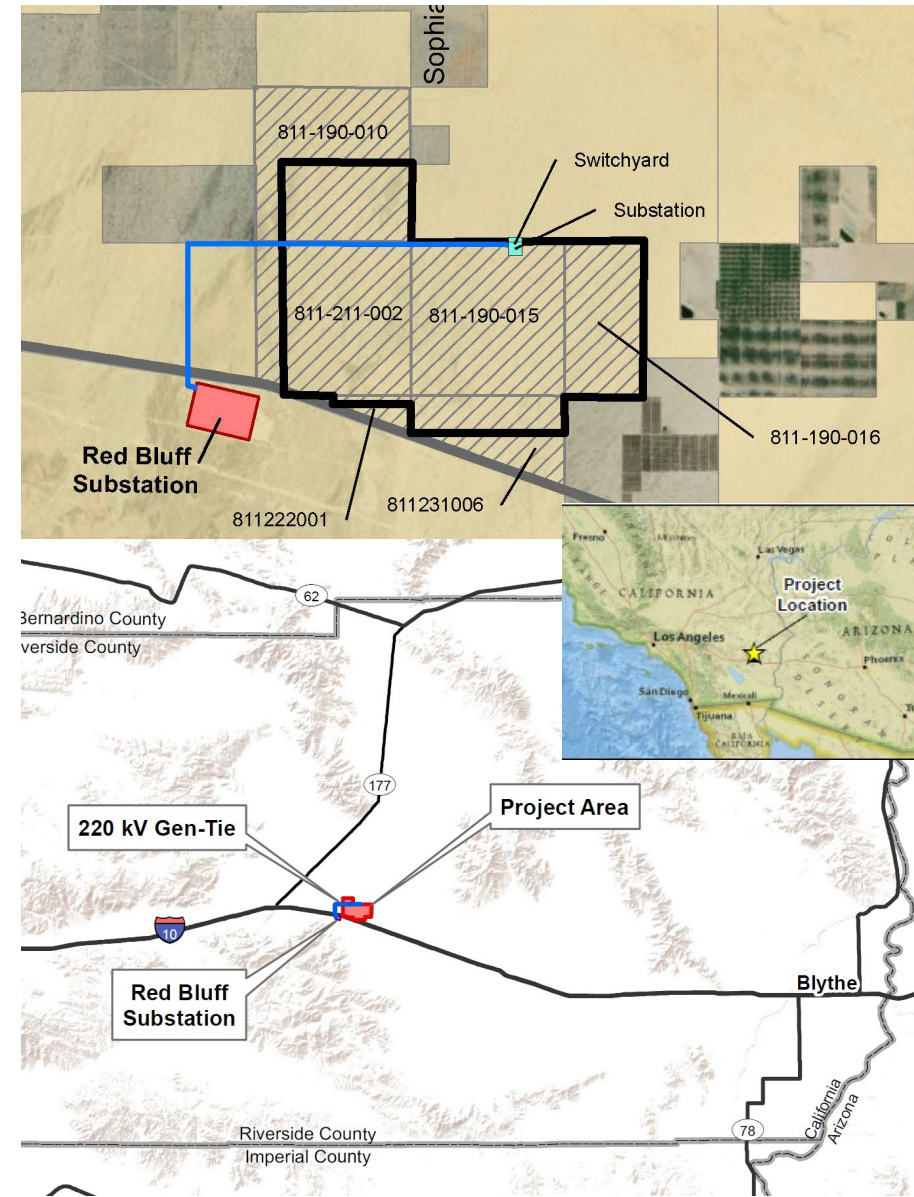
Arica Solar Project (CACA 56898)

- 265 MW PV solar project located 8 miles east of the I-10 and SR 177 intersection in Riverside County
- Up to 200 MW battery storage
- 1-2 substations and switchyard
- Approximately 3.2 mile 230 kV gen-tie from switchyard to existing SCE Red Bluff Substation
- Gen-tie and switchyard would be shared with Victory Pass Project
- Project and gen-tie are entirely on BLM land, in a Development Focus Area within the DRECP near multiple existing/approved solar projects
- Shared access road (also used by Athos and Palen projects)
- Project area is ~2000 acres, however the developed footprint has been reduced to avoid sensitive resources and meet DRECP Conservation & Management Actions

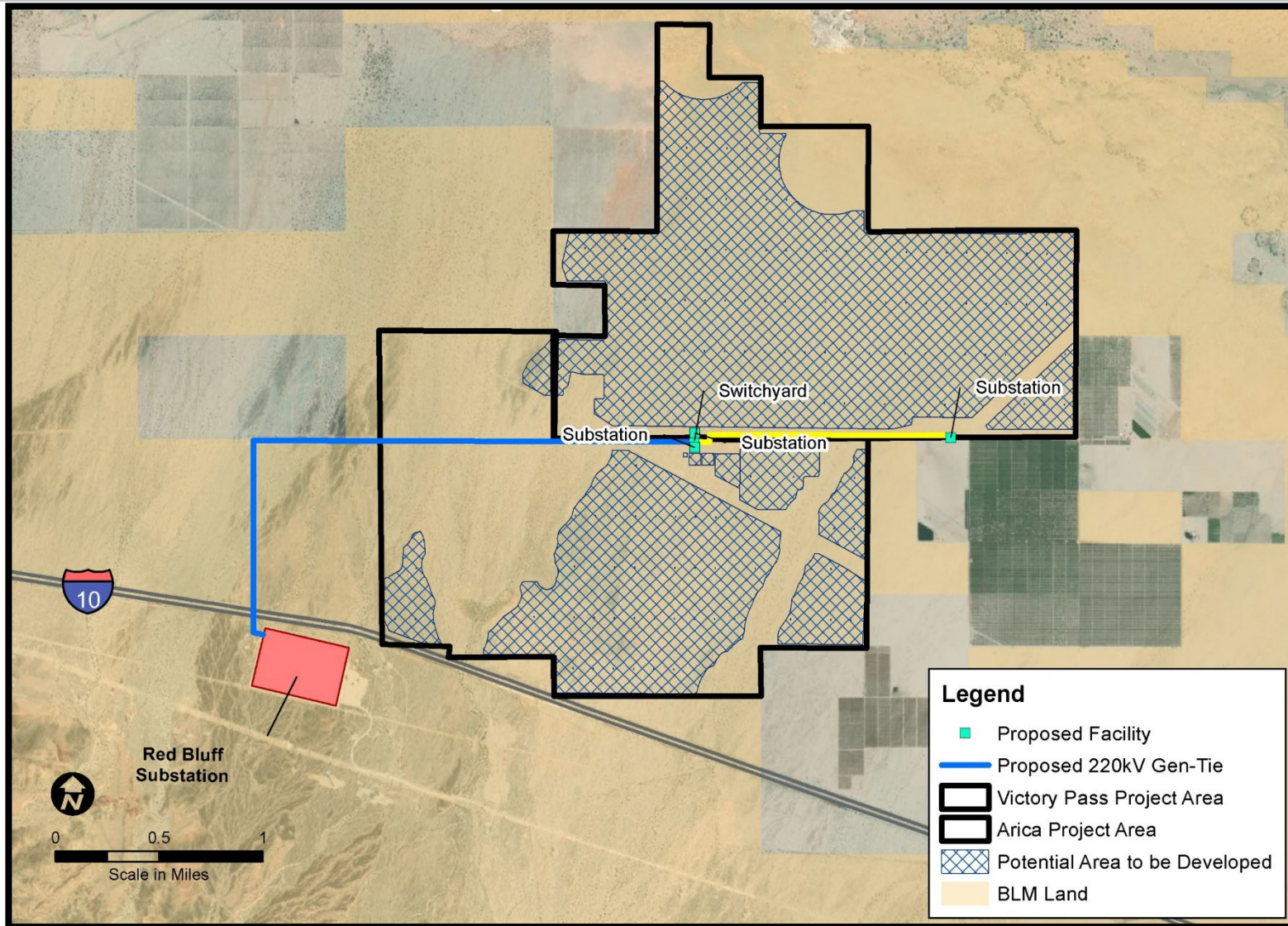


Victory Pass Solar Project (CACA 56477)

- 200 MW PV solar project located 8 miles east of the I-10 and SR 177 intersection in Riverside County
- Up to 200 MW battery storage
- Project substation and shared switchyard
- Shared 3.2 mile 230 kV gen-tie from shared switchyard to the existing SCE Red Bluff Substation
- Project and gen-tie are entirely on BLM land in a Development Focus Area within the DRECP near multiple existing/approved solar projects
- Shared access road (also used by Athos and Palen projects)
- Project area is ~1800 acres, however the developed footprint has been reduced to avoid sensitive resources and meet DRECP Conservation & Management Actions



Arica & Victory Pass Solar Projects



Technical Studies

Technical Studies:

- Biological Resources Technical Report (BRTR)
- Biological Assessment
- Air Quality and Greenhouse Gases
- Hydrology, Water Demand, and Water Supply
- Jurisdictional Waterway Delineation or finding of none present
- Cultural Resources
- Corridor Conflict Analysis
- Plan Conformance Analysis
- Environmental Site Assessment
- Noise Impacts
- Geotechnical assessment.
- Paleontological Resources Technical Report
- Geological Resources, Sand Transport Study
- Visual Resources
- Wildfire Impacts

Benefits of the Arica & Victory Pass Solar Projects

Job Creation & Economic Benefits:

- Estimated combined private infrastructure investment of approximately \$689 million
- Approximately \$5.9 million in annual operational economic benefit
- Provide new well-paying jobs in Riverside County, during construction & operation

Energy & Environmental Benefits:

- Clean, efficient, reliable, renewable power for up to 132,000 homes
- Assist in achieving BLM's "all-of-the-above" energy strategy to ensure the Nation's economic and energy security and quality of life
- Assist California and its investor owned utilities in meeting the State's RPS and greenhouse gas emission reduction requirements
- Provide a new source of energy storage to assist State in achieving or exceeding its energy storage mandates

Project Design proposes to reduce environmental impacts by:

- Sharing a switchyard and gen-tie line to reduce ground disturbance
- Using existing access roads whenever possible
- Incorporating micro-siting to avoid washes and meet DRECP Conservation and Management Actions
- Avoiding sensitive plant species
- Avoiding aeolian sand transport corridor by reconfiguring boundaries (Arica)

Anticipated Schedule

Milestone	Date
POD Submitted	May 24, 2019
Pre-Application Meetings	May 29, 2019 & September 25, 2019
Biological Surveys Approach Biological Surveys	July-September 2019 (Approved by wildlife agencies) Fall 2019 (Complete) and Spring 2020 (Completed)
Cultural Fieldwork Authorization Cultural Surveys	Begin Fall 2019, Spring & Summer 2020 (Completed)
Scoping Period	October 2020
BLM Decision Record and ROW Grant	Fall 2021
CEQA Certification and CDFW Permit(s)	Fall/Winter 2021
Notice to Proceed with Construction	Spring/Summer 2022
Commercial Operation Date	September/December 2023



Public Scoping

- The purpose of the scoping process is to gather information, issues, and concerns related to the Arica and Victory Pass Solar Projects from the public and stakeholder agencies.
- This public meeting is being held by the BLM but serves as a public scoping meeting for both the NEPA and CEQA processes.



BLM's Role

- Administration of public lands under Federal Land Policy and Management Act of 1976 (FLPMA)
- Processing of right-of-way grant applications for use of public lands
- Review of the Project to determine consistency with existing land use plans
 - Project subject to California Desert Conservation Area Plan (1980, as amended)
 - Project subject to Desert Renewable Energy Conservation Plan (DRECP)
- Lead federal agency for NEPA, National Historic Preservation Act, etc.
 - Preparation of an Environmental Assessment (EA) to analyze the potential Project effects
 - Tiered to the DRECP EIS
- Lead agency for consultation with the U.S. Fish & Wildlife Service under Section 7 of the Endangered Species Act



Applicable BLM Regulations and Land Use Plans

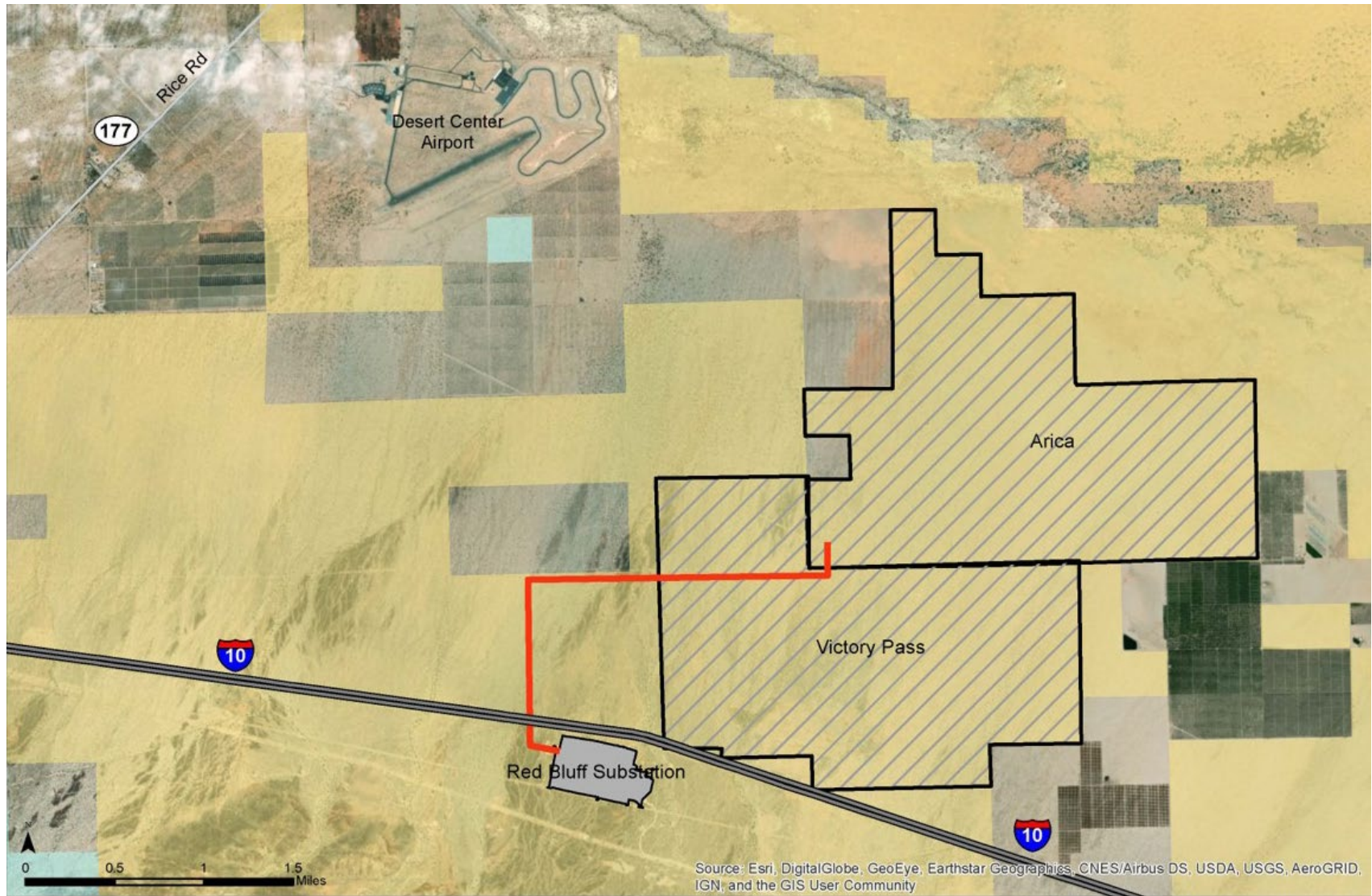
BLM:

- Regulations: 43 CFR 2800
- Right-of-Way Information:
 - General Information
<https://www.blm.gov/programs/lands-and-realty/right-of-way>
 - Obtaining ROW
<https://www.blm.gov/programs/lands-and-realty/right-of-way/obtaining-right-of-way>



CDFW's Role

- Lead agency for the California Environmental Quality Act (CEQA)
- Fish and Game Code Section 2081 Incidental Take Permit for desert tortoise
- Section 1600 et. seq. Streambed Alteration Agreement for state jurisdictional streambeds



Arica and Victory Pass Solar Projects



- Project Gen-Tie
- Solar Project Boundary
- Substation

Managing Agency

- Bureau of Land Management
- State
- Undetermined



National Environmental Policy Act

- Establishes an interdisciplinary, public framework for federal decision-making
- Ensures that agencies take environmental factors into account when considering federal actions
- Requires preparation of the environmental impact statement (EIS) or environmental assessment (EA) and circulate the document for public review and comment



California Environmental Quality Act

- Requires environmental review of projects that require discretionary review and approval by local or state agencies
- Requires analysis for potential significant impacts
- Preparation of an environmental impact report (EIR) is required for projects that could have a significant impact on the environment

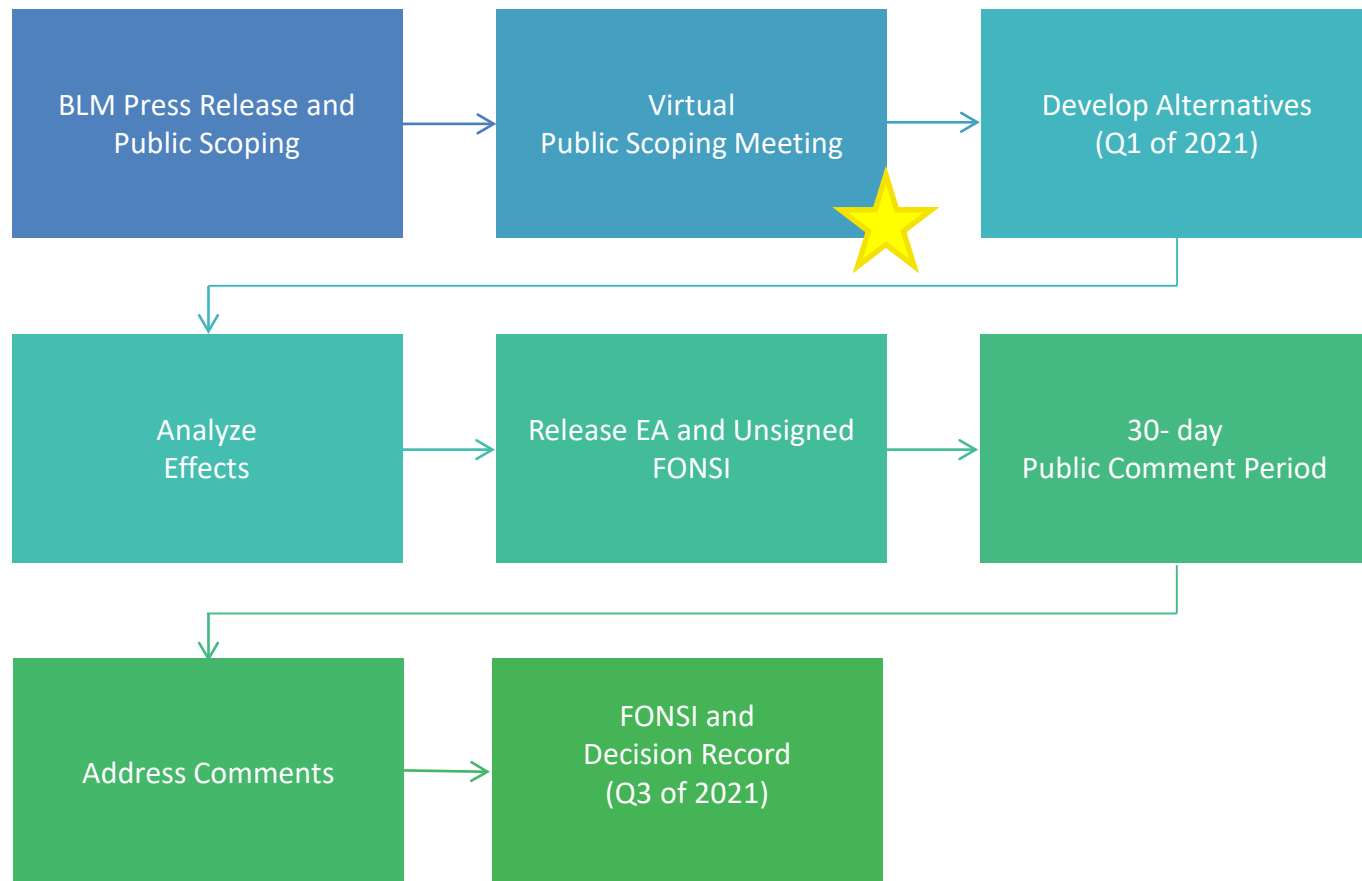


NEPA Environmental Review Timeline

- 2014 to 2019 –
 - Applications filed July 2016 (Arica) and October 2014 (Victory Pass)
 - Pre-application meetings held in May and September 2019
 - Plan of Development and technical studies updated in May 2019
- October 2nd BLM issued press release for Project
- Public Scoping Period
 - Public Comment Period: October 2nd – November 1st
 - Virtual Public Scoping Meeting: Today, October 21st
- Next Steps:
 - Draft EA release
 - Public Review and Comment
 - Final EA/FONSI and Decision Record
 - Right-of-Way Grant issued (if approved)



NEPA Environmental Assessment Process





CEQA EIR Process

- Distribute Notice of Preparation (NOP)
- Prepare Draft EIR
 - Identify and analyze direct, indirect, and cumulative impacts
 - Recommend mitigation measures and alternatives to avoid or reduce potentially significant impacts
- Circulate Draft EIR for agency and public review
- Respond to comments and prepare the Final EIR
- After completion of the EIR process, decision makers can render a decision on the project



Environmental Analysis Areas

- **Air Resources**
- **Biological Resources**
- **Greenhouse Gas Emissions**
- **Cultural, Tribal, and Historic Resources**
- **Energy Conservation**
- **Geology and Soils**
- **Hazards and Hazardous Materials**
- **Lands and Realty**
- **Noise**
- **Paleontology**
- **Recreation and Public Access**
- **Social and Economic Effects/Population and Housing**
- **Environmental Justice**
- **Special Designations**
- **Transportation**
- **Utilities and Service Systems**
- **Visual Resources**
- **Water Resources**
- **Wildland Fire Ecology**



Public Participation Opportunities

- Provide written comments during scoping period
 - Project ePlanning pages (NEPA)
 - Mail and Email (NEPA and CEQA)
- Review Environmental Assessment (EA) and unsigned Finding of No Significant Impact (FONSI)

NEPA - EA

Lead Agency: BLM

**Public Comment Period Ends:
Sunday, November 1, 2020**

CEQA - EIR

Lead Agency: CDFW

**Public Comment Period Ends:
Wednesday, November 4, 2020**



How to Submit Comments

NEPA Comments

Send written comments on the project by **November 1, 2020** to:

US mail or courier:

Arica and Victory Pass Solar Projects,
Attention:
Miriam Liberatore,
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

e-mail:

blm_ca_clearways_solar_project@blm.gov

Eplanning:

Arica Solar: <https://go.usa.gov/xGw6u>

Victory Pass Solar: <https://go.usa.gov/xGwFc>

CEQA Comments

Send written comments on the project by **November 4, 2020** to:

California Department of Fish and Wildlife

Arica and Victory Pass Solar Projects,
Attention:
Magdalena Rodriguez,
Project Manager
3602 Inland Empire Boulevard, Suite C220,
Ontario, CA 91764

e-mail:

magdalena.rodriguez@wildlife.ca.gov



U.S. Department of the Interior
Bureau of Land Management



Contact Information

Bureau of Land Management

Arica and Victory Pass Solar Projects,

Attention:

Miriam Liberatore,

Bureau of Land Management

3040 Biddle Road

Medford, OR 97504

e-mail:

mliberat@blm.gov

California Department of Fish and Wildlife

Arica and Victory Pass Solar Projects,

Attention:

Magdalena Rodriguez,

Project Manager

3602 Inland Empire Boulevard, Suite C220,

Ontario, CA 91764

e-mail:

magdalena.rodriguez@wildlife.ca.gov

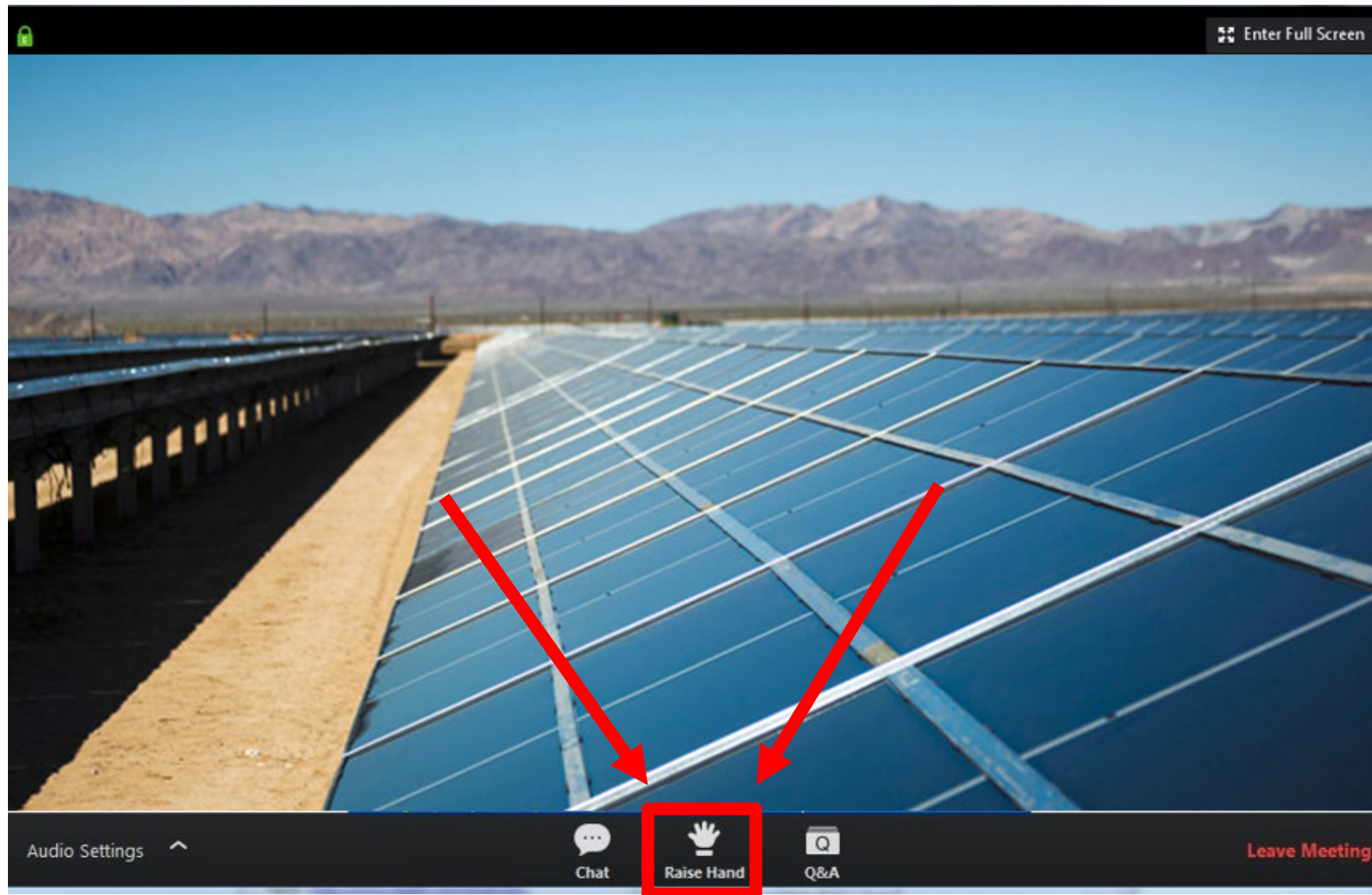


Submitting Questions



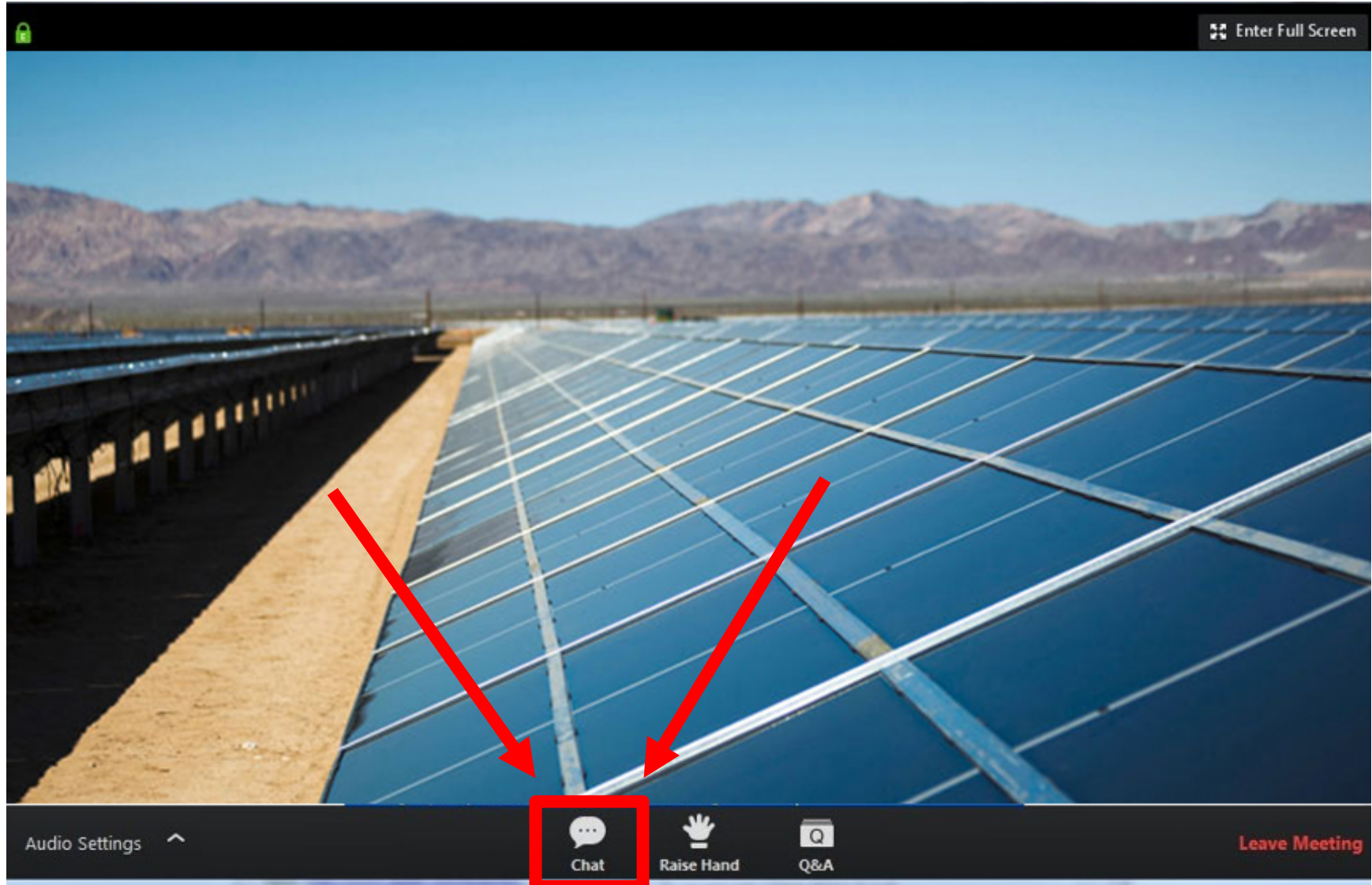


Raising Hand





Chat – Technical Support





How to Submit Comments*

NEPA Comments

Send written comments on the project by **November 1, 2020** to:

By US mail or courier:

Arica and Victory Pass Solar Projects,
Attention:
Miriam Liberatore,
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

By e-mail:

blm_ca_clearways_solar_project@blm.gov

By eplanning:

Arica Solar: <https://go.usa.gov/xGw6u>

Victory Pass Solar: <https://go.usa.gov/xGwFc>

CEQA Comments

Send written comments on the project by **November 4, 2020** to:

By US mail or courier:

California Department of Fish and Wildlife
Arica and Victory Pass Solar Projects,
Attention:
Magdalena Rodriguez,
Project Manager
3602 Inland Empire Boulevard, Suite C220,
Ontario, CA 91764

By e-mail:

magdalena.rodriguez@wildlife.ca.gov

****Comments must be submitted separately to each agency.***

Appendix D

Scoping Meeting Attendee List

Arica and Victory Pass Solar Projects – Public Scoping Meeting – October 21, 2020

Participant Summary

Meeting ID

996 0345 4559

End Time

6:49 PM

Topic

Arica Scoping Meeting

Duration (hh:mm:ss)

1:50:06

Start Time

10/21/2020 16:59

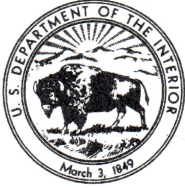
Participants

30 (exclusive of staff)

Participant	Device	Location
1-XXX-XXX-9224	Phone	(US)
1-XXX-XXX-0094	Phone	(US)
1-XXX-XXX-5279	Phone	(US)
Aarty.Joshi	Windows	Scottsdale (US)
ABrierty	Windows	Highland (US)
Arnold San Miguel	Windows	Rancho Cucamonga (US)
Aurie Patterson	Windows	Trabuco Canyon (US)
Ben Gettleman (Kearns & West)	Windows	(US)
Brandon Anderson	iOS	Palm Springs (US)
Chris Clarke	Mac	Twentynine Palms (US)
Demi Espinoza (She/Her)	Windows	Yucca Valley (US)
EmilyCapello	Windows	(US)
Garry George	Mac	Los Angeles (US)
Grace	iOS	Hayward (US)
Ileene Anderson	Android	Sherman Oaks (US)
J Ontiveros# Soboba THPO	Windows	Thousand Oaks (US)
Jack# Tech Support	Windows	Oceanside (US)
Janna Scott# ESA	Windows	Oakland (US)
Jeff Meeker	Windows	Murrieta (US)
Jill Yung	Windows	Los Angeles (US)
jkaruzas	Windows	Sacramento (US)
Judith Atchison	Windows	Corona (US)
Julia	Windows	Austin (US)
Kearns & West	Windows	Yucaipa (US)
Kenny Stein	Web	Miami (US)
Kevin Emmerich	Windows	(US)
KS	iOS	Bluffton (US)
Lara Rozzell	Windows	Twentynine Palms (US)
Laura Cunningham	Mac	(US)
Lena Lee	Windows	Thousand Oaks (US)
Magdalena	Windows	Newark (US)
Malinda Stalvey	Windows	Norco (US)
Matt Toedtli - BLM Assistant Project Manager	Windows	Palm Springs (US)
Michelle Van Der Linden	iOS	Corona (US)
Mike M	Windows	Petaluma (US)
Miriam Liberatore	Windows	Vienna (US)
Nirit Lotan	Windows	Mountain View (US)
Patrick Sullivan	Windows	Ross (US)
Peter	Windows	Ramona (US)
Scott Connelly	Windows	Desert Hot Springs (US)
Steve	Windows	Santa Monica (US)
Susan Gladding	Windows	Clovis (US)
Susy Boyd	Windows	Whittier (US)
Sylvia Palomera	Windows	Los Alamitos (US)

Appendix E

Written Comments Received During Scoping



United States Department of the Interior



NATIONAL PARK SERVICE
Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, CA 92277

IN REPLY REFER TO:

1.B (JOTR-S)

November 2, 2020

Bureau of Land Management
Attn: Miriam Liberatore, Project Manager
3040 Biddle Road
Medford, OR 97504

California Department of Fish and Wildlife
Attention: Magdalena Rodriguez, Project Manager
3602 Inland Empire Boulevard, Suite C220
Ontario, CA 91764

Dear Ms. Liberatore and Ms. Rodriguez:

The National Park Service (NPS) appreciates the opportunity to provide scoping comments on the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) processes for the proposed Victory and Arica Pass solar projects.

The National Park Service manages Joshua Tree National Park through both the Organic Act and the park's enabling legislation to provide long-term preservation of the park's natural and cultural resources as well as to provide for the public enjoyment of these lands. In 2018, nearly 3 million visitors came to the park, generating over \$146 million of local economic activity and supporting 1,823 jobs. Visitors come from around the world to participate in activities at the park that range from rock climbing to stargazing to camping.

We recognize the important role that renewable energy plays in the economic and environmental health of Riverside County and the southland. These comments are offered as recommendations to help ensure the continued environmental health of our public lands and economic sustainability of our deserts.

Air Quality

Air quality is an important component of the overall visitor experience at the park.

Concern: Surface soils at the site are highly erodible. During construction of the nearby Desert Sunlight solar project, the mitigation measures identified in initial permitting documents were

insufficient to control fugitive dust. Significant changes to the dust control plan and an additional Environmental Assessment were needed in the course of construction.

Recommendation: The NPS recommends that the project include a clearly defined plan for air quality monitoring at the park boundary throughout construction, including a responsible party and funding source for the monitoring, and also include an adaptive management plan for fugitive dust, building on the lessons learned at the nearby solar projects. To the greatest extent possible, the NPS encourages developers to leave the desert crust intact to help both protect the biological crust as well as prevent fugitive dust. Biological crusts serve important ecological functions, including carbon and nitrogen fixation and soil stabilization.

Natural Night Sky

The park is an outstanding location to participate in astronomy based recreation, and has been recognized as an International Dark Sky Park. The park employs best management practices to help preserve dark skies, and regularly hosts star parties and an annual Night Sky Festival.

Concern: Night-time construction or changes to development could result in impacts to the natural night sky. In addition to the substantial public interest in viewing the natural night sky found at the park, there are also many nocturnal species found within the park that require naturally dark night skies. Even relatively small increases in artificial light can disrupt nocturnal wildlife altering foraging behavior, hunting and movement across the landscape therefore degrading the nocturnal habitat for these species.

Recommendation: The NPS requests that natural night sky conditions be analyzed and maintained during construction and operations at the natural ambient level. This includes nighttime total darkness except for the entry station, just as neighboring solar project Desert Sunlight has done. The NPS is available to consult on night sky protections.

Wildlife

The California Desert Connectivity Project provides a comprehensive and detailed habitat connectivity analysis for the California deserts. The Connectivity Project identified a Desert Linkage Network to maintain habitat for movement between landscape blocks. The landscape blocks identified in the project vicinity are the Palen–McCoy Mountains to the northeast and the Chocolate Mountains to the southwest. These landscape blocks are connected by broad habitat linkages.

Concern: Even though Nelson's bighorn sheep only occasionally use the valley floor habitat either for foraging or as movement routes among mountain ranges, these valley floor movements are crucial for genetic connectivity and the long-term survival of the bighorn sheep and other desert species.

Recommendation: The NPS recommends analyzing connectivity for wildlife such as desert bighorn sheep and other species that move among the park and the project areas. Please consider reduced fencing or other means to maintain connectivity.

Viewshed

Desert views are an important attraction for visitors. In particular, Joshua Tree National Park provides a unique wilderness experience.

Concern: Initial viewshed analysis completed by NPS indicates that this project and the nearby Oberon project could change the character of the view from Buzzard Springs and adjacent wilderness.

Recommendations: The NPS recommends analyzing project-specific viewshed impacts and the cumulative effect of solar project construction for the visitor wilderness experience at Buzzard Springs and adjacent wilderness areas.

Thank you for the opportunity to comment. If you have any questions or comments, please contact me at 760-367-5501 or David_Smith@nps.gov, or the Chief of Science and Resource Stewardship, Jane Rodgers at 760-367-5560 or Jane_Rodgers@nps.gov.

Sincerely,



David Smith
Superintendent



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

November 2, 2020

VIA EMAIL

Bureau of Land Management
Attn: Miriam Liberatore
3040 Biddle Road
Medford, Oregon 97504

NEPA #: DOI-BLM-CA-D060-2020-0009-EIS

Dear Ms. Liberatore:

Arica Solar Project (NEPA #DOI-BML-D060-2020-0009-EIS) Scoping Notice

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Bureau of Land Management's (BLM) Arica Solar Project (proposed Project) Scoping Notice for preparation of an Environmental Impact Statement (EIS) or, as described in the Scoping Meeting held October 21, 2020, an Environmental Assessment (EA). Metropolitan is pleased to submit comments for consideration to the BLM. Metropolitan provides these comments to ensure that any potential impacts on its facilities in the vicinity of the proposed Project and on Colorado River water resources are adequately addressed in the proposed environmental document.

Background

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving approximately 19 million people in six counties in southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.25 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA is operating at full capacity.

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kilovolt (kV) transmission lines that run from the Mead Substation in southern Nevada, extend south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally-owned land, managed

Bureau of Land Management

Page 2

November 2, 2020

by BLM. The transmission lines were built for the sole and exclusive purpose of supplying power from the Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmission system is vital to its mission to provide Metropolitan's 5,200-square-mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Project Understanding

Arica Solar, LLC has proposed to construct and operate an approximately 265 megawatt (MW) photovoltaic (PV) solar system with up to 200 MW energy storage capacity on approximately 2,000 acres of BLM-managed public lands located eight miles east of the Interstate (I)-10 and State Route (SR)-177 intersection in eastern Riverside County, California. The proposed Project includes one-two substations, a switchyard, and an approximately 3.2-mile 230 kV gen-tie from the proposed switchyard to an existing Southern California Edison (SCE) Red Bluff Substation. The gen-tie and switchyard would be shared with another proposed project, the Victory Pass Solar Project (NEPA #DOI-BLM-CA-D060-2020-0010-EIS), scheduled to be built concurrently. Access roads would be shared with the Victory Pass project, as well as with two previously approved solar projects: Athos and Palen.

The proposed Project and gen-tie are entirely within the Development Focus Area of the Desert Energy Renewable Energy Conservation Plan (DRECP), a previously approved landscape-scale planning effort covering 22.5 million acres in seven California counties - Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The California Energy Commission, BLM, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife collaborated to develop the DRECP across jurisdictional boundaries. As such, the Arica Solar Project would comply with the DRECP Conservation and Management Actions outlined in the DRECP.

Arica Solar, LLC has applied to the BLM for a right-of-way grant to construct, operate, and eventually decommission the proposed Project. The BLM, acting as the federal lead agency for NEPA compliance, will prepare an expected EA that will tier from the previously approved DRECP EIS.

Land Use Issues: Potential Impacts on Metropolitan Facilities

Metropolitan has not identified any direct impacts to its facilities. However, Metropolitan owns and operates the CRA located approximately ten miles northwest of the proposed Project site. An existing wasteway used for dewatering operations of the CRA exists approximately 1,850 feet north of the proposed Project site (see Location Map). The right-of-way encompasses a dry, braided channel intended to convey flows from the Eagle Mountain Pump Plant during

Bureau of Land Management

Page 3

November 2, 2020

dewatering events. While dewatering operations present a small risk of water reaching this part of the Eagle wasteway, the risk cannot be dismissed. Should you have any questions or concerns, please contact Metropolitan's Substructures Team at EngineeringSubstructures@mwdh2o.com.

Power Generation: Potential Impacts to Metropolitan's Transmission System

Metropolitan appreciates that the proposed Project would increase solar power to California's grid and provide a new source of flexible supply with the addition of battery storage capabilities. However, Metropolitan requests that the lead agency analyze and assess any potential impacts to Metropolitan's transmission system. Metropolitan also requests that the lead agency ensure that the California Independent System Operator (CAISO) includes Metropolitan as a Potentially Affected System for this proposed Project in accordance with the CAISO Tariff and Business Practice Manuals for the Generation Interconnection Procedures and be included in any related technical generation interconnection studies.

Water Resources: Potential Impacts on Colorado River and Local Water Supplies

Metropolitan is concerned about the potential impacts of desert projects on Colorado River water supplies. Of immediate concern to California's Colorado River water users is the accounting surface that extends west along the I-10 Corridor from the Palo Verde Valley into the Chuckwalla Valley. Water is a scarce resource in the desert southwest, and its use should reflect that scarcity. Metropolitan is primarily concerned with the individual and cumulative impacts of any new demands on Colorado River water resources because the water supplies allocated to California are already fully apportioned and utilized.

Should the proposed Project utilize groundwater from on-site wells for its water supply, Metropolitan requests that the lead agency provide an analysis of the utilization of groundwater from on-site wells. Metropolitan is concerned that any use of groundwater may draw water from a groundwater basin that is hydro-geologically connected to the Colorado River, within an area referred to as the "accounting surface." The extent of the accounting surface area for the Colorado River was determined by the U.S. Geological Survey (USGS) and U.S. Bureau of Reclamation as part of a proposed rule-making process. See Notice of Proposed Rule Regulating the Use of the Lower Colorado River Without an Entitlement, 73 Fed. Reg. 40916 (July 16, 2008) at <http://www.usbr.gov/lc/region/programs/unlawfuluse/FRnotice0708.pdf>; USGS Scientific Investigation Report No. 2008-5113 at <http://pubs.usgs.gov/sir/2008/5113/>. To the extent the proposed Project uses Colorado River water, it must have a documented right to do so.

In addition, Metropolitan asks that regulators require as a condition of project approval that project developers monitor groundwater use to ensure that, over the life of the project, that there

Bureau of Land Management

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November 2, 2020

are no impacts to Colorado River resources. If impacts are detected, the project developer should be required to mitigate and offset such impacts.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation for this project. For further assistance, please contact Ms. Malinda Stalvey at (213) 217-5545.

Very truly yours,

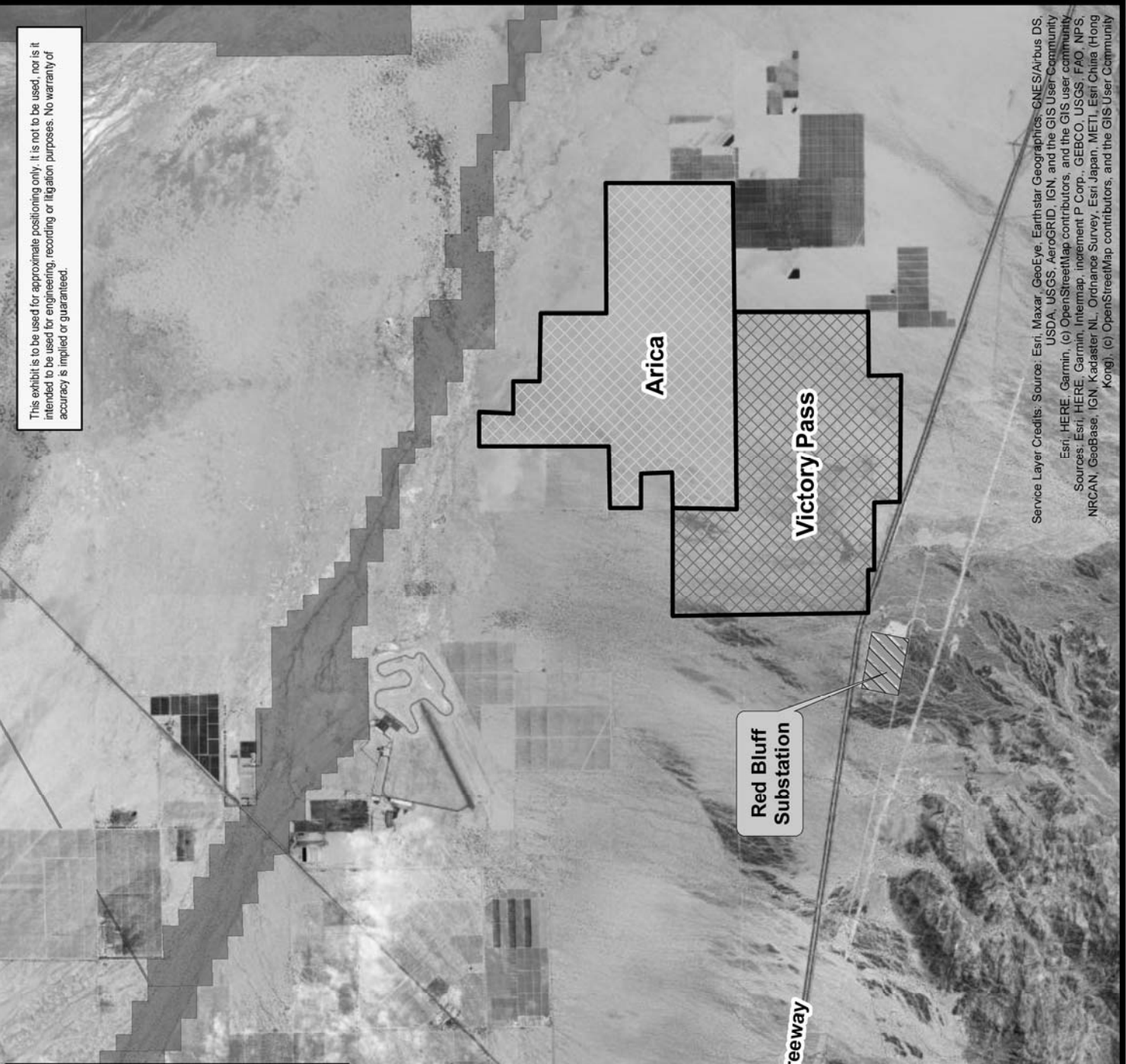
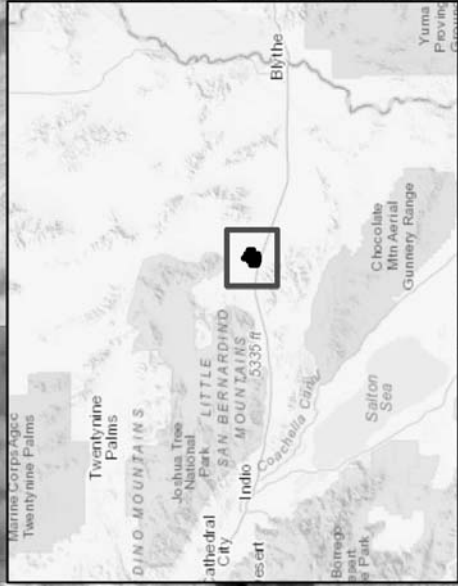
Digitally signed by Jennifer Harriger
DN: cn=Jennifer Harriger, o, ou,
email=jharriger@mwdh2o.com, c=US
Date: 2020.11.02 12:30:47 -08'00'

Jennifer Harriger
Unit Manager, Environmental Planning Section

MS:mks

Share Point\Comment Letter_ExtRev_BLM_NOP_Arica Solar Project_11-2-2020

Enclosure: Location Map



This exhibit is to be used for approximate positioning only. It is not to be used, nor is it intended to be used for engineering, recording or litigation purposes. No warranty of accuracy is implied or guaranteed.

Victory Pass Project Location

Arica Project Location

Red Bluff Substation

MWD Right of Way

Fee

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

November 3, 2020

magdalena.rodriguez@wildlife.ca.gov

Magdalena Rodriguez, Project Manager
California Department of Fish and Wildlife
3602 Inland Empire Boulevard, Suite C220
Ontario, CA 91764

Notice of Preparation of a Draft Environmental Impact Report for the Arica and Victory Pass Solar Projects (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA operational thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁶, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy⁷.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS
RVC201008-01
Control Number

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

⁷ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.



COLORADO RIVER INDIAN TRIBES

Colorado River Indian Reservation

26600 MOHAVE ROAD
PARKER, ARIZONA 85344
TELEPHONE (928) 669-9211
FAX (928) 669-1216

Via Email Only

November 1, 2020

Miriam Liberatore
Bureau of Land Management (BLM)
Palm Springs South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
Email: blm_ca_clearways_solar_project@blm.gov

RE: Scoping Comments of the Colorado River Indian Tribes on the proposed Arica and Victory Pass Solar Projects

Dear Ms. Liberatore:

On behalf of the Colorado River Indian Tribes (CRIT or the Tribes), I write to respond to BLM's October 2, 2020 press release soliciting scoping comments on the agency's NEPA review of the proposed Arica and Victory Pass Solar Projects (Projects). The Projects consists of two utility-scale solar PV and energy storage projects that would share a 3.2-mile-long 230 kV gen-tie line connecting them to the SCE Red Bluff Substation. The Projects would be located within the ancestral territory of members of the Tribes.

As a preliminary matter, the Colorado River Indian Tribes are a federally recognized Indian tribe comprised of over 4,440 members belonging to the Mohave, Chemehuevi, Hopi and Navajo Tribes. The almost 300,000-acre Colorado River Indian Reservation sits astride the Colorado River between Blythe, California and Parker, Arizona. The ancestral homelands of the Tribes' members, however, extend far beyond the Reservation boundaries. Significant portions of public and private lands in California, Arizona, and Nevada were occupied by the ancestors of the Tribes' Mohave and Chemehuevi members since time immemorial. These landscapes remain imbued with substantial cultural, spiritual, and religious significance for the Tribes' current members and future generations. For this reason, we have a strong interest in ensuring that potential cultural resource and other environmental impacts associated with the proposed Projects are adequately considered and mitigated.

The Colorado River Indian Tribes adopted a government-to-government consultation policy in May 2017, which CRIT attached to its February 2020 comments on the Projects. As stated therein, agency acknowledgment of the policy is required before an agency schedules a government-to-government consultation meeting with the Tribal Council. To date, your office has not acknowledged the policy. For this reason, any communication between BLM and the Tribes regarding these Projects continues to be for informational purposes only.

I. The Project is Likely to Significantly Impact Cultural Resources.

Because of the Tribes' past, present, and future connection to the land on which portions of the Projects are proposed, CRIT has concerns about the Projects' potential for significant cultural resource impacts. Specifically, CRIT is concerned about the construction and ground disturbance required to install the PV panels and mounting systems, as well as the onsite substations to connect to the adjacent switchyard. The gen-tie line alone will likely run at least three miles. These Projects have the potential to significantly impact cultural resources in the Area of Potential Effects (APE).

The Arica and Victory Pass Projects are two of dozens of energy projects either approved or under consideration by BLM, state, and local agencies in the area. The collective impact of this transformation of the desert has had, and will continue to have, considerable adverse impacts on the Tribes and the cultural, spiritual, and religious practices of CRIT members. CRIT continues to be concerned that federal and state governments intend to approve all energy projects, no matter what the cost to affected tribes, native plants and animals, and the desert ecosystem as a whole. The disturbance of new lands to these projects is likely to result in disturbance of additional cultural resources and, thus, raises concerns.

Specifically, the Tribes are troubled by the Projects' potential to remove, damage, or destroy cultural resources and artifacts. These resources are sacred and finite. According to the belief system of CRIT's Mohave members, the disturbance of any cultural resources affiliated with their ancestors is taboo, and thus considered a severe cultural harm.

II. BLM Must Broadly Consider Impacts to Cultural Resources

CRIT is concerned about the cultural harm that will result from both the unearthing and destruction of prehistoric archaeological resources and the Projects' impacts on other cultural resources. In preparing EISs and EIRs for other solar energy facilities in the region, BLM, state, and local agencies have artificially constrained the definition of "cultural resources," thereby undermining the accuracy and quality of subsequent analysis. In particular, BLM has been reticent about identifying Traditional Cultural Properties and Landscapes within the region, thereby under-analyzing the impacts of these projects. These resources could include viewsheds and landscapes, plants and animals used in and/or central to cultural and religious practices and creation stories, and religious and customary practices (e.g., hunting and gathering, religious ceremonies, and trail-walking). By using an expansive definition of cultural resources for this Project, BLM can ensure that impacts to a host of important tangible and intangible resources are properly considered.

III. The Potential for Significant Cultural Resource Impacts Requires BLM to Complete A Full Environmental Impact Statement Review

Throughout its scoping meeting materials and proposed timelines for the Projects, BLM appears to have pre-determined that only an Environmental Assessment is needed for the Projects. BLM's presentation slide outlining "public participation opportunities" lists "Review Environmental Assessment (EA) and unsigned Finding of No Significant Impact (FONSI)." BLM's pre-determination that the Projects will have no significant impacts violates NEPA and ignores the facts on the ground. Where an agency desires to collect sufficient evidence and conduct analysis to determine whether a project will have significant impacts, an EA may be an appropriate vehicle for doing so. *See* BLM Departmental Manual, 516 DM 11, § 11.7(A)(1). It is only after that analysis is complete that BLM decides whether to prepare a full Environmental Impact Statement (EIS) or to issue a FONSI. *Id.* At this point, without having undertaken any of its environmental review, BLM cannot know that a FONSI is the appropriate choice. The agency must be open to either possibility, depending on the EA analysis. Indeed, given that the Projects are cited on Tribal members' ancestral territory and that other nearby projects have had significant cultural resource impacts, it is very likely that these Projects will have significant cultural resource impacts as well. If so—or if there are any other significant environmental impacts from the Projects—a full EIS will be warranted. 516 DM 11, § 11.7(E).

IV. BLM Must Ensure that Potential Impacts to Known and Unknown Cultural Artifacts Are Analyzed and Avoided.

Given CRIT's ongoing experience with utility-scale solar development on land near its Reservation, the Tribes are concerned about the Projects' likely impact on both known and unknown archaeological resources. Many of these cultural artifacts are intimately linked to current CRIT members, who consider their disturbance and/or damage to be a significant cultural harm. While cremation sites are of unique importance to the Tribes, other types of artifacts, including groundstones, ceramics, and lithics, are also held sacred.

As a result, all cultural resources should be surveyed, inventoried, and evaluated in a manner that does not harm the resources or remove them from the site prior to preparation of the EA or EIS so that the environmental analysis fully and adequately takes cultural resource impacts into account. BLM should also ensure that cultural resource mitigation and treatment plans are in place prior to any ground disturbing activities at the sites. Indeed, NEPA requires lead agencies to identify the "environmental impacts of the proposed action" and "[m]eans to mitigate adverse environmental impacts." *See, e.g.,* NEPA Regulations § 1502.16.

In addition, BLM should ensure that all other mitigation measures are developed to ensure maximum protection for cultural resources. For instance, BLM should ensure that tribal monitors are used during all activities that have the potential to impact cultural resources, including but not limited to mowing, grading, and excavation. The presence of tribal monitors will help ensure that all resources of value to the Tribes are recognized and treated with appropriate respect. In addition, the mitigation measures should allow for in-situ or adjacent reburial of prehistoric cultural resources, if such resources are located and cannot be avoided. Such measures help ensure that the footprint of the ancestors of Tribal members are not erased during construction.

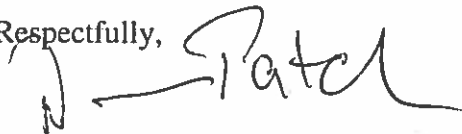
V. The EA or EIS Must Adequately Consider Cumulative Impacts to Cultural Resources.

BLM should also analyze cumulative impacts to cultural resources. As CRIT has explained, the collective and continual destruction and removal of cultural resources from the Tribes' ancestral lands due to energy projects has already caused tremendous spiritual harm to CRIT members. In addition to triggering extensive cultural resource removal, these energy projects are often sited in a way that severs the connectivity between cultural resource sites—a connectivity that is vital to the traditional value of these cultural resources. In considering the potential cultural resources impacts of the Arica and Victory Pass Projects, BLM must analyze those impacts in light of other past, present, and reasonably foreseeable future actions impacting cultural resources in this region. BLM must also describe the methodology used to assess cumulative impacts and list out the other projects considered in analyzing cumulative impacts.

VI. Conclusion.

Thank you for considering these comments, and at this time, we would like to request a government to government consultation. To best understand how these comments are taken into account in the DEIR, we request that CDFW provide written responses to our concerns, either in a letter to the Tribe and/or in the DEIR. Please copy the Tribes' Attorney General Rebecca A. Loudbear, at rloudbear@critdoj.com, Deputy Attorney General Antoinette Flora, at aflora@critdoj.com and THPO Director Bryan Etsitty, at betsitty@crit-nsn.gov, on all correspondence to the Tribes.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Patch", with a stylized flourish extending from the end.

Dennis Patch
Chairman, Colorado River Indian Tribes

cc: CRIT Tribal Council
Rebecca A. Loudbear, CRIT Attorney General
Bryan Etsitty, Director, Tribal Historic Preservation Office



California Program Office

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10/23/2020

Miriam Liberatore, Project Manager

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Phone: 541-618-2412

Sent via email to: mliberat@blm.gov; blm_ca_clearways_solar_project@blm.gov

Re: Scoping comments on the proposed Victory Pass Solar Project

Dear Miriam:

Thank you for the opportunity to provide scoping comments on the proposed Victory Pass Solar Project (Project). Scoping comments included in this letter are submitted by Defenders of Wildlife (Defenders) on behalf of its 1.8 million members in the U.S., including 279,000 in California.

Defenders is a national conservation organization founded in 1947 and dedicated to protecting all wild animals and plants in their natural communities. To this end, we employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Project description

The Project is a 200 MW photovoltaic generating facility with up to 200 MW of battery storage, gen-tie line and associated infrastructure that would be located on approximately 2,000 acres of public land in Riverside East Development Focus Area (DFA) designated in the Desert Renewable Energy Conservation Plan (DRECP).

Although the Bureau of Land Management's (BLM) Project website indicates the Project would be analyzed in an Environmental Impact Statement (DOI-BLM-CA-D060-2020-0009-EIS), it is our understanding, based on an email from you dated 10/15/2020, that BLM intends to analyze the effects of the Project with an Environmental Assessment (EA) that is tiered to the EIS for the DRECP.

Scoping comments

Defenders submits the following scoping comments for the Project:

1. **EA tiered to the EIS for the DRECP:** The purpose of an EA is to determine if an EIS will be required if the Project would result in significant adverse impacts to the environment. It appears BLM has determined that the Project may result in significant adverse impacts because it relies on (tiers to) the EIS for the DRECP. The EA should clearly state if the anticipated adverse impacts

have been analyzed in the EIS for the DRECP, and what measures will be applied to mitigate the adverse impacts to less than significant.

Based on our in-depth knowledge of the DRECP, we consider tiering to the EIS for the DRECP to be a reasonable approach given the wide range of Conservation Management Actions (CMAs) from the DRECP that will be required for any subsequent project.

2. Alternatives to the Proposed Project: We recommend that alternative(s) to the proposed Project be developed and analyzed in the EA that reflect conformance with the DRECP and applicable CMAs. This is important because they would likely become the BLM's preferred alternative due to modification of the proposed Project needed to reflect development constraints (e.g., avoidance, setbacks, etc.) in habitats for Special Status Species of plants and animals and habitats within specific wildlife linkages.

3. Wildlife linkages: Based on the wildlife linkages mapped in the DRECP and the map of the Project, it appears there may be overlap with the Microphyll Woodland Linkage shown on Figure H-1 (Eastern Riverside SEZ [DFA] Linkages), and the Landscape-level Linkages shown on Figure H-2 (Landscape-level Linkages) from the DRECP. If the Project is determined to overlap these linkages, then the DRECP CMA LUPA-BIO-13 would apply. We consider the following elements of this CMA among the most important:

- The siting of projects along the edges of biological linkages identified in Appendix D (Figures D-1 and D-2)¹ will be configured (1) to maximize the retention of microphyll woodlands and their constituent vegetation type and inclusion of other physical and biological features conducive to Focus and BLM Special Status Species dispersal, and (2) informed by existing available information on modeled focus and BLM Special Status Species habitat and element occurrence data, mapped delineations of vegetation types, and based on available empirical data, including radio telemetry, wildlife tracking sign, and road-kill information.
- Projects will be sited and designed to maintain the function of Special Status Species connectivity and their associated habitats in the following linkage and connectivity areas:
 - Within a 1.5-mile-wide linkage across Interstate 10 to connect the Chuckwalla Mountains to the Chuckwalla Valley east of Desert Center.
- To the maximum extent practicable, construction of new roads and/or routes will be avoided within Focus and BLM Special Status Species suitable habitat within identified linkages for those Focus and BLM Special Status Species, unless the new road and/or route is beneficial to minimize net impacts to natural or ecological resources of concern. These areas will have a goal of “no net gain” of project roads and/or routes.

¹ Defenders believes the correct maps of the wildlife linkages are displayed on Figure H-1 (Eastern Riverside SEZ [DFA] Linkages) and Figure H-2 (Landscape-level Linkage), not Figures D-1 and D-2, as stated in the DRECP.

We recommend the EA for the Project analyze the direct and indirect impacts to the Multi-species and Microphyll linkages, and that the applicable elements of CMA LUPA-BIO-13 be applied to avoid or minimize impacts.

5. Compensatory Mitigation: The DRECP requires compensatory mitigation for significant impacts to various biological resources, which reflects current California Department of Fish and Wildlife (CDFW) policy. BLM Instruction Memorandum 2019-018, Compensatory Mitigation, was issued on December 6, 2018, approximately two years after the DRECP Record of Decision was signed. The Instruction Memorandum states, in part, that “*This IM [Instruction Memorandum] does not affect any existing, signed Record of Decision or Decision Record that is currently in effect.*” Thus, we consider the compensatory requirements specified in the DRECP fully applicable to the Project. Furthermore, CDFW policy also requires compensatory mitigation for impacts to various native species, including sensitive natural communities, as reflected in the DRECP. The Instruction Memorandum acknowledges such state requirements by stating that “*...nothing in this policy abrogates or preempts state government policies that take a different approach in accordance with state law.*”

We consider the following compensatory mitigation CMAs applicable to the Project:

- **LUPA-BIO-COMP-1:** Impacts to biological resources, identified and analyzed in the activity specific environmental document, from activities in the LUPA Decision Area will be compensated using the standard biological resources compensation ratio, except for the biological resources and specific geographic locations listed as compensation ratio exceptions.
 - Standard compensation ratios are as follows: 1:1
Desert tortoise suitable habitat (Compensation for impacts to the desert tortoise will be in the same recovery unit as the impact).
 - Exceptions to standard ratios are as follows:
Desert riparian woodland vegetation communities 5:1
- **LUPA-BIO-COMP-2:** Birds and Bats – The compensation for the mortality impacts to bird and bat Focus and BLM Special Status Species from activities will be determined based on monitoring of bird and bat mortality and a fee re-assessed every 5 years to fund compensatory mitigation. The initial compensation fee for bird and bat mortality impacts will be based on pre-project monitoring of bird use and estimated bird and bat species mortality from the activity. The approach to calculating the operational bird and bat compensation is based on the total replacement cost for a given resource, a Resource Equivalency Analysis.

We recommend that specific compensatory mitigation requirements for unavoidable impacts to specific species and their habitats be included in the Project EA. The CDFW should be contacted to identify any additional compensatory requirements necessary to comply with CDFW policy.

6. **Groundwater:** We assume the Project will require the use of groundwater during construction, operation and decommissioning, which will likely be pumped from the Chuckwalla Valley groundwater reservoir by wells developed within the project boundary. The DRECP includes extensive discussion of groundwater and numerous CMAs designed to avoid, minimize and compensate for adverse impacts to groundwater resources. We recommend that all applicable CMAs associated with groundwater use be required for the Project in order to protect the Chuckwalla Valley groundwater from overdraft. We consider the following CMAs particularly important given the cumulative effects of numerous solar energy projects in the DFA:

- **LUPA-SW-17:** An activity's groundwater extraction shall not contribute to exceeding the estimated perennial yield for the basin in which the extraction is taking place. Perennial yield is that quantity of groundwater that can be withdrawn from the groundwater basin without exceeding the long-term recharge of the basin or unreasonably affecting the basin's physical, chemical, or biological integrity.
- **LUPA-SW-21:** Consideration shall be given to design alternatives that maintain the existing hydrology of the site or redirect excess flows created by hardscapes and reduced permeability from surface waters to areas where they will dissipate by percolation into the landscape.
- **LUPA-SW-22:** All hydrologic alterations shall be avoided that could reduce water quality or quantity for all applicable beneficial uses associated with the hydrologic unit in the project area, or specific mitigation measures shall be implemented that will minimize unavoidable water quality or quantity impacts, as determined by BLM in coordination with USFWS, CDFW, and other agencies, as appropriate.
- **LUPA-SW-23:** A Water (Groundwater) Supply Assessment shall be prepared in conjunction with the activity's NEPA analysis and prior to an approval or authorization. This assessment must be approved by the BLM in coordination with USFWS, CDFW, and other agencies, as appropriate, prior to the development, extraction, injection, or consumptive use of any water resource. The purpose of the Water Supply Assessment is to determine whether over-use or over-draft conditions exist within the project basin(s), and whether the project creates or exacerbates these conditions. The Assessment shall include an evaluation of existing extractions, water rights, and management plans for the water supply in the basin(s) (i.e., cumulative impacts), and whether these cumulative impacts (including the proposed project) can maintain existing land uses as well as existing aquatic, riparian, and other water-dependent resources within the basin(s).
- **LUPA-SW-24:** A Groundwater Monitoring and Reporting Plan, and Mitigation Action Plan shall be prepared to verify the Water Supply Assessment and adaptively manage water use as part of project operations. This plan shall be approved by BLM, in coordination with USFWS, CDFW, and other agencies as appropriate, prior to the development, extraction, injection, or consumptive use of any water resource.
- **LUPA-SW-26:** Groundwater pumping mitigation shall be imposed if groundwater monitoring data indicate impacts on water-dependent resources that exceed those anticipated and otherwise mitigated for in the NEPA analysis and ROD, even if the basin's perennial yield is not exceeded. Water-dependent resources include riparian or phreatophytic vegetation, springs, seeps, streams, and other approved domestic or industrial uses of groundwater.

- **LUPA-SW-32:** Colorado River hydrologic basin - The Colorado River Accounting Surface Method, as defined in U.S. Geological Survey Scientific Investigations Report 2008-5113, and existing and future updates or a similar methodology, are considered the best available data for assessing activity/project related ground water impacts in the Colorado River hydrologic basin. They shall be used to determine whether activity/project-related pumping would result in the extracted water being replaced by water drawn from the Colorado River. If activity/project-related groundwater pumping results in the static groundwater level at the well being within 1 foot, equal to, or below the Accounting Surface in [the Chuckwalla Valley groundwater basin] hydrologically connected to the Colorado River, that consumption shall be considered subject to the Law of the River (Colorado River Compact of 1922 and amendments). In such circumstances, BLM shall require the applicant to offset or otherwise mitigate the volume of water causing drawdown below the Accounting Surface.

We recommend all the groundwater CMAs applicable to the Project be included in the EA, and especially each identified above that we consider particularly important in protecting the Chuckwalla Valley groundwater basin from overdraft.

7. Other Applicable CMAs: Although not described previously in this letter, there are numerous CMAs we consider applicable to the Project which should be included in the EA, as follows:

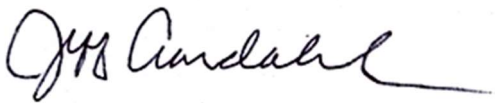
- **LUPA-BIO-1:** Habitat assessment for Focus and BLM Special Status Species;
- **LUPA-BIO-3:** Resource setbacks;
- **LUPA-BIO-4:** Seasonal restrictions for activities that may impact Focus and BLM Special Status Species;
- **LUPA-BIO-6:** Subsidized predator standards;
- **LUPA-BIO-7:** Restoration of temporary disturbance areas;
- **LUPA-BIO-8:** Project closure and decommissioning;
- **LUPA-BIO-9:** Water and wetland dependent resources;
- **LUPA-BIO-10:** Integrated weed management;
- **LUPA-BIO-11:** Controlling nuisance animals and invasive species;
- **LUPA-BIO-12:** Noise impacts to Focus or BLM Special Status Species;
- **LUPA-BIO-14:** General standard practices;
- **LUPA-BIO-15:** State-of-the-art construction and installation techniques;
- **LUPA-BIO-16:** Impacts to Focus and BLM sensitive birds and bats;
- **LUPA-BIO-17:** Mortality to Focus and BLM Special Status bird and bat species;
- **LUPA-BIO-RIPWET-1:** Avoidance of impacts to riparian and wetland vegetation;
- **LUPA-BIO-RIPWET-3:** Setbacks or buffers to riparian or wetland vegetation;
- **LUPA-BIO-PLANT-1:** Protocol survey for triple-ribbed milkvetch;
- **LUPA-BIO-PLANT-2:** Avoidance setback of 0.25 mile for triple-ribbed milkvetch;
- **LUPA-BIO-SVF-1:** Map delineating potential sites and habitat assessment for microphyll woodland;
- **LUPA-BIO-SVF-6:** Impacts to microphyll woodlands will be avoided, except for minor incursions;

- **LUPA-BIO-VEG-2:** Leave appropriate amount of dead and downed wood on the ground to provide wildlife habitat, seed beds for vegetation establishment, and reduce soil erosion, as determined appropriate on an activity-specific basis;
- **LUPA-BIO-IFS-3:** All culverts for access roads or other barriers will be designed to allow unrestricted access and movement by desert tortoises;
- **LUPA-BIO-IFS-4:** Install desert tortoise exclusion fencing in areas where protocol and clearance surveys are required;
- **LUPA-BIO-IFS-12:** Burrowing owl setback (656 feet) for occupied burrows.

Conclusion

Defenders hopes the scoping comments included in this letter are helpful to BLM in preparing an EA for the Project that includes an adequate range of alternatives; an accurate impact analysis for Focal and Special Status Species; and application of all CMAs applicable to the project. We look forward to reviewing and commenting on the Project EA when it is available. Please contact either of us at our email address if you have questions regarding our comments.

Sincerely,



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Eagle Crest Energy Company

October 29, 2020

Via Email (blm_ca_clearways_solar_project@blm.gov and madgalena.rodriguez@wildlife.ca.gov)

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22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Magdalena Rodriguez, Project Manager
California Department of Fish and Wildlife
3602 Inland Empire Boulevard, Suite C220
Ontario, CA 91764

**Re: Victory Pass Solar Project (CACA 56477 and DOI-BLM-CA-D06002020-0009-EIS)
Eagle Crest Energy Company's transmission access to Red Bluff Substation**

Dear Ms. Liberatore and Ms. Rodriguez:

On behalf of Eagle Crest Energy Company, ("ECEC"), we hereby submit comments on the proposed Victory Pass Solar Project ("Victory Pass"). Specifically, ECEC is concerned that the currently proposed solar array for the site would interfere with, if not preclude, ECEC's Eagle Mountain Pumped Storage Project ("Eagle Mountain") from interconnecting with the Red Bluff Substation, located proximate to the southwest portion of the currently proposed Victory Pass solar array. We are hopeful that we can work with your office and the project proponent, Clearway, to find a mutually-agreeable way to facilitate the project while ensuring that Eagle Mountain can interconnect to the Red Bluff Substation.

The Red Bluff Substation plays a critical role in transmission planning in the region, and there is an array of existing utility corridors (Section 368 and BLM corridors), U.S. Department of Energy's Energy Corridors, and a host of related transmission planning efforts that rely upon the Red Bluff Substation. As presently configured, and as depicted in the Final AVP Solar Presentation BLM showed during its October 21, 2020 scoping meeting, the Victory Pass solar array would extend to the southwest corner of the project site, nearly adjacent to the north of I-10 and within approximately 0.25 miles of the northeast corner of the Red Bluff Substation. This proposed layout in proximity to the Red Bluff Substation would directly interfere with ECEC's planned transmission line from the Eagle Mountain project, which is located to the Northwest of the Victory Pass project, interconnecting into the Red Bluff Substation. ECEC's original transmission line configuration contemplated a north-south orientation interconnecting to the Red Bluff Substation based on Southern California Edison's initial design (see **Figure 1** attached hereto). However, because the Red Bluff Substation was ultimately built with an east-west orientation, it has become necessary for ECEC to connect to the Red Bluff Substation from the east. This will require ECEC's line to go east along the north side of I-10 and cross the I-10 with enough room to avoid conflict with existing lines/easements on the north side of I-10.

The Victory Pass array as currently configured would not only impact ECEC's contemplated interconnection to the Red Bluff Substation, it also would appear to infringe on the CDCA Utility Corridor K, West-wide Section 368 Energy Corridor (Corridor 30-52). Corridor 30-52 extends along Interstate 10 from Palm Springs to the Palo Verde Nuclear Generating Station and western suburbs of Phoenix, Arizona. The corridor is nearly 2 miles wide along most of its length in California, and is designated as a multi-modal corridor intended to accommodate both electrical transmission and pipeline projects. As BLM is aware, Section 368 of the Energy Policy Act of 2005 ("EPAct") directs the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to designate corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities (i.e., energy corridors) on Federal lands in eleven (11) western states,

Eagle Crest Energy Company

700 Universe Boulevard, Juno Beach, FL 33408

Miriam Liberatore and Magdalena Rodriguez
October 29, 2020
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including California. EPCAct also directs these agencies to conduct environmental reviews relating to such corridors, and to incorporate them into relevant agency land use and resource management plans or equivalent plans.

As noted in the Section 368 Energy Corridor Regional Reviews—Region I, there is a lot of congestion in the area of Corridor 30-52:

“There are five 500-kV SCE Transmission lines, including a recently completed 500-kV project within parts of the corridor in California between the Devers and Colorado River substations. Five major transmission lines and several major natural gas pipelines run through the corridor. Many of the energy production projects along I-10 and the Riverside East SEZ have generation-tie lines that use the corridors, **which create congestion near the major substations (Red Bluff and Colorado River)**. This congestion is compounded by the Mecca Hills and Orocochia Wilderness and Joshua Tree National Park, which reduce the size of and the potential for increasing the size of the corridor.” (Section 368 Energy Corridor Regional reviews – Region 1, Corridor 30-52, March 2019, p. 5, emphasis added.)

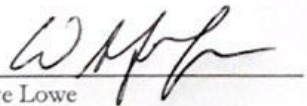
Geographic constraints and congestion near the Red Bluff Substation will only increase as the agencies modify corridors, largely in response to the 2012 Settlement Agreement between various NGOs and the various federal agencies responsible for the energy corridors. Currently, the agencies are considering various revisions and reductions in the utility corridors in the region (see Section 368 Energy Corridor Regional reviews – Region 1, Corridor 30-52, March 2019, p. 6.) In addition, the BLM has guidance on how the agency is to handle the use of designated energy corridors (see BLM Instruction Memorandum 2014-080).

ECEC does not oppose the Victory Pass project, and submits these comments solely for the purpose of ensuring that the project's solar array and other facilities do not impact ECEC's ability to interconnect to the Red Bluff Substation. ECEC has already reached out to Clearway to discuss working together to avoid any such conflicts, and we welcome the BLM's assistance in this process. We are hopeful that we can reach a mutually-agreeable solution for all concerned parties.

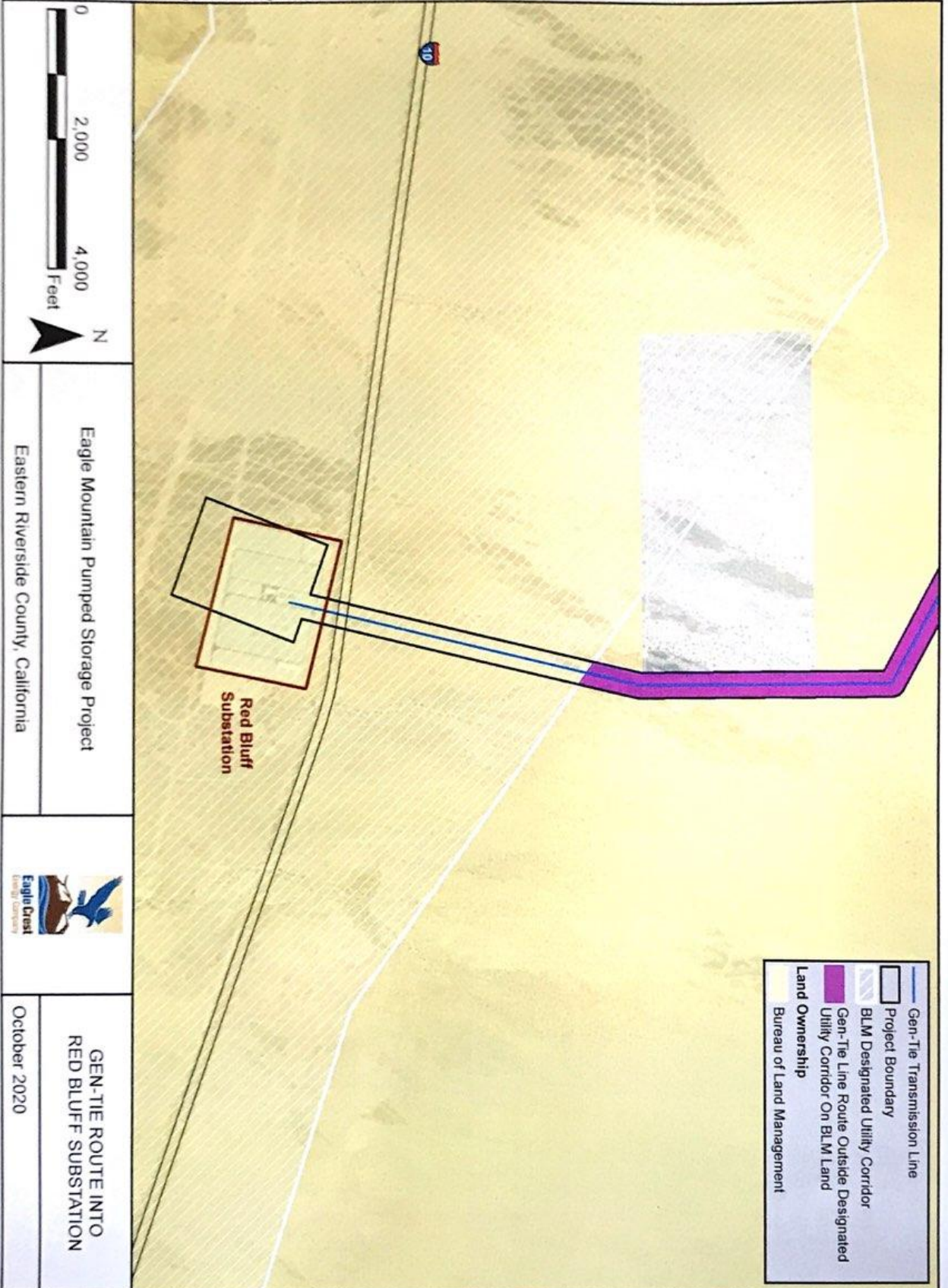
Thank you for your attention to this matter, and please feel free to reach me at slowe@eaglecrestenergy.com or 310-450-9090.

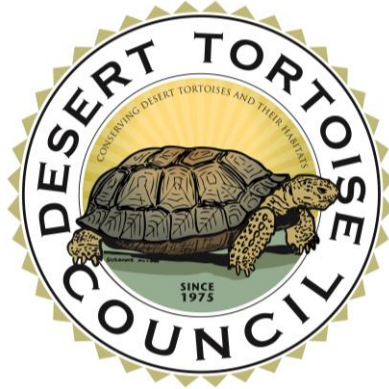
Respectfully submitted,

Eagle Crest Energy Company


Steve Lowe
President

Attachment





DESERT TORTOISE COUNCIL

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Palmdale, California 93552

www.deserttortoise.org

eac@deserttortoise.org

Via email only

31 October 2020

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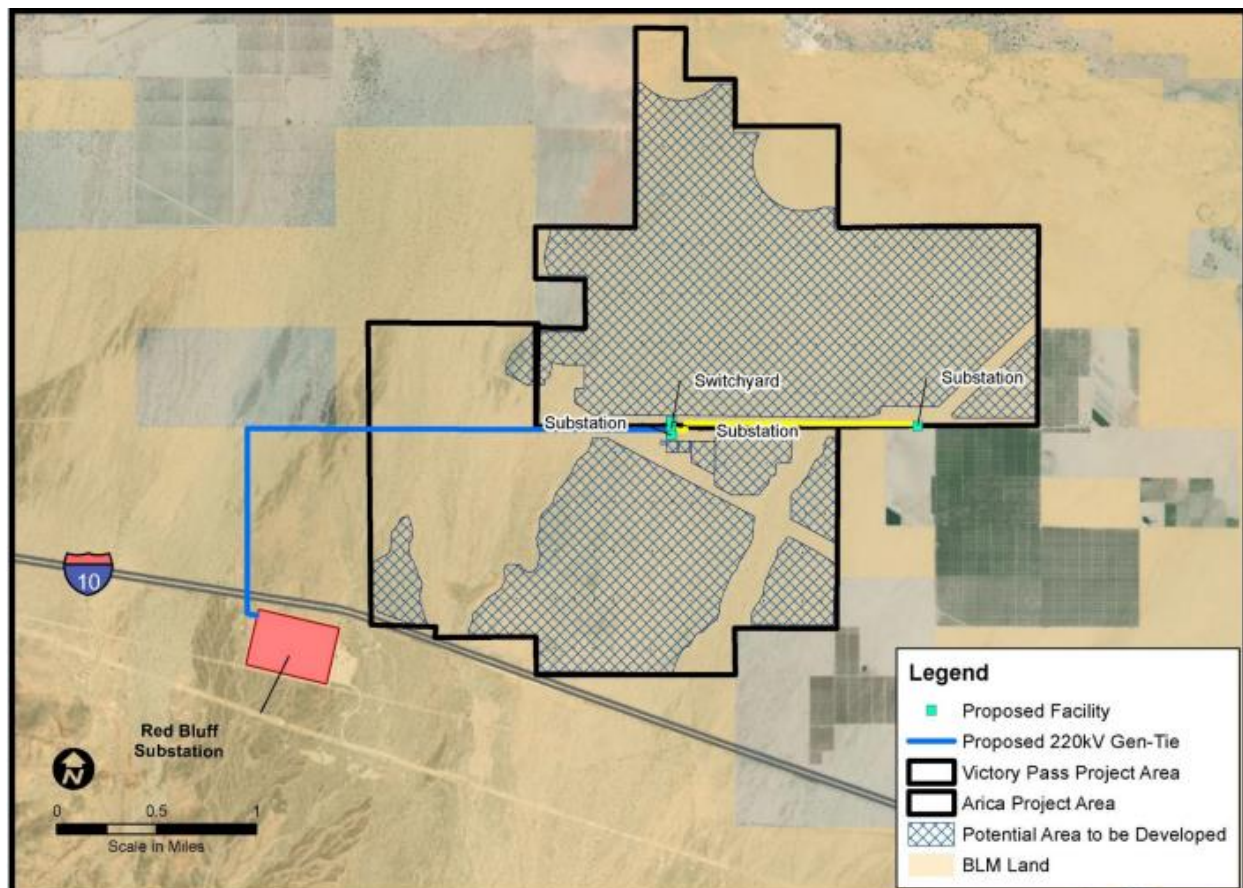
RE: Scoping Comments for Arica Solar (DOI-BLM-CA-D060-2020-0009-EIS) and Victory Pass (DOI-BLM-CA-D060-2020-0010-EIS) Solar Projects

Dear Ms. Liberatore, Van Der Linden, and Rodriguez,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats potentially occupied by Mojave desert tortoise (*Gopherus agassizii*) (synonymous with "Agassiz's desert tortoise"), our comments pertain to enhancing protection of this species during activities authorized by the Bureau of Land Management (BLM) and California Department of Fish and Wildlife (CDFW). Please accept, carefully review, and include in the relevant project file the Council's following scoping comments for the proposed projects. Additionally, we ask that BLM and CDFW respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for these two projects.

Given that BLM and CDFW are actively soliciting scoping comments, and the two projects are contiguous and therefore likely to affect similar biological resources (see following map), our comments herein relate to both projects, even though the facilities would be developed by two different proponents, including Arica Solar, LLC and Victory Pass I, LLC. Therefore, our recommendations pertain to each of the proponents, BLM, and CDFW. We note that the comment period has been extended from November 1 to November 2, 2020 so that it may close on a business day.



The following project information is taken from the BLM's National NEPA [National Environmental Policy Act] Register, using the following link: <https://www.blm.gov/press-release/blm-initiates-environmental-review-two-proposed-solar-projects-public-lands-riverside>

Both Arica Solar, LLC and Victory Pass I, LLC (Proponents) have applied to the BLM for separate right-of-way grants to construct, operate, and eventually decommission two 200 MW photovoltaic solar systems with energy storage on approximately 4,000 acres (e.g., 2,000 acres for each project) of public lands in Riverside County, California. Part of the project would include an approximately 3.2 mile 230 kV gen-tie from switchyard to existing Southern California Edison Red Bluff Substation (blue line in the above figure). The BLM intends to analyze the environmental effects of the proposed project in an Environmental Impact Statement (EIS) and the CDFW in an Environmental Impact Report (EIR), and both are seeking input from the public on potential issues of concern related to the proposals.

Surveys

Located approximately eight miles east of the junction of I-10 and SR 177 and several miles southeast of the Desert Center Airport, we suspect that there may be desert tortoises and rare plant and animal species on the subject properties. As such, we fully expect the agencies to require and Proponents to fund focused surveys intended to locate (at a minimum) the following rare plant and animal species reported from the region [e.g., the following species, supplemented by personal knowledge, have been reported from the 7.5' USGS Corn Springs quadrangle as reported in the October 2020 version of the California Natural Diversity Data Base (CDFW 2020)], using the cited methodologies following the list:

Reptiles

Desert tortoise (*Gopherus agassizii*)

Birds

Bendire's thrasher (*Toxostoma bendirei*)

Elf owl (*Micrathene whitneyi*)

LeConte's thrasher (*Toxostoma lecontei*)

Western burrowing owl (*Athene cunicularia*)

Mammals

American badger (*Taxidea taxus*)

Colorado Valley woodrat (*Neotoma albigula venusta*)

Desert bighorn sheep (*Ovis canadensis nelsoni*)

Kit fox (*Vulpes macrotis*)

Pallid bat (*Antrozous pallidus*)

Western mastiff bat (*Eumops perotis californicus*)

Invertebrates

Crotch bumble bee (*Bombus crotchii*)

Plant Communities

Desert Fan Palm Oasis Woodland

Plants [with CDFW, USFWS, and/or CNPS (2020) statuses]

Alverson's foxtail cactus (*Coryphantha alversonii*)

California ditaxis (*Ditaxis serrata* var. *californica*)

Cove's cassia (*Senna covesii*)

Desert beardtongue (*Penstemon pseudospectabilis* ssp. *pseudospectabilis*)

Desert spike-moss (*Selaginella eremophila*)

Emory's crucifixion thorn (*Castela emoryi*)

Glandular ditaxis (*Ditaxis claryana*)

Harwood's milk-vetch (*Astragalus insularis* var. *harwoodii*)

Las animas colubrina (*Colubrina californica*)

Palmer's jackass clover (*Wislizenia refracta* ssp. *palmeri*)

Spear-leaf matelea (*Matelea parvifolia*)

Triple-ribbed milk-vetch (*Astragalus tricarinatus*)

Plants [to be in compliance with the California Desert Native Plants Act]

At the State level, the 1998 Food and Agricultural Code, Division 23: California Desert Native Plants, Chapter 3: Regulated Native Plants, Section 80073 states: The following native plants, or any parts thereof, may not be harvested except under a permit issued by the commissioner or the sheriff of the county in which the native plants are growing:

- (a) All species of the family Agavaceae (century plants, nolinias, yuccas).
- (b) All species of the family Cactaceae (cacti), except for the plants listed in subdivisions (b) and (c) of Section 80072 (i.e., saguaro and barrel cacti), which may be harvested under a permit obtained pursuant to that section.
- (c) All species of the family Fouquieriaceae (ocotillo, candlewood).
- (d) All species of the genus *Prosopis* (mesquites).
- (e) All species of the genus *Cercidium* (palo verdes).
- (f) *Senegalia (Acacia) greggii* (catclaw acacia).
- (g) *Atriplex hymenelytra* (desert holly).
- (h) *Dalea (Psoralea) spinosa* (smoke tree).
- (i) *Olneya tesota* (desert ironwood), including both dead and live desert ironwood.

The appropriate methodologies for surveys for specific taxa and biological resources are given in the following documents:

Desert tortoise (USFWS 2019)
Burrowing owl (CDFG 2012)
Rare plants (CDFG 2009) and (BLM 2009)

Environmental Analyses

We fully expect the EIS and EIR to document the results of these focused surveys using, at least, the above survey protocols, performed by knowledgeable biologists for respective taxa (e.g., rare plant surveys should be performed by botanists), and to assess the likelihood of occurrence for each rare species or resource (e.g., plant community) that has been reported from the immediate region. Focused plant surveys should occur only if there has been sufficient winter rainfall to promote germination of annual plants in the spring. Alternatively, the environmental documents may assess the likelihood of occurrence with a commitment by the Proponents to perform subsequent focused plant surveys prior to ground disturbance, assuming conditions are favorable for germination.

The EIS and EIR should include thorough analyses and discussion of the status and trend of the tortoise in the action area, tortoise conservation area, recovery unit, and range wide. Tied to this analysis should be a discussion of all likely sources of mortality for the tortoise and degradation and loss of habitat from implementation of leasing the area for solar development including construction, operation and maintenance, decommissioning, and restoration of the leased lands.

Environmental documents should analyze if this new use would result in an increase of common ravens and other predators of the desert tortoise in the region. Future operations should include provisions for monitoring and managing raven predation on tortoises as a result of the proposed action. The monitoring and management plan should include reducing human subsidies for food, water, and sites for nesting, roosting, and perching to address local impacts. The Proponents

must contribute to the National Fish and Wildlife Foundation's Raven Management Fund for regional and cumulative impacts. It is very important that for any of the gen-tie options the Project should use transmission towers that prevent raven nesting. For example, the tubular design with insulators on horizontal cross arms is preferable to lattice towers, which should not be used.

According to Appendix A of Common Raven Predation on the Desert Tortoise (USFWS 2010), "The BLM's biological assessments and the USFWS' biological opinions for the California Desert Conservation Area (CDCA) plan amendments reiterate the need to address the common raven and its potential impacts on desert tortoise populations." Please ensure that all standard measures to mitigate the local, regional, and cumulative impacts of raven predation on the tortoise are included in environmental documents, including developing a raven management plan for this specific project. USFWS (2010) provides a template for a project-specific management plan for common ravens. This template includes sections on construction, operation, maintenance, and decommissioning (including restoration) with monitoring and adaptive management during each project phase (USFWS 2010).

Alternatives Analyses

The Council supports alternatives to reduce the need for additional solar energy projects in the Mojave Desert. That alternative is rooftop solar. The City of Los Angeles has implemented a rooftop solar Feed-in Tariff (FiT) program, the largest of its kind in America. The FiT program enables the owners of large buildings to install solar panels on their roofs, and sell the power they generate back to utilities for distribution into the power grid. This approach puts the generation of electricity where the demand is greatest, in populated areas. It may also reduce transmission costs, greenhouse gas emissions from constructing energy projects far from the sources of power demand and materials for construction, the number of affected resources in the desert that must be analyzed under the California Environmental Quality Act (CEQA), and mitigation costs. The EIS and EIR should include analyses of where the energy generated by this project would be sent and the needs for energy in those targeted areas that may be satisfied by rooftop solar. We contend that rooftop solar should be analyzed as one of the action alternatives.

The document should consider recently developed solar fields where soils have been bladed versus those facilities where the vegetation has been mowed and allowed to revegetate the area. In the latter case, it may be appropriate to allow tortoises to enter into the facilities and re-establish residency under the solar panels as vegetation recolonizes the area. The environmental documents should document recent successes and failures with this approach at other solar facilities in the desert. This option, which should be analyzed as an action alternative, could be designed as an experiment to add to the limited data on this approach to determine the extent of effects on Agassiz's desert tortoise populations and movements/connectivity.

Mitigation and Minimization Programs

Based on the survey results, the environmental documents should present specified programs intended to minimize and fully mitigate (required for issuance a section 2081 permit) impacts to rare species. Following are a few examples, all of which must be accompanied by agency-acceptable monitoring programs, that would be applicable if the indicated species/resources are determined to be present or otherwise impacted:

Desert tortoise – If not covered by a programmatic permit issued to the BLM, a project-specific biological opinion must be completed by the U.S. Fish and Wildlife Service (USFWS). Since the tortoise is also listed as a state-Threatened species, a project-specific 2081 incidental take permit must also be acquired before any tortoises can be handled, translocated, or otherwise adversely affected.

Burrowing owl – Forced displacement and/or relocation of non-breeding birds

Kit fox – Forced displacement and/or relocation of non-breeding foxes

Rare plants – Program to avoid, salvage, and or propagate/translocate rare plants

Assuming tortoises are present or will otherwise be adversely affected, environmental documents should include appropriate mitigation for all direct, indirect, and cumulative effects to the tortoise and its habitats; the mitigation should use the best available science with a commitment to implement the mitigation commensurate to impacts to the tortoise and its habitats. Mitigation should include a fully-developed desert tortoise translocation plan; raven management plan; weed management plan; fire management plan; compensation plan for the degradation and loss of tortoise habitat that includes protection of the acquired, improved, and restored habitat in perpetuity for the tortoise from future development and human use; a plan to protect tortoise translocation area(s) from future development and human use in perpetuity; and habitat restoration plan when the lease is terminated and the proposed project is decommissioned.

These mitigation plans should include an implementation schedule that is tied to key actions of the construction, operation, maintenance, decommissioning, and restoration phases of the project so that mitigation occurs concurrently with or in advance of the impacts. The plans should specify success criteria, include a monitoring plan to collect data to determine whether success criteria have been met, and identify actions that would be required if the mitigation measures do not meet the success criteria.

We appreciate that the subject properties are located within a Development Focused Area (DFAs) identified in the Desert Renewable Energy Conservation Plan (DRECP) (BLM 2015), and expect that the environmental documents will describe the relationship of these two projects to this programmatic plan. There needs to be an analysis of how all aspects of project development, from initial ground-clearing through decommissioning, conform to the mitigation and minimization measures identified in the DRECP.

Although the DRECP substantially modified protective measures identified in the Northern and Eastern Colorado Desert Coordinated Management Plan (BLM 2002), we also expect the environmental documents, particularly the EIS, to summarize the projects relative to this plan both in terms of regionally important resources and any prescriptive measures that may enhance protections of rare biological resources. Finally, we believe that best management practices developed by the Council in 2017 (Desert Tortoise Council 2017, available in the link in the Literature Cited section of this letter) may provide for enhanced protection of tortoises as the Proponents develop their respective minimization and mitigation plans.

Cumulative Effects Analysis

With regards to cumulative effects, the EIR must list and discuss all project impacts within the region including future state, federal, and private actions affecting listed species on state, federal, and private lands. In particular, we ask that the relationship between these proposed projects and the DRECP be analyzed. We also expect that the environmental documents will provide a detailed analysis of the “heat sink” effects of solar development on adjacent desert areas and particularly Agassiz’s desert tortoise, in addition to climate change.

In the cumulative effects analysis of the EIS, please ensure that the Council on Environmental Quality’s (CEQ) “Considering Cumulative Effects under the National Environmental Policy Act” (1997) is followed, including the eight principles, when analyzing cumulative effects of the proposed action to the tortoise and its habitats. CEQ states, “Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern. The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects.” The analysis “must describe the response of the resource to this environmental change.” Cumulative impact analysis should “address the sustainability of resources, ecosystems, and human communities.” For example, the EIS should include data on the estimated number of acres of tortoise habitats and the numbers of tortoises that may be lost to growth-inducing impacts in the affected region.

We understand that the cumulative impacts analysis in the EIS must follow CEQ guidance on how to analyze cumulative environmental consequences, which contains eight principles listed below:

1. Cumulative effects are caused by the aggregate of past, present, and reasonable future actions.

The effects of a proposed action on a given resource, ecosystem, and human community, include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to the effects (past, present, and future) caused by all other actions that affect the same resource.

2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, non-federal, or private) has taken the actions.

Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effect at one time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.

3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.

Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resources, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.

4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.

For cumulative effects analysis to help the decision maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to the affected parties.

5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.

Resources are typically demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.

6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.

Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.

7. Cumulative effects may last for many years beyond the life of the action that caused the effects.

Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine damage, radioactive waste contamination, species extinctions). Cumulative effects analysis need to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters.

Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. Herein, we ask that the Desert Tortoise Council be identified as an Affected Interest for this and all other BLM and CDFW projects that may affect species of desert tortoises, and that any subsequent environmental documentation for these particular projects is provided to us at the contact information listed above. We also note that in spite of repeated requests to the BLM to be considered an Affected Interest, we learned about the projects from a third party, not from the BLM. We ask that you acknowledge receipt of this letter as soon as possible so we can be sure our concerns have been received by the appropriate parties.

Regards,



Edward L. LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

cc: California State Clearinghouse, state.clearinghouse@opr.ca.gov

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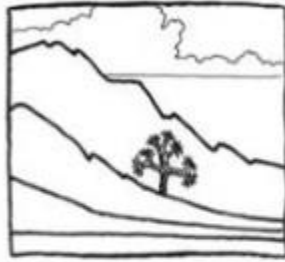
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Basin and Range Watch

November 2, 2020

To: Bureau of Land Management
Attention: Miriam Liberatore
3040 Biddle Road
Medford, OR 97504
Phone: 541-618-2412
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California Department of Fish and Wildlife
Attention: Magdalena Rodriguez, Project manager
3602 Inland Empire Boulevard, Suite C220
Ontario, CA 91764
Email: Magdalena.rodriguez@wildlife.ca.gov

Re: Scoping Comments for the Victory Pass and Arica Solar Projects - DOI-BLM-CA-D060-2020-0009-EIS (sic), and DOI-BLM-CA-D060-2020-0010-EIS (sic); and Scoping Comments for the Environmental Impact Report under the California Environmental Quality Act.

We are providing comments on this milestone set of utility-scale solar projects, the first to be reviewed in a Development Focus Area (DFA) since the signing of the Record of Decision in 2016 approving the Desert Renewable Energy Conservation Plan (DRECP) final Environmental Impact Statement and Land Use Plan Amendment to the original California Desert Conservation Area Plan (and other Plans outside the area of interest here). Prior solar projects in the DRECP panning area have been grandfathered in from prior applications. Thus, this new set of proposed solar projects sets a new standard aimed at streamlining review under the National Environmental Policy Act (NEPA) according to the Bureau of Land Management (BLM) at their virtual public meeting held via Zoom on October 21, 2020. We have many concerns with this.

The Bureau of Land Management is the lead agency for the Environmental Assessments under NEPA, Section 7 consultation with the US Fish and Wildlife Service under the Endangered Species Act, and Section 106 consideration under the National Historic Preservation Act.

California Fish and Wildlife Service is the lead agency under the California Environmental Quality Act (CEQA) for a full Environmental Impact Report and incidental take permit for the federally threatened Agassiz's desert tortoise, and Section 1600 streambed alteration of the Fish and Game Code.

Basin and Range Watch is a 501(c)(3) non-profit working to conserve the deserts of Nevada and California and to educate the public about the diversity of life, culture, and history of the ecosystems and wild lands of the desert. Federal and many state agencies are seeking to open up millions of acres of unspoiled habitat and public land in our region to energy development. Our goal is to identify the problems of energy sprawl and find solutions that will preserve our natural ecosystems, open spaces, and quality of life for local communities. We support energy efficiency, better rooftop solar policy, and distributed generation/storage alternatives, as well as local, state and national planning for wise energy and land use following the principles of conservation biology. We have visited the sites of the proposed Arica and Victory Pass Solar Projects.

1. These Projects Should Be Reviewed With Full Environmental Impact Statements.

Very little information was provided for these projects outside of the virtual meeting that was held and that raised many other questions. Some the maps that were presented at the meeting were inconsistent with what is in the DRECP. The lead CEQA agency, California Department of Fish and

The applicant Clearway is proposing to construct the Arica Solar Project on Chuckwalla Valley in Riverside County, in the transition zone between the Mojave and Colorado (Sonoran) Deserts of California on relatively undisturbed ecosystems and wildlife habitat and corridors. The photovoltaic project would be either polysilicon or thin-film technology, which we note have many different impacts to desert habitats concerning toxins and hazardous materials mitigation. The exact technology should be analyzed in the review and not deferred until after the public process and decision. Cadmium-thin-film solar panel technology can have hazardous wastes that could leak into the environment from flash flood events¹ or other causes of panel breakage during the lifetime of the project (typically 30 years), that should be analyzed and properly mitigated.

The applicant is not clear on what kind of PV panels would be used. This could influence avian impacts, visual impacts and project efficiency (see avian-solar impacts, below).

Arica Solar Project is proposed to generate 265 megawatts (MW) with up to 200 MW of Lithium-ion battery storage. Efficiencies of this type of technology should be evaluated, as Chuckwalla Valley can attain summer high temperatures of 118 degrees F regularly, which challenges the cooling of battery banks greatly. The environmental review should detail how the

¹ <http://www.basinandrangewatch.org/Genesis-Updates.html>

applicant proposes to cool the battery banks onsite, whether air-conditioning units cooling buildings that house the batteries, and cause a parasitic load on the grid in order to run the air-conditioning units. Or whether other cooling technologies would be employed, such as special liquid coolants for the batteries. A cost-benefit analysis should be undertaken in order to assess the real Carbon savings of a large-scale solar plus battery storage project baking in summer heat, compared with much more efficient solar plus battery storage in urban load centers where systems are on cooler coastal locations in California such as Los Angeles, San Diego, and San Francisco, or co-housed with residential and commercial buildings that are already cooled, such as in Las Vegas, NV.

A 3.2-mile 230-kiloWatt gen-tie line is proposed to connect the solar project to the existing Red Bluff Substations. The review should analyze impacts of this to Agassiz desert tortoise, Mojave fringe-toed lizard and other resources. Will the substation need to be enlarged to handle these two projects?

Arica Solar Project is proposed on 2,000 acres, and this could have a significant impact on microphyll woodland, sand transport systems, dust issues, groundwater, desert tortoise Mojave fringe-toed lizard, rare plants, wildlife connectivity corridors, and other resources that were not adequately analyzed in enough fine-grained detail during the complex and often over-generalized and vague DRECP planning review. This solar project should have a full Environmental Impact Statement, not a short Environmental Assessment under NEPA.

Will the project be required to have a concrete batch plant for construction? While the goal of the project is to reduce GHG emissions, it should be noted that concrete is very CO2 intensive to produce. As much as 10 percent of global CO2 emissions come from the production of concrete. Utilizing solar energy through Distributed Generation as an alternative would eliminate much of this carbon footprint because much if that environment is already built.

Similarly, the adjacent Victory Pass Solar Project is proposed at 200 MW photovoltaic up to 200 MW battery storage, on about 1,800 acres of public land desert habitat. This will also gen-tie to the Red Bluff Substation. We have similar questions and concerns about this project.

2. Misleading Scoping Process and NEPA Review.

When these two projects were announced for a scoping review, they were listed on the eplanning pages as a scoping review for Environmental Impact Statements. But the BLM is only reviewing these two projects with shorter Environmental Assessments by tiering off the Desert Renewable Energy Conservation Plan (DRECP) Record of Decision, according to the October 21 Zoom public meeting hosted by BLM.

Basin and Range Watch made three requests to the BLM to correct this mistake. Once during the first week the projects were announced on eplanning, once at the virtual public meeting and finally on Friday, October 30th – 3 days shy of the deadline for comments.

On Friday, October 30th, BLM did write:

NOTE The BLM anticipates that this project will be an Environmental Assessment tiered to the Environmental Impact Statement of the Desert Renewable Energy Conservation Plan amendment of the California Desert Conservation Area plan. We are working in our system to update the Project Type for this page. Applicant proposes to construct and operate an approximately 200 MW photovoltaic solar system with up to 200 MW energy storage capacity on public lands in eastern Riverside County, CA.

However, BLM did not write this or correct the mistake for 27 of the 30 days the comment period was open. So the public was led to believe that this is a scoping period for a Draft Environmental Impact Statement. An EA will usually only have a 30-day comment period while a DRAFT EIS can have a 45 day or 90 day comment period depending on if a plan amendment is involved. Below are the eplanning screen shots that show the mistake announcing EIS reviews for both projects.

[illegible]

According to the National Environmental Policy Act handbook² written by BLM, “Public involvement is an important part of the NEPA process. The level of public involvement varies with the different types of NEPA compliance and decision-making. Public involvement begins early in the NEPA process, with scoping, and continues throughout the preparation of the analysis and the decision.”

² https://www.ntc.blm.gov/krc/uploads/366/NEPAHandbook_H-1790_508.pdf

“The CEQ regulations require that agencies “make diligent efforts to involve the public in preparing and implementing their NEPA procedures” (40 CFR 1506.6(a)). “A primary goal of public involvement is to ensure that all interested and affected parties are aware of your proposed action.”

“Notification methods include, but are not limited to: newsletters, Web sites or online NEPA logs, bulletin boards, newspapers, and Federal Register Notices. EISs have very specific notification requirements, detailed in Chapters 9 and 13. Also refer to Chapters 4, 5, and 8 for more discussion of DNAs, CXs, and EAs. The CEQ regulations explicitly discusses agency responsibility towards interested and affected parties at 40 CFR 1506.6. The CEQ regulations require that agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures (b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.”

Parties were not aware of the proposed action because the BLM put up the wrong information. Those members of the public who believe this would be an EIS review are under the false impression that they would have much more time to submit comments. This short-sighted mistake may result in the loss of substantive comments.

3. The Purpose and Need Statement Should Examine the Actual Need For These Projects Based on Current Technology.

A 30-year lease to grade, develop, mow, apply herbicides and crush such a large area of public lands in California Desert ecosystems would greatly impair the quality of the environment here, and full restoration of this arid land could take centuries, thus being a virtually permanent impairment. BLM should not simply look at a purpose and need that seeks the greatest economic return on these public lands, but must also consider and balance the watershed, wildlife and fish, natural scenic values, and historic values of the land. BLM’s Purpose and Need is faulty for not taking these mandates of FLPMA into account.

The Purpose and Need Statement should not only respond to the applicant’s request to build a solar project in the region, and should not the applicant’s objectives directly under the statement. The BLM should not write a self -fulfilling statement that only reflects on too narrow a scope of alternatives. The statement should not be crafted to make approval of the project easier for the BLM and accommodate the applicant. The BLM’s National Environmental Policy Act handbook states: “[t]he purpose and need statement for an externally generated action must describe the BLM purpose and need, not an applicant’s or external proponent’s purpose and need (40 CFR 1502.13).”

See 40 C.F.R. §§ 1500.1(b); 1502.13; *Envtl. Law & Policy Ctr. v. U.S. Nuclear Reg. Comm.*, 470 F.3d 676 (7th Cir. 2006); *Simmons v. U.S. Army Corps of Eng’rs*, 120 F.3d 664 (7th Cir. 1997). “An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative . . . would accomplish the goals of the agency’s action, and the EIS would become a foreordained formality. *Nat’l Parks & Conservation Ass’n v. Bureau of Land Mgmt.*, 606 F.3d 1058, 1070 (9th Cir. 2010).

Moreover, an agency may not allow the economic needs and goals of a private applicant to define the purpose and need, and hence the inevitable outcome, of an EIS. Id. Federal agencies must “exercise a degree of skepticism in dealing with self-serving statements from a prime beneficiary of the project and to look at the general goal of the project rather than only those alternatives by which a particular applicant can reach its own specific goals.” Env'tl. Law & Policy Ctr., 470 F.3d at 683 (quoting Simmons, 120 F.3d at 666).

The project would be built in a region that has several valuable resources that have been designated conservation status by the California Desert Conservation Area Plan and the Northern and Eastern Colorado (NECO) Desert Resource plan. The BLM would need to amend the CDCA just to be able to legally approve the project. All resources must be officially compromised by the agency for approval. The project would impact valuable, visual, recreational, cultural, biological, hydrologic and socio-economic resources. The BLM could easily craft a Purpose and Need Statement that prioritizes the conservation of these resources. Doing so would allow for a larger and more reasonable range of alternatives. As it stands now, the statement does not provide a broad enough or accurate enough scope to allow better alternatives.

The Purpose and Need Statement should examine the actual NEED for this project based on current technology.

- **The Over-generation Problem in California Due to Utility-scale Solar Projects.**

The BLM can justify a No Action Alternative simply by examining the need by utilities for additional utility-scale solar projects on public lands. The BLM should also examine the feasibility and problems with a plan to integrate 350 megawatts of battery storage on site. The Draft Environmental Impact Statement should consider an alternative that utilizes degraded brownfields and distributed generation. Under the National Environmental Policy Act, agencies are required to consider alternatives outside of their jurisdiction. A no large-scale energy alternative can be justified with the California Energy Efficiency Strategic Plan (CEESP). This plan already exists as California state law and it can be fully implemented now. This is a state plan that prioritizes implementing rooftop solar and energy efficiency prior to developing largescale, remote solar and wind projects. The Draft EIS should also include and analyze an alternative that maximizes wildlife protection by avoiding, minimizing, and fully mitigating all direct, indirect, and cumulative impacts to wildlife and wildlife habitat to at least a no-net loss standard.

How will BLM fully mitigate significant impacts when recent Interior directives order off-site compensatory mitigation to be halted?

The Need for this project is questionable, as it adds a large cumulative impact to grid congestion in California. The state is currently experiencing a worsening glut of solar power at peak times on the transmission grid system, as measured by the California Independent System Operator. This has been shown as the Duck Curve, where renewable energy generation exceeds demand in the middle of the day, then causes the need to ramp up generation at the end of the day after the sun sets with inefficient natural gas peaker plants. At times, as much as 13,000 MW is needed in 3 hours in the evening hours, as solar projects go offline at night.

The National Renewable Energy Laboratory (NREL) examined the problem (Denholm et al. 2015, p. 8): “NREL has also examined higher renewable penetration scenarios in California using PLEXOS with a Western Interconnection database derived from the Western Electricity Coordinating Council (WECC) Transmission Expansion Policy Planning Committee (TEPPC), with additional modification based on the LTPP database (Brinkman et al. 2015). The NREL study examined cases where California achieves greater than 50% reduction in electric sector carbon dioxide emissions by 2030 with a variety of renewable energy technologies and flexibility assumptions, such as increased export limits and reduced minimum local generation requirements. Total annual curtailment estimates range from 0.2% (with a balanced portfolio in a more flexible grid) to almost 10% (with a high-solar portfolio in a less flexible grid).”

In other words, increased curtailment of solar projects (shutting them off during peak times) is likely under higher penetration of photovoltaics onto the California grid, despite storage options.

With increasing penetration of photovoltaic solar energy onto the grid, will instability problems be alleviated with battery storage?

Can an on-site battery storage project alleviate this problem? How many megawatt-hours of storage will these batteries provide?

Would the battery facility need to be cooled? How much energy would be required to do so? This is a hot desert with summer temperatures reaching 118 degrees F at times. How will this heat affect battery efficiency? Will air-conditioning be used to cool battery bank buildings? How much electricity for air-conditioning will be parasitized off the grid? Or will liquid-cooling containers be used for batteries? All eyes will be watching to track the efficiency loss of battery storage in hot desert lowlands, compared with coastal urban load center alternatives.

To conserve habitat, the BLM should consider a No Action Alternative based on local small-scale distributed battery technology in urban centers. Battery storage is making advances for smaller scale solar energy and would not require such a large facility that would need cooling. Batteries will create a waste/recycling issue as well and the BLM should be asking if batteries will be recycled.

4. BLM Should Consider a Full Range of Alternatives.

BLM should consider a full range of alternatives including an off-site, Private Land Alternative. Because California is a big state, several areas in places like the Central Valley provide opportunities to develop renewable energy in degraded agricultural lands. There are tens of thousands of acres of land that now has too much salinity to be productive for agriculture that are in proximity to transmission. There are no requirements for BLM to approve a solar project in this specific region. Under the National Environmental Policy Act, BLM is required to consider alternatives outside of the jurisdiction of their lead agency. While the BLM cannot direct a private land owner to use their land for energy, BLM can justify a No Action Alternative since less environmental impacts would occur to important resources in these locations. In other words, BLM has adequate justification to reject this application based on resource conflicts and other available lands in California for energy development.

There are 128,000 acres of uncovered parking lots in the city of Los Angeles alone,³ and more in other load centers that could generate renewable energy with much less impacts to resources on our non-renewable public lands. These were never analyzed properly as alternative s to the DRECP, but should have been, and should be considered now.

5. Section 1600 Streambed Alterations Should Be Analyzed in Better Detail.

Section 1600 streambed alteration of the Fish and Game Code should be looked at closely, since the Chuckwalla Valley drains to the Colorado River. This is not a closed basin, and streambed alterations could have significant impacts to the Colorado River Watershed.

6. Air Quality/Fugitive Dust Must Be Analyzed in Detail.

The land rush of large solar projects all over the southwestern US has resulted in expedited approval of many of these projects. In most of the cases, the developers have not adequately mitigated the fugitive dust that has resulted in the removal of large acreages of vegetated desert lands. We are concerned that industrial construction in the region will compromise the air quality to the point where not only visual resources, but public health will be impacted. We are also concerned that the applicant will have no choice but to use more water in an already overdrafted aquifer to control the large disturbance they intend to create.

Large solar projects in desert areas are very bad for air quality. Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates from recently eroded areas act as abrasive catalysts that erode the remaining crusts thus resulting in more airborne particulates.

The Right of Way for the Desert Sunlight Project to the west guaranteed that mitigation would control fugitive dust emissions, but photos taken of the Desert Sunlight Project during initial construction show “dust blackouts” that have occurred when there are strong wind events. These dust blackouts were reported to be rare in the area before First Solar disturbed so much of the ground with large earth moving machines.

Valley Fever has been blamed for 62 deaths among California prison inmates statewide, most at the Avenal and Pleasant Valley facilities, but also two at Blythe, California:

<http://www.pe.com/local-news/riverside-county/corona/corona-headlines-index/20130806valleyfever-inland-inmates-may-replace-transferred-prisoners.ece>

Epidemiologists investigated an outbreak of valley fever that had sickened 28 workers at two large solar power construction sites in San Luis Obispo County.⁴ One of these projects was called Topaz, built by First Solar.

We are also concerned that this will add to the cumulative impacts of several constructed solar projects in the region.

³ <https://la.curbed.com/2015/11/30/9895842/how-much-parking-los-angeles>

⁴ <http://articles.latimes.com/2013/may/01/local/lame-ln-valley-fever-solar-sites-20130501>

It is also a weak argument to suggest that there is no way to know if a No Action/No Project alternative would be environmentally superior to a solar project. The BLM has a few projects already built out in the region including Genesis, Blythe, McCoy, Desert Harvest and Desert Sunlight. Does the BLM really believe that the Genesis Project did not degrade the environmental quality of the area?

7. Avian Impacts/Polarized Glare Must Be Fully Analyzed.

This has been a big problem for the renewable energy projects located in the Chuckwalla Valley. Two of the solar projects in particular, Desert Sunlight and Genesis have reported high numbers of avian mortality. In fact, Wally Erickson of West Biological Consulting made a presentation at the Technical Symposium on Avian-Solar Interactions called Regional Observations and Trends in Avian Monitoring and Mortality. In the presentation, he said that the Desert Sunlight Project has reported some of the larger avian mortality numbers.

Both the Desert Sunlight and Genesis Project have reported a diversity of birds that have become avian mortalities and many of the birds were detected to have collision injuries. The Palen Solar Project is located in between the two in the Chuckwalla Valley.

Focused vs. Incidental Surveys

The mortality numbers reported on the Genesis Solar Project to the east were much higher when the mortality finds were incidental (workers randomly finding bird mortality). Now that surveys are focused, the numbers appear to be about half of what they were. This raises the questions: Is mitigation working? And are mortalities not being reported?

For photovoltaic projects, avian mortality is caused by collision and possibly dehydration as birds are unable to fly away. A study on 7 California large-scale solar projects found that from 2012 to 2016, 3545 mortalities from 183 species were detected. A diversity of species have been found including many water birds such as grebes, pelicans, ducks, coots and gulls to name a few. Special Status and Endangered Species include Yellow-billed Cuckoo, Yuma's Ridgeway (clapper) rail and Willow flycatcher. The impacts of large-scale solar projects and collisions in the desert to federally listed species have not been fully analyzed.

A dead Blue-footed booby was even found on one of the solar projects south of the Salton Sea in Imperial Valley.

One main theory is that the polarized light from solar panels may attract birds and insects to solar projects in the Mojave Desert (Horvath et al. 2009).

Does the light have to be polarized to attract birds? Could other factors such as texture, color and topographic features play a part?

We request that this important impact be studied more before any more of these giant projects are approved. Specifically:

What is the mechanism of lake-effect, high polarized light pollution, chromatic, achromatic, glare, etc.?

When the mechanism is identified, predictions of specific species can be tested in the field by altering the solar configuration.

After that, data could be collected in the field to identify factors that may attract birds to solar projects.

It is also possible that leaving major wash with microphyll undeveloped may actually bait birds that would eventually hit solar panels. Only a No Action Alternative would avoid this possibility. Because the proposed projects would be situated in a significant location for migrating birds in the Pacific Flyway, we believe that the cumulative impacts that the project will cause along with other solar projects in the region would not be worth the approval of the project.

The last survey that we know of that took place on the Desert Sunlight Solar Project was in 2017, and only 41 percent of the site was surveyed. The surveys found 143 avian “detections” (fatalities) from 41 identified species. Killed species include Great blue heron, ruddy duck, eared grebe, Virginia rail, sora, common loon and double-crested cormorant. In 2016, a Federally Threatened Yellow-billed cuckoo was found dead on the Genesis Project. In 2017-2018, 45 percent of the McCoy Solar Project was surveyed and killed species include Osprey, Long-eared owl, eared grebe, grasshopper sparrow, yellowthroat, common loon and green-winged teal to name a few.

The full cumulative impacts of avian mortality in the region is not being fully monitored. For example, we have no data from 2017 to present for the Desert Sunlight Project, yet BLM continues to approve multiple solar projects in the region. The counts are never complete. Too many acres, not enough surveyors and scavengers often take the carcasses before they can be documented.

The cumulative list of projects in this region could be described as devastating to avian fauna.

The list includes:

Desert Sunlight Solar Project

Palen Solar Project

Athos Solar Project

Desert Harvest Solar Project

Blythe Solar Project

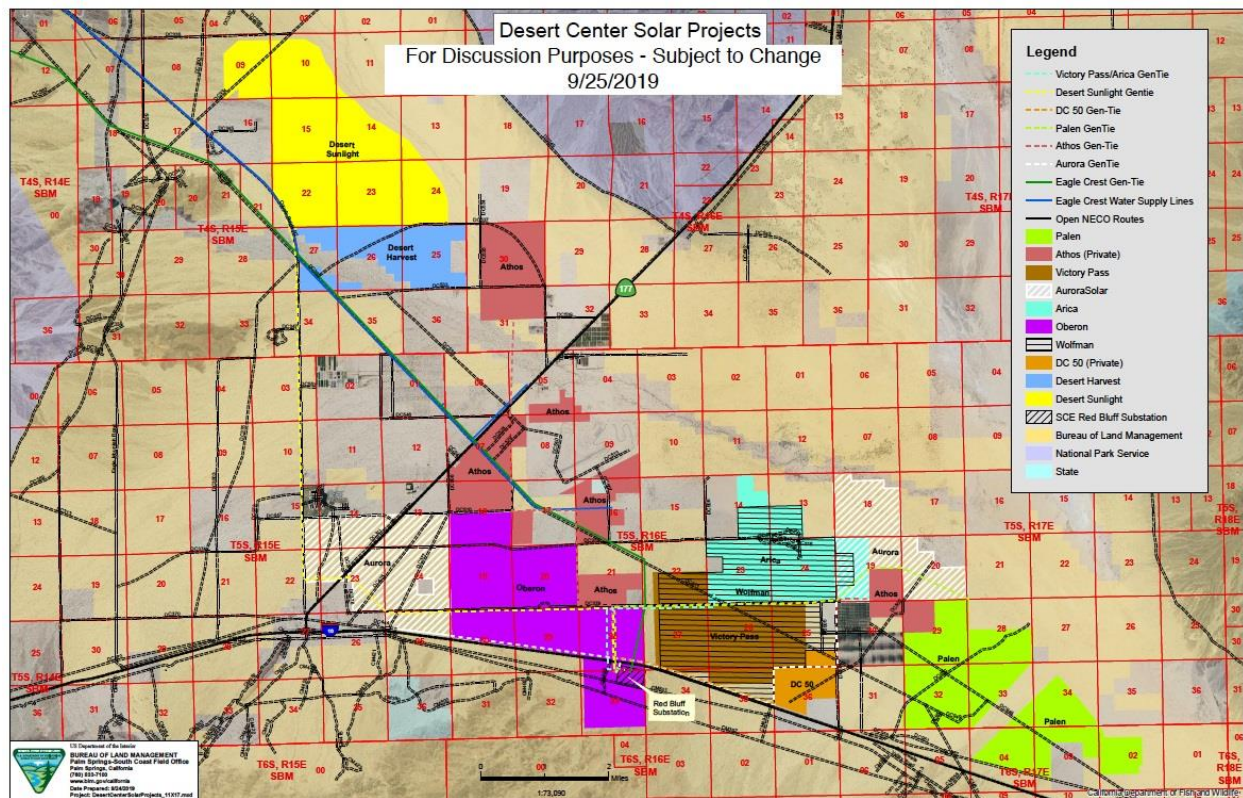
McCoy Solar Project

Blythe Solar Mesa Project

Desert Quartzite Solar

Crimson Solar

Below is the map of BLM solar sacrifice zone near Desert Center. The map also includes private land projects. It appears that the BLM has deemed all avian fauna in the region as expendable.

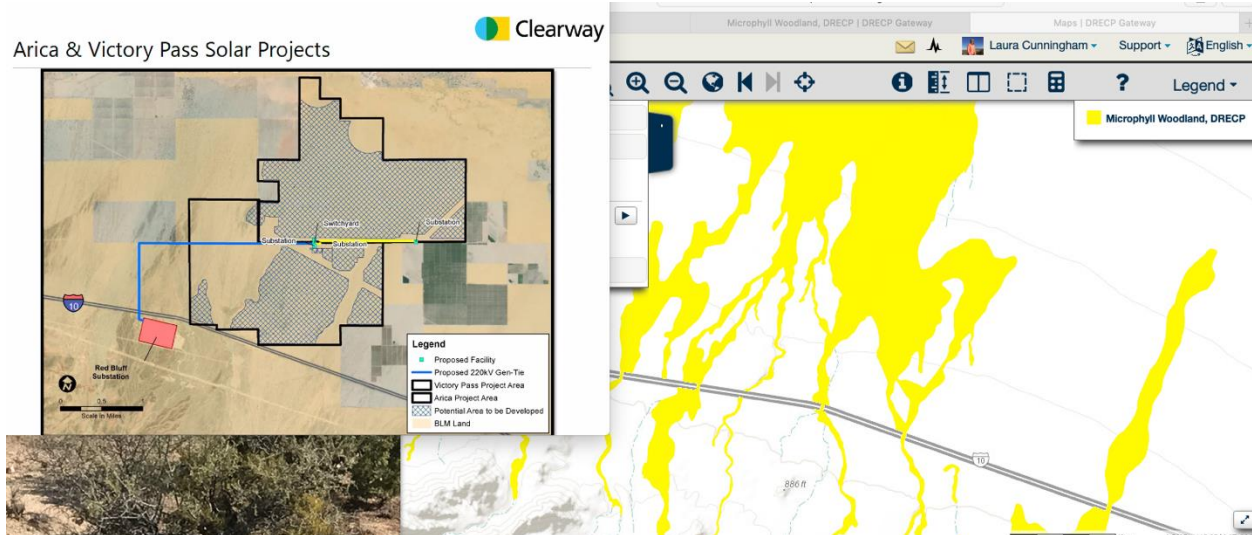


8. Desert Tortoise Impacts Will Not Be Fully Mitigated.

The US Fish and Wildlife Service in its Biological Opinion (BO) attached to the DRECP Record of Decision stated that long-term viability should be ensured in linkages. The projects are in such a linkage. The BO states that construction of new roads or routes within conservation areas or identified linkages should be avoided. Will this be true?

9. Microphyll Woodland Should Be Avoided.

DRECP maps of microphyll woodland at Databasin.org do not appear to match up with applicant proposed solar project maps shown on the BLM-hosted Zoom meeting. This should be reconciled.



Screenshot of the Arica and Victory Pass Solar Project proposals with avoidance areas, compared with mapped microphyll woodlands on approximately the same mapped site from the DRECP database. These do not appear to match, and the project sites may contain more high-value resources than the public meeting suggests.

10. Wildlife Connectivity Linkages

These appear to cross the project area and should be analyzed fully in an EIS/EIR.

11. Sand Transport Corridors are Not Adequately Analyzed.

As we have learned from participation in the Palen Solar Project proceedings, sand areas are not well mapped and must be better analyzed in a full EIS. Sand transport areas occupy a much wider area in Chuckwalla Valley than mapping has shown, and this should be looked at. This will significantly impact Mojave fringe-toed lizards, populations of which could be cryptic rare species that could go extinct if these projects are built.

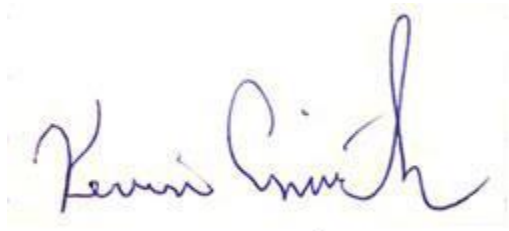
12. Significant Impacts to Rare Plants Must Be Fully Analyzed.

Harwood's Eriastrum (*Eriastrum harwoodii*) is a California Rare Plant Rank: **1B.2** (*rare, threatened, or endangered in CA and elsewhere*)⁵. All impacts to this rare desert plant must be analyzed in detail, and avoidance of all populations mandated.

COVID-19 should not be used to streamline the public process for development and energy projects on high-value public lands in the California Desert. Please Keep us informed of any new documents for these projects.

Thank you,

⁵ https://www.calflora.org/cgi-bin/species_query.cgi?where-taxon=Eriastrum+harwoodii

A handwritten signature in blue ink, appearing to read "Kevin Emmerich". The signature is fluid and cursive, with the first name "Kevin" and last name "Emmerich" clearly distinguishable.

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Protecting
California's native
flora since 1965

November 2, 2020

Miriam Liberatore
Project Manager
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

Sent electronically to: blm_ca_clearways_solar_project@blm.gov

Re: Scoping Comments on Arica and Victory Pass Solar Projects

Dear Ms. Liberatore,

Thank you for the opportunity to provide scoping comments on the proposed Arica and Victory Pass Solar Projects (the Projects) in Riverside County, California. For Arica, the project proponent, Clearway, proposes to construct and operate a 265-MW photovoltaic solar project on 2000 acres, and, for Victory Pass, proposes to construct and operate a 200-MW photovoltaic solar project on approximately 1800 acres of land. Combined, the Projects would affect a total of 3800 acres of public land administered by the Bureau of Land Management in Riverside County. In compliance with the National Environmental Policy Act (NEPA), the potential impacts of the Project will be evaluated by the BLM in an environmental impact statement (EIS). The Projects must comply with the Desert Renewable Energy Conservation Plan (DRECP) including all Conservation Management Actions (CMAs) outlined in the Land Use Plan Amendment (LUPA), in addition to other applicable state, local, and federal laws.

The California Native Plant Society (CNPS) is a statewide, non-profit organization with more than 10,000 members distributed across 35 local chapters. The mission of CNPS is to conserve California native plants and their natural habitats, and to increase the understanding, appreciation, and horticultural use of native plants. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Our concerns regarding the Projects include, but are not limited to, impacts to rare plants, vegetation, and ecological processes. Given the scale of the Projects and existing site conditions, impacts to native plants and plant communities are unavoidable. Importantly, the Projects are sited in the northern Sonoran Desert near the area in which this desert intergrades with the Mojave Desert to the north. The deserts of Western North America represent one of Earth's last remaining large, intact ecosystems. These habitats are a reservoir of biodiversity, ecosystem services, and evolutionary processes. In the face of climate change, and a myriad of other

impacts including renewable energy development, the maintenance of the primary roles of desert habitats is of utmost importance. Furthermore, renewable energy projects (including transmission lines and roads associated with the projects) should be sited to avoid direct and indirect impacts to plant species, such as habitat reduction, alteration, fragmentation, exposure to contaminants or fires, and introduction of non-native species.

With that in mind, we recommend that the following potential impacts be evaluated comprehensively in the EIS.

1. Impacts to Rare Plants.

Based on a review of existing sources (the California Natural Diversity Database¹, Consortium of California Herbaria², and CNPS Inventory of Rare and Endangered Plants³) the Project sites are potentially home to populations of numerous sensitive plant species. Two rare plants, *Wislizenia refracta* subsp. *palmeri* (Palmer's jackass clover, California Rare Plant Rank [CRPR] 2B) and *Ditaxis serrata* var. *californica* (California ditaxis, CRPR 3), are either present on or highly likely to occur on the Project sites. Additionally, based a review of rare plants known to occur in adjacent habitats, numerous rare species have the potential to occur on the Project sites. These include:

Scientific Name	Common Name	CRPR	BLM Special-Status?
<i>Astragalus insularis</i> var. <i>harwoodii</i>	Harwood's milk-vetch	2B	no
<i>Castela emoryi</i>	Emory's crucifixion-thorn	2B	no
<i>Colubrina californica</i>	Los Animas Colubrina	2B	no
<i>Ditaxis claryana</i>	glandular ditaxis	2B	no
<i>Eriastrum harwoodii</i>	Harwood's eriastrum	1B	yes
<i>Penstemon pseudospectabilis</i> subsp. <i>pseudospectabilis</i>	desert beardtongue	2B	no

The DRECP CMA, LUPA-BIO-PLANT-1 requires that the project proponent “conduct properly timed protocol surveys in accordance with the BLM’s most current (at time of activity) survey protocols for plant Focus and BLM Special-Status Species.” Additionally, it should be noted that many areas of the California desert have not been surveyed adequately for the presence of sensitive species. Consequently, the review of existing databases is not a substitute for comprehensive, on-the-ground surveys. These surveys should be “full-floristic” in nature, meaning they should document all plant species that occur on the Project sites. This is necessary in order to catalog and assess impacts to all sensitive species, not just those that are predetermined to have a likelihood of occurring on the Project sites.

¹ <https://www.wildlife.ca.gov/Data/CNDDB>

² <http://ucjeps.berkeley.edu/consortium/>

³ <http://www.rareplants.cnps.org/>

Botanical surveys need to be conducted following adequate amounts of precipitation and timed appropriately to ensure that rare plants are detectable. Rare plants with the potential to occur on the Project sites includes annuals that germinate following summer/fall precipitation. This means that surveys must be completed not only in the spring following adequate precipitation, but also in the fall following adequate precipitation. The detectability of special status plants with potential to occur on a project site can be verified by botanists visiting nearby reference populations of rare plants. The timing and details of visits to reference populations of special status plants should be detailed in the EIS. Lastly, details of the rare plant survey effort should also be documented in the EIS, including information on the dates of surveys, number of surveyors, names of surveyors, and the survey methods used.

For rare plants found on the sites, the analysis of the Projects' impacts to those plants needs to consider the impacts to the same species on other renewable energy project sites in the region. Numerous solar energy projects at various stages in the development process – from existing and operational to the early planning stages – are located in the region surrounding the Project sites. Given that the Projects are located in a DRECP Development Focus Area (DFA), additional solar energy development projects may be sited adjacent to the Project, and the cumulative impacts to rare species in the region remain a primary concern. Solar energy development projects and associated infrastructure projects located close to the Project sites include, but are not limited to:

- Desert Sunlight
- Desert Harvest PV solar
- Palen Solar
- Oberon
- Athos

An analysis of cumulative impacts should include the effects of already-implemented projects in addition to the effects of projects that will be implemented in the future. Also, the Projects should ensure the maintenance of biological corridors necessary for the movement of species in the face of climate change. The cumulative impact on ecological processes and biological corridors stemming from the large number of proposed and already-implemented solar energy development projects in the region needs to be addressed.

Finally, any impacts to special-status plants must comply with CMAs adopted in the DRECP. These include:

LUPA-BIO-PLANT-2: Implement an avoidance setback of 0.25 mile or all plant Focus and BLM Special-Status Species occurrences. Setbacks will be placed strategically adjacent to occurrences to protect ecological processes necessary to support the plant Species (see Appendix Q, Baseline Biology Report).

LUPA-BIO-PLANT-3: Impacts to suitable habitat for plant Focus and BLM Special-Status Species should be avoided to the extent feasible and is limited [capped] to a maximum of 1% of their suitable habitat in the LUPA Decision Area.

2. Impacts to Vegetation and Habitats.

Vegetation types on the Project sites should be mapped to the Alliance level in accordance with CDFW's Vegetation Classification and Mapping Standards⁴. Mapping to the Alliance level is necessary to determine the potential impact to sensitive natural communities and the special habitats identified in DRECP CMAs. The Projects are required to document impacts to special vegetation features, as detailed in LUPA-BIO-SVF-1 through LUPA-BIO-SVF-7. Special vegetation features with the potential to occur on the Project sites include microphyll woodland and crucifixion thorn stands. Should sand dune habitats occur on the Project sites, these habitats must comply with the CMAs LUPA-BIO-DUNE-1 through CMA LUPA-BIO-DUNE-4. Lastly, any riparian or wetland habitats must be fully documented and must comply with CMAs LUPA-BIO-RIPWET-1 through LUPA-BIO-RIPWET-7.

Once again, thank you for the opportunity to provide scoping comments on the Arica and Victory Pass Solar Projects. Please feel free to contact us if you have any questions.

Sincerely,



Isabella Langone
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⁴ <https://www.wildlife.ca.gov/data/vegcamp/publications-and-protocols>



Arica Solar and Victory Pass Solar Projects
Attn: Miriam Liberatore
Bureau of Land Management
3040 Biddle Road,
Medford, OR 97504.

Ms. Liberatore,

Monday, November 2, 2020

Thank you for the opportunity to submit these scoping comments on the Arica and Victory Pass solar projects.

NPCA is America's only private, non-profit advocacy organization solely dedicated to protecting and enhancing America's national parks. NPCA was founded in 1919 and today has over 1,000,000 members and active supporters, including more than 100,000 in California. Our field office staff in the California desert works to protect the natural and cultural resources of Joshua Tree National Park, Death Valley National Park, Sand to Snow and Mojave Trails national monuments, and the Mojave National Preserve. NPCA has participated as an active stakeholder in the area of Joshua Tree National Park for nearly two decades, taking a leadership role in issues from the defeated Eagle Mountain Landfill to the proposed Joshua Tree National Park boundary adjustment.

We strongly support the rapid deployment of renewable energy on an urgent basis due to the dire nature of the climate crisis. We do, however, have significant concerns about the development of these two projects not only due to its proximity to the eastern boundary of Joshua Tree National Park (“the Park”), but due as well to the projects’ effects on larger systems throughout the desert, including air quality and its disproportionate impacts on less-affluent communities, sand transport corridors and groundwater, and the plants’ likely impacts on wildlife and native vegetative communities. Our concerns about these and similar issues are not limited to those caused directly by the plants themselves, but also include the cumulative effect of development of nearby desert lands for renewable energy production.

While we recognize that the Interior Department intends to conduct an Environmental Assessment tiered off of the Desert Renewable Energy Conservation Plan (DRECP), we feel that new information about the effects of solar development, climate change, and other issues — as well as the interruption of DRECP implementation by the Administration in 2018 — warrant a full EIS for each project.

Following are descriptions of our concerns that we feel must be addressed in whatever level of NEPA analysis follows this scoping period, which we will refer to as the EA/EIS.

Visual resources

The EA/EIS should examine the effects of these developments on the viewshed in the area, especially with regard to further industrialization of the landscape visible from both the Park and nearby wilderness areas. Our rough calculations suggest that the projects will

be visible not only from a large portion of the nearby Eagle and Coxcomb mountains in the Park, but from a wide swath of the Palen-McCoy Wilderness to the east, as well as within the Chuckwalla Mountains Wilderness. (See included image.) The projects would seem even to be potentially visible from the southern end of the Sheep Hole Mountains in Sheephole Valley Wilderness roughly 25 miles northwest of the project site, though that visibility would perhaps be limited to certain conditions conducive to glint or glare. Especially in the context of the pandemic and its resulting increase in public interest in visiting wild spaces for rest and restoration, the EA/EIS should carefully consider the effects of this development as it adds to the overall change in the appearance of the surrounding landscape from nearby wilderness areas.

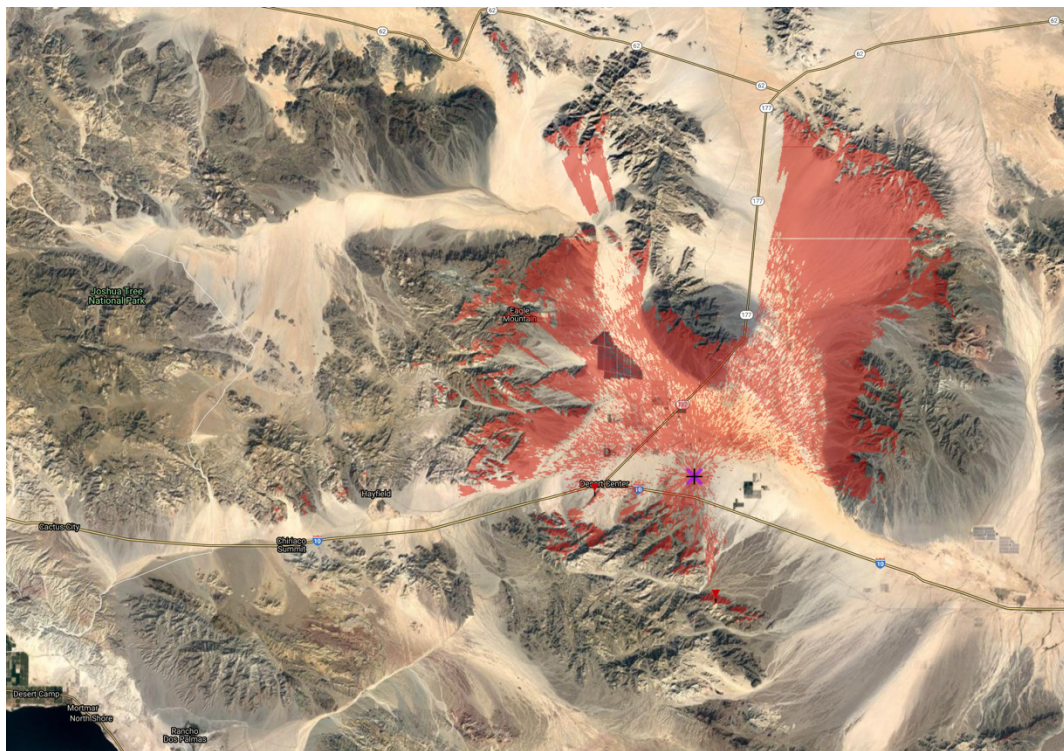


Figure 1 Red shading indicates area in direct line of sight at ground level of the Arica/Victory Pass projects

As the projects would verge upon the north side of Interstate 10, careful attention should be paid in the EA/EIS to the potential effects of reflected sunlight on visibility for drivers on the interstate, especially when the sun is low in the sky.

Lastly, the cultural resources aspects of viewshed management are extremely important to us. The EA/EIS development process should be informed by substantive consultation with affected tribes on a government-to-government basis, and with Native organizations who have expertise in cultural resources. We will be frank here: the usual practice of initiating consultation by way of sending a letter to tribal offices by regular mail has never constituted a sufficient attempt at consultation. It is even less sufficient in the context of the Coronavirus pandemic, as offices may be unstaffed for weeks on end, especially as tribes suffer disproportionate impacts from the virus on their elders and other vulnerable

tribe members. Diligence and flexibility in soliciting tribal consultation is extremely important.

Desert Dry Wash Woodland

We understand that the developer's intent is to avoid damage to the microphyll woodland on the project site by deploying photovoltaic panels only up to the verge of dry washes that host microphyll woodlands. While we are grateful that the woodlands are, at least on paper, to be spared direct destructive effects on a site-wide scale, we feel the EA/EIS should examine the likely effects of the so-called Photovoltaic Heat Island (PVHI) effect, in which the change in albedo and landscape structure associated with large PV arrays cause measurable increases in both ambient air temperature (as more solar radiation is absorbed by the landscape rather than reflected) and soil temperature (as the PV panels block direct radiative heat loss from the soil surface at night).

In Barron-Gafford, G. A. *et al.*¹, authors found that the installation of photovoltaic panels in Phoenix, Az — at roughly the same latitude as the proposed projects — caused a PVHI effect amounting to midnight temperatures 4.4°C higher than nearby undeveloped desert, and 2.2°C higher than an adjacent asphalt parking lot. The EA/EIS should carefully examine the likely impacts of such PVHI-related warming on a desert dry wash woodland vegetative community that is already suffering the effects of increasing temperatures.

The EA/EIS should also examine the likelihood of discretionary waivers allowing intrusions into desert dry wash woodland habitat as has happened with the Palen solar project and its routing of an access road through that habitat.

Groundwater

The Chuckwalla Valley's groundwater has been heavily exploited for half a century. A recent Lawrence Berkeley National Laboratory study² concluded that the valley's groundwater levels were being unsustainably drawn upon for renewable energy development. In particular, Chen *et al.* concluded that if the Eagle Crest Pumped Storage project is built, and filled using more than 13,000 acre-feet of local groundwater, that that project plus demand from the Palen, Desert Sunlight, Desert Harvest, and Genesis solar projects would constitute an unsustainable and possibly irreversible drawdown of the local aquifer. Since then, the Oberon, Athos, Crimson, and Desert Quartzite solar projects have all made significant progress toward approval or completion. It is clear that the Arica/Victory Pass EA/EIS *must* consider the cumulative impact of all renewable energy development on the Chuckwalla Basin aquifer.

Wildlife Habitat and Migration

The EA/EIS must examine the cumulative impacts of the Arica and Victory Pass projects combined with other nearby renewable energy development on wildlife habitat corridors and migration. Issues to consider in this area include:

- The effect of additional night-time lighting on migration and other behavior of birds and terrestrial animals
- The impact that construction at the verge of desert dry wash woodland habitat would have on the utility of that habitat for migration and other uses by wildlife. Possible impacts include but are not limited to visual predominance of the project acting as a deterrent to migration or even mere presence, the aforementioned PVHI effect causing deteriorative edge effects on dry wash woodland through increase in temperature and heat/drought stress, changes in rain runoff patterns due to PV panels concentrating several square feet worth of precipitation along the panels' lower edges, and increased human activity during construction and maintenance.
- The effect of the so-called "lake effect" illusion, in which migrating birds mistake photovoltaic arrays for open water resulting in lost energy and possibly injury when birds attempt to land in the nonexistent water

We feel that consideration of the projects' effects on wildlife migration linkages must take into account lessons learned from the recent Dome Fire in Mojave National Preserve in which 43,000 acres of intact desert habitat suffered rapid and likely permanent type conversion in a matter of days. While the DRECP does require preservation of several wildlife linkages between the Palen, Chuckwalla, and Mule mountains and the Chuckwalla Valley, those linkages are far narrower than the footprints of the Dome Fire and other recent desert fires. The EA/EIS should examine whether a prudent approach to preserving the ability of wildlife to contend with a warming desert requires redundant and independent habitat linkages in case one or more planned linkages suffers a landscape-level catastrophe similar to the Dome Fire.

Air Quality

The effect of renewable energy development in the Chuckwalla Valley on air quality has not been documented as well as it should. However, abundant anecdotal data, and some formal records, indicate that disruption of surface features such as vegetation or desert pavement often creates hazardous air quality during high wind events. There appears to be as much as 215 acres of mature desert pavement on the project sites, and a somewhat larger amount of less-well developed incipient desert pavement. It is well-established that desert pavement functions as a trap for particulate matter, which is then released to the atmosphere when the soil surface is disturbed. This is not only a hazard for residents downwind due to health impacts such as asthma, Chronic Obstructive Pulmonary Disease, and coccidiomycosis (valley fever), it also poses a potential hazard to public safety when winds obscure visibility for drivers on Interstate 10.

While the population immediately downwind of the projects (with regard to prevailing winds) is somewhat sparse, those downwind communities closest to the projects — Blythe, Ehrenberg, and Palo Verde — have poverty rates ranging from 20 percent (Blythe) to 47 percent (Palo Verde), as of the 2010 census. Two other notable population centers even closer to the project site are Ironwood and Chuckawalla Valley State Prisons, with a total of around 5,500 inmates between them. During summer monsoonal storms, the particulate matter from Chuckwalla Valley renewable energy

projects enters the East Coachella Valley, already burdened with some of the dirtiest air — and highest asthma rates — in the state.

Air quality impacts from solar energy facility construction are a significant stressor for already impacted demographics, and thus constitute an environmental justice issue. An EA/EIS should examine the risks of increasing particulate matter pollution from construction on the project sites and propose significant mitigation such as air filters for residences (including the prisons) and an effective network of air quality monitors throughout the region with publicly available data provided.

Carbon Sequestration

We strongly support our society's efforts to drastically reduce emissions of greenhouse gases through, among other means, rapid deployment of zero-carbon energy generation capacity. We caution, however, that the degree to which desert soils serve as repositories of stored carbon is still unknown and has largely been ignored as a factor in siting renewable energy plants in the desert. It is well known that caliche layers form at the soil horizon marking the limits of rain percolation, as evaporating water leaves behind dissolved carbon from atmospheric CO₂, which then combines with calcium and other minerals in the soil. What is less widely known is that biological processes also sequester carbon in desert soils, and that this sequestration may cease when vegetation is removed.

In Zhen Liu *et al* 2020³, the authors found that desert soil microbes deposit more than 50 micrograms of atmospheric carbon in the soil per kilogram of soil per day. Zhen Liu *et al* had previously found⁴ that at least six genera of soil bacteria deposit atmospheric carbon in dryland soils as carbonate minerals. Extending Zhen Liu *et al's* 2020 numbers and assuming this activity extends 25 centimeters below the surface, the approximately 4,000 acres slated for conversion to solar at Arica and Victory Pass may be responsible for sequestering millions of kilograms of atmospheric carbon per decade.

The EA/EIS should examine Zhen Liu *et al's* studies, and others in the field, and determine as nearly as possible what the cost-benefit ratio may be for projects that replace fossil fueled generation at the potential cost of halting active sequestration, or even causing sequestered carbon to be released through weathering of artificially exposed soil layers.

Systemic Change issues

The EA/EIS cannot rely on recorded or even current conditions as a baseline to assess the likely environmental effects of the two projects, Ecosystemic change is already occurring in the California Desert, and as much as possible, this “new normal” should be used as a baseline for calculating impact. Among the issues relevant here:

- The strong likelihood of increased storm strength, causing more dramatic flooding as happened during the construction phase of the Genesis Solar project
- More frequent high wind events and resulting dust emissions
- Shifts in timing of wildlife migration, and appearance of species not formerly seen

- Heightened importance of existing habitat as fire and climate change damage cause type conversion throughout the desert
- Accelerated heat-related degradation of photovoltaic panel components, with losses of generating efficiency and potential release of problematic chemical components into the environment
- Increased demand for groundwater as storms deposit more dust and higher temperatures increase need for cooling

We thank you for the opportunity to offer these comments for your scoping process for the Arica and Victory Pass solar projects. We are happy to talk to you in greater depth to explore any of these topics.

Sincerely Yours,



Chris Clarke
Associate Director, California Desert Program
National Parks Conservation Association
cclarke@npca.org
(760) 600-0038

¹ The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures. Sci. Rep. 6, (2016), accessible at [nature.com/articles/srep35070](https://www.nature.com/articles/srep35070)

² Fang, K., Ji, X., Shen, C., Ludwig, N., Godfrey, P., Mahjabin, T., & Doughty, CA. 2017. Assessing the nexus between groundwater and solar energy plants in a desert basin with a dual-model approach under uncertainty. *Lawrence Berkeley National Laboratory*. Accessible at escholarship.org/uc/item/1zd1c78j

³ Desert soil sequesters atmospheric CO₂ by microbial mineral formation, *Geoderma*, Volume 361, 2020 (accessible at [sciencedirect.com/science/article/abs/pii/S0016706119313072#ab010](https://www.sciencedirect.com/science/article/abs/pii/S0016706119313072#ab010)),

⁴ Desert soil bacteria deposit atmospheric carbon dioxide in carbonate precipitates November 2018 *Catena* 170, accessible at <https://tinyurl.com/y279dppn>



November 2, 2020

Arica and Victory Pass Solar Projects
Attention: Miriam Liberatore, Bureau of Land Management
3040 Biddle Road Medford
OR 97504
e-mail: blm_ca_clearways_solar_project@blm.gov

Dear Ms. Liberatore:

The National Audubon Society protects birds and the places they need, today and tomorrow. Audubon works throughout the Americas using science, advocacy, education, and on-the-ground conservation. State programs, nature centers, chapters, and partners give Audubon an unparalleled wingspan that reaches millions of people each year to inform, inspire, and unite diverse communities in conservation action. A nonprofit conservation organization since 1905, Audubon believes in a world in which people and wildlife thrive.

Our 2019 climate science available at <https://climate.audubon.org> reveals that unless we can keep warming below 3° Celsius 389 species of birds in North America will probably go extinct from loss of climate suitability in their wintering or breeding ranges.

100% clean energy and net zero emissions by 2050 is our goal to protect our birds by keeping warming to 1.5°Celsius.

The Project: Arica Solar, LLC and Victory Pass I, LLC seek authorization to construct two photovoltaic solar projects on public lands. Each project would be approximately 2,000 acres in size, generate up to 265 MW of electricity with up to 200 MW of battery storage, and be sited entirely on BLM-managed public lands. The Arica and Victory Pass solar projects would result in an estimated combined private infrastructure investment of \$689 million, \$5.9 million in annual operational economic benefit, and together power approximately 132,000 homes.

As Lead Agency for National Environmental Policy Act, BLM has released a N.O.P. of an Environmental Assessment (EA) for the Project tiered to the Desert Renewable Energy Conservation Plan (DRECP). The projects are in the Riverside East Development Focus Area of that plan promising more efficient state and federal permitting bringing emissions reductions

online faster to meet California's clean energy and climate goals while protecting our desert lands and wildlife.

Audubon was a stakeholder for eight years in the development of the DRECP and fully supports the FEIS and ROD for the DRECP and the Conservation and Management Actions (CMA) for siting renewables in that Plan. Audubon fully supports the preparation of an EA for these projects.

While BLM has subsequently issued guidance seeking to disclaim its authority to require compensatory mitigation, this guidance contravenes the true scope of BLM's authority to place conditions on the use of public lands and BLM is further bound by its commitments in the DRECP. Further BLM has committed to honor state requirements for compensatory mitigation, which also affect renewable energy development under the DRECP.

Our comments on the scope of the EA follow:

- 1. The EA has an obligation to carefully analyze and mitigate for the impacts to birds protected by the federal Migratory Bird Treaty Act (MBTA), California regulations in Section 3513 (CA 3513) of the California Fish and Game Code as modified under AB454 and the MOU between BLM and US Fish & Wildlife Service under EO 3853 of January 17, 2001.**

[The Lower Colorado River Valley](#) has been identified by Audubon as a globally significant Important Bird Area. Audubon is the N. American partner of BirdLife International in a program to identify areas of high conservation value for birds under strict criteria.

The federal Migratory Bird Treaty Act is currently in full force with the August 12, 2020 ruling of federal court that rolled back the M-Opinion and FWS guidance and re-established that "incidental take" by industries is illegal with the comment "Not only is it a sin to kill a mockingbird, it is a crime." Additionally, the regulations in Section 3513 of California Fish and Game Code were amended by AB454 in September 2019, the California Migratory Bird Protection Act, restored protections to the same species of migratory birds in the MBTA, offering protections under California law.

New data has emerged since the 2016 adoption of the DRECP. This data should be included in LUPA BIO-16 and the mitigation measures therein regarding migratory birds.

PV solar facilities have impacts on avian species (Horvath et al. 2009, Loss et al. 2015, Smith and Dwyer 2016, Grippo et al. 2015, and Walston Jr. et al. 2016, Kosciuch et al 2020). Estimates of annual PV Solar facility related avian mortality in the southern California region range from 16,200 to 59,400 birds per year or 2.39 birds/MW/year to 9.9 birds/MW/year. (Kosciuch et al, 2020 in an industry funded study and Walston Jr. et al in a study by Argonne Labs, 2016).

Mortality reports filed from other PV, Solar Trough and Solar Power Tower projects in the Colorado, Sonoran and Mojave deserts of California and Arizona may provide the ability for the EA to analyze fully the potential impacts of the Project and provide data on the potential population level on species of migratory birds, especially those populations that are already vulnerable to ongoing decline from other stressors including climate change. These species are identified as California Department of Fish & Game (CDFW) Bird Species of Conservation Concern and US Fish & Wildlife (FWS) Birds of Conservation Concern.

We note that many of the carcasses found in those reports are unidentified and labeled as “feather spots” or “unknown”. These may total more than half of the reported carcasses in a mortality report, possibly confounding population level calculations by species. We suggest that there are methods to determine the species of these “feather spots” through isotopes and in some cases combined with genomes, at USFWS laboratories, University of California Los Angeles and other scientific laboratories. Research and implementation of these methods are funded through grants by California Energy Commission, US Department of Energy and others. We suggest that the EIS and the BBCS include this technology and methodology to close the data gap on understanding what species are impacted by utility-scale solar energy going forward and to better understand, avoid, minimize and mitigate effectively for the impacts of the build out of utility-scale solar energy that may occur in the DRECP Plan Area that may be needed to meet California’s clean energy goal.

The EA could also evaluate whether enough mortality and bird use data exists from the surrounding utility-scale solar projects – a “data plateau” - in the region to effectively predict the impacts of the two projects under consideration, and whether mortality monitoring should even be required at the project or on a limited basis if the funds for the costs of monitoring might be better spent on conservation measures as mitigation for the predicted impacts on migratory birds in their full life-cycle – at their breeding grounds, migratory pathways, or wintering territories - over the thirty years of the projects’ life, as well as measures to avoid and minimize impacts on resident birds in an adaptive management framework spelled out in a Bird Bat Conservation Strategy document (BBCS).

While BLM has subsequently issued guidance seeking to disclaim its authority to require compensatory mitigation, this guidance contravenes the true scope of BLM’s authority to place conditions on the use of public lands and BLM is further bound by its commitments in the DRECP. Further BLM has committed to honor state requirements for compensatory mitigation, which also affect renewable energy development under the DRECP.

The EA should distinguish and estimate the potential site specific and cumulative impacts to resident birds and birds on migration from wintering or breeding grounds outside the BLM lands.

Lake Effect: The finding of waterbirds in mortality searches at some desert solar facilities in the Colorado, Sonoran and Mojave desert gave rise to the theory that birds may be attracted to the facilities thinking that they are water. This theory is currently undergoing research and a report

on a California Energy Commission grant under the EPIC program ([USGS \(EPC-16-064\)](#)) to “investigate the mechanisms by which birds are attracted to utility-scale solar energy facilities (i.e., “lake effect hypothesis”) and thereby identify potential deterrent or mitigation strategies”. Solar companies with developments in the southern California desert collaborated on this research. The results in a grant report to CEC EPIC Program should be available in November in time for analysis in the EA or the data could be obtained from the Principal Investigator Robb Diehl at USGS. The EA should incorporate this new data.

The Land Use Plan Amendment (LUPA) and Final EIS support this assimilation of new information from monitoring and research in the Glossary of terms included with the FEIS:

adaptive management. A process for assimilating new information, including, but not limited to, from monitoring and research, and assessing if adjustments to the DRECP BLM Land Use Plan Amendment (LUPA) Conservation and Management Actions (CMAs), disturbance caps, etc., are needed. The Monitoring and Adaptive Management Program (MAMP) is the vehicle for structuring adaptive management in the DRECP BLM LUPA and implementing actions deemed necessary, as needed. (Glossary, DRECP Final EIS)

compensation and compensatory mitigation. For the purposes of the DRECP BLM LUPA, compensation and compensatory mitigation mean replacing or providing substitute resources or habitats by enhancing or restoring lands within appropriate BLM conservation and/or recreation designations, or acquiring and conserving lands from willing sellers. (Glossary, DRECP Final EIS)

2. The EA should review data provided by California Native Plant Society (CNPS) and Audubon California (Audubon) on microphyll woodlands provided during a protest meeting on the DRECP ROD and update the standards, definitions and maps of microphyll woodlands with more recent technology.

CNPS and Audubon provided video footage of drone surveys of areas of microphyll woodlands that we not mapped in the DRECP due to BLM criteria for mapping regarding width. This criteria and maps are based on field surveys on foot, but new remote sensing technologies such as drones can discover emerging microphyll woodlands in desert washes throughout the region.

The EA has an opportunity to update the maps of microphyll woodlands to better protect under the Conservation and Management Actions (CMA) and to provide more opportunities for protections in mitigation requirements.

The Land Use Plan Amendment (LUPA) and Final EIS support this assimilation of new information from monitoring and research in the Glossary of terms included with the FEIS:

adaptive management. A process for assimilating new information, including, but not limited to, from monitoring and research, and assessing if adjustments to the DRECP BLM Land Use Plan Amendment (LUPA) Conservation and Management Actions (CMAs), disturbance caps,

etc., are needed. The Monitoring and Adaptive Management Program (MAMP) is the vehicle for structuring adaptive management in the DRECP BLM LUPA and implementing actions deemed necessary, as needed. (Glossary, DRECP Final EIS)

microphyll woodlands. Consist of drought-deciduous, small-leaved (microphyllus), mostly leguminous trees. Occurs in bajadas and washes where water availability is somewhat higher than the plains occupied by creosote bush and has been called the “riparian phase” of desert scrub (Webster and Bahre 2001). Composed of the following alliances: desert willow, mesquite, smoke tree, and the blue palo verde-ironwood. (Glossary, DRECP Final EIS).

Thank you for the opportunity to comment on the Notice of Preparation of an EA for the Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Garry George', followed by a horizontal line extending to the right.

Garry George
Director, Clean Energy Initiative
National Audubon Society
garry.george@audubon.org



SIERRA
CLUB
FOUNDED 1892

Submitted via Electronic Mail

11/4/2020

Arica Solar and Victory Pass Solar Projects
Attn: Miriam Liberatore
Bureau of Land Management
3040 Biddle Road
Medford, OR 97504
blm_ca_clearways_solar_project@blm.gov

Magdalena Rodriguez
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Ontario, California 94560
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RE: Scoping Comments on BLM's Notice of Intent ("NOI") to prepare an Environmental Assessment (EA) and the California Department of Fish and Wildlife's Notice of Preparation ("NOP") on an Environmental Impact Report (EIR) for the Proposed Arica (CACA 56898) and Victory Pass (CACA 56477) Solar Projects.

Dear Ms. Rodriguez and Ms. Liberatore,

The Center for Biological Diversity and the Sierra Club (Conservation Organizations) submit these scoping comments on BLM's Notice of Intent ("NOI") to prepare an Environmental Assessment (EA) and the California Department of Fish and Wildlife's Notice of Preparation ("NOP") on an Environmental Impact Report (EIR) for the Proposed Arica (CACA 56898) and Victory Pass (CACA 56477) Solar Projects, in compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the federal Endangered Species Act (ESA), the California Environmental Quality Act (CEQA) and the California Endangered Species Act (CESA) on the potential impacts of the proposed projects.

The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. These scoping comments are submitted on behalf of the Center's 1.7 million staff, members and online activists throughout California and the western United States many of whom live in southern California

and enjoy visiting, studying, photographing and hiking in the California Desert Conservation Area, including the areas on and around the proposed project sites.

The Sierra Club is a non-profit corporation of approximately 2.5 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club and its members utilize the natural, scenic and biological resources of the Southern California desert through their corporate and individual activities including scientific research, planning, education, and recreation.

The development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions. The Conservation Organizations strongly support the development of renewable energy production, and the generation of electricity from solar power, in particular. However, like any project, proposed solar power projects should be thoughtfully planned to minimize impacts to the environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitats and should be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency-loss associated with extended energy transmission. Only by maintaining the highest environmental standards regarding local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

The Arica Project is a proposed solar photovoltaic (PV) generating facility with a proposed output of 200 MW photovoltaic solar system with up to 200 MW energy storage approximately 2000 acres of public lands in Riverside County, CA. Ancillary facilities including 1-2 on-site substations and switchyard and a shared a 3.2-mile 230 kV gen-tie (with Victory Pass Project) from a shared switchyard to the existing Red Bluff Substation, and a shared access road with other adjacent solar projects. It is within the Riverside East Development Focus Area (DFA), west of Blythe, California and north of Interstate 10.

The Victory Pass Projects is also a proposed solar photovoltaic (PV) generating facility with a proposed output of 200 MW photovoltaic solar system with up to 200 MW energy storage approximately 1800 acres of public lands in Riverside County, CA and is directly adjacent to the proposed Arica Project. Ancillary facilities including one on-site substations and switchyard and a shared a 3.2-mile 230 kV gen-tie (with Arica Project) from a shared switchyard to the existing Red Bluff Substation, and a shared access road with other adjacent solar projects. It is within the Riverside East Development Focus Area (DFA), west of Blythe, California and directly north of Interstate 10.

The Energy Production and Utility Corridors section of the California Desert Conservation Area Plan (1980) as amended requires at minimum that the following resource issues be addressed:

- 1) Consistency with the Desert Plan, including designated and proposed planning corridors;

- 2) Protection of air quality;
- 3) Impact on adjacent wilderness and sensitive resources;
- 4) Visual quality;
- 5) Waste disposal;
- 6) Seismic hazards; and
- 7) Regional equity.

Additionally, several other resources are of concern to us and need to be addressed in detail as follow below:

Biological Resources

Based on the proposed project description, it appears that this site is proposed on an ecologically functional desert landscape that may host a suite of rare species. Careful documentation of the current site resources is imperative in order to analyze how best to site the project to avoid and minimize impacts and then to mitigate any unavoidable impacts.

Biological Surveys and Mapping

The Conservation Organizations request that thorough, seasonal surveys be performed for sensitive plant species and vegetation communities, and animal species under the direction and supervision of the BLM and resource agencies such as the US Fish and Wildlife Service and the California Department of Fish and Wildlife. Full disclosure of survey methods and results to the public and other agencies without limitations imposed by the applicant must be implemented to assure full NEPA/CEQA/FESA/CESA compliance.

Confidentiality agreements or non-disclosure agreements regarding environmental resources must not be required of any biologists participating in the surveys in support of the proposed project. Surveys for the plants and plant communities should follow California Native Plant Society (CNPS) and California Department of Fish and Game (CDFG) floristic survey guidelines¹ and should be documented. A full floral inventory of all species encountered needs to be documented and included in the EAs and the EIR. Surveys for animals should include an evaluation of the California Wildlife Habitat Relationship System's (CWHR) Habitat Classification Scheme. All rare species (plants or animals) need to be documented with a California Natural Diversity Data Base form and submitted to the California Department of Fish and Game using the CNDDB Form² as per the State's instructions³.

The Conservation Organizations request that the vegetation maps be at a large enough scale to be useful for evaluating the impacts. Vegetation and dune habitat mapping should be at such a scale to provide an accurate accounting of sand transport corridor, wash areas and

¹ http://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf ; https://www.cnps.org/wp-content/uploads/2018/03/guidelines-rare_veg_mapping.pdf ;

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=102342&inline> and <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

² http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf

³ http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp

adjacent habitat types that will be directly or indirectly affected by the proposed activities. A half-acre minimum mapping unit size is recommended, such as has been used for other development projects.

Adequate surveys must be implemented, not just a single season of surveys, in order to evaluate the existing on-site conditions. In this area, both spring and fall vegetation surveys should be implemented. Due to unpredictable precipitation, desert organisms have evolved to survive in these harsh conditions and if surveys are performed at inappropriate times or year or in particularly dry years many plants that are in fact on-site may not be apparent during surveys (ex. annual and herbaceous perennial plants). The project application should be put on hold and not proceed if key surveys have not been completed due to low rainfall or other factors that inhibit plant expression above ground.

Impact Analysis

The EAs and EIR must evaluate all direct, indirect, and cumulative impacts to sensitive habitats, including impacts associated with the establishment of unpermitted recreational activities, the introduction of non-native plants, the introduction of lighting, noise, and the loss and disruption of essential habitat due to edge effects.

A number of rare resources have high potential to occur on this site including:

<i>Common Name</i>	<i>Scientific Name</i>	<i>State/Federal/Other Status</i>
Yuma Ridgway's rail (formerly Yuma clapper rail)	<i>Rallus obsoletus yumanensis</i> (formerly <i>Rallus longirostris yumanensis</i>)	CE/FP/FE
Desert Tortoise	<i>Gopherus agassizii</i>	CT/FT
Mojave fringe-toed lizard	<i>Uma scoparia</i>	CSC
Couch's spadefoot	<i>Scaphiopus couchii</i>	CSC
Arizona Bell's vireo	<i>Vireo bellii arizonae</i>	CE
Burrowing owl	<i>Athene cunicularia hypugaea</i>	CSC/BLM SS
LeConte's thrasher	<i>Toxostoma lecontei</i>	CSC
Crissal thrasher	<i>Toxostoma crissale</i>	CSC
Loggerhead shrike	<i>Lanius ludovicianus</i>	CSC/FSC/MB
Prairie falcon	<i>Falco mexicanus</i>	CSC/MB
Elf owl	<i>Micrathene whitneyi</i>	CE
Gila woodpecker	<i>Melanerpes uropygialis</i>	CE
Gilded flicker	<i>Colaptes chrysoides</i>	CE
Merlin	<i>Falco columbarius</i>	WL
Mountain plover	<i>Charadrius montanus</i>	CSC
Sonoran yellow warbler	<i>Setophaga petechiea sonorana</i>	CSC
Southwestern willow flycatcher	<i>Empidonax trailii extimus</i>	CE/FE
Summer tanager	<i>Piranga rubra</i>	CSC
Vermillion flycatcher	<i>Pyrocephalus rubinus</i>	CSC
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	CE/FT

Yellow-breasted chat	<i>Icteria virens</i>	<i>SSC</i>
Nelson's bighorn sheep	<i>Ovis canadensis nelsonii</i>	<i>Game species</i>
Arizona myotis	<i>Myotis occultus</i>	<i>CSC</i>
California leaf-nosed bat	<i>Macrotus californicus</i>	<i>CSC</i>
Cave myotis	<i>Myotis velifer</i>	<i>CSC</i>
Colorado river cotton rat	<i>Signondon arizonae plenus</i>	<i>CSC</i>
Pallid bat	<i>Antrozous pallidus</i>	<i>CSC</i>
Pocketed free-tailed bat	<i>Nyctinomops femororsaccus</i>	<i>CSC</i>
Western yellow bat	<i>Lasiurus xanthinus</i>	<i>CSC</i>
Bradley's cuckoo wasp	<i>Ceratchrysis bradleyi</i>	
Las Animas colubrine	<i>Colubrina californica</i>	<i>CA RP List 2B.3</i>
Harwood's milkvetch	<i>Astragalus insularis</i> var. <i>harwoodii</i>	<i>CA RP List 2B.2</i>
Alverson's foxtail cactus	<i>Coryphantha alversonii</i>	<i>CA RP List 4.3</i>
Abram's spurge	<i>Euphorbia abramsiana</i>	<i>CA RP List 2B.2</i>
Angel trumpets	<i>Acleisanthes longiflora</i>	<i>CA RP List 2B.3</i>
Bitter hymenoxys	<i>Hymenoxys odorata</i>	<i>CA RP List 2B.1</i>
California ditaxis	<i>Ditaxis serrata</i> var. <i>californica</i>	<i>CA RP List 3.2</i>
California satintail	<i>Imperata brevifolia</i>	<i>CA RP List 2B.1</i>
Desert beardtongue	<i>Penstemon pseudospectabilis</i> ssp. <i>pseudospectabilis</i>	<i>CA RP List 2B.2</i>
Gravel milkvetch	<i>Astragalus sabulorum</i>	<i>CA RP List 2B.2</i>
Harwood's eriastrum	<i>Eriastrum harwoodii</i>	<i>CA RP List 1B.2</i>
Roughstalk witch grass	<i>Panicum hirticaule</i> ssp. <i>hirticaule</i>	<i>CA RP List 2B.1</i>
<p>State Designation CE – State listed as endangered. FP – fully protected species under CESA CT State listed as threatened. Species that although not presently threatened in California with extinction are likely to become endangered in the foreseeable future. CSC California Department of Fish and Game “Species of Special Concern.” Species with declining populations in California.</p> <p>Federal Designation FE Federally listed as endangered. FT Federally listed as threatened. MB Migratory Bird Treaty Act. of 1918. Protects native birds, eggs, and their nests. BCC U.S. Fish and Wildlife Service Bird of Conservation Concern. BLM SS BLM Sensitive Species.</p> <p>Other California Native Plant Society (CNPS) 1B.1 Plant rare, threatened or endangered in California and elsewhere, and very threatened. 1B.2 Plant rare, threatened or endangered in California and fairly threatened in CA. 2B.1 Plant rare, threatened or endangered in California, but more common elsewhere, and very threatened in CA. 2B.2 Plant rare, threatened or endangered in California, but more common elsewhere, and fairly threatened in CA. 2B.3 Plant rare, threatened or endangered in California, but more common elsewhere, and not very threatened in CA. 4.3 Plants of a limited distribution, and not very threatened in CA.</p>		

All of these species have been identified as occurring in the general vicinity of the project site.⁴ Therefore, the EAs and the EIR must adequately address the impacts and propose effective ways to avoid, minimize, and mitigate the impacts to these resources through alternatives including alternative siting and alternative on-site configurations.

⁴ CNDDDB 2020 <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>

Yuma Ridgway's Rail (formerly denoted Yuma Clapper Rail)

Protected since 1967 as an endangered species, the Yuma Ridgway's rail (*Rallus obsoletus yumanensis*) is a bellwether for the health of desert waterways. It is both a state and federally-listed endangered species and in California is a fully protected species. Despite decades of protection, its numbers continue to decline. Two Yuma Ridgway's rail mortalities have been reported at industrial-scale solar projects built on bird-migration corridors on public and private lands in the California desert. By 2006, only 451 to 968 of these birds remain along the lower Colorado River and the Salton Sea⁵. The proposed project lies within the within the flyway between the Yuma Ridgway rail's two strongholds. Because the PV projects, like the proposed project, appear to be particularly attractive to "waterbirds" (see below section on migratory birds) including the Yuma Ridgway's rail, this proposed project could imperil Yuma Ridgway rails and therefore the EAs and EIR need to evaluate the potential impacts to these highly endangered birds.

Desert Tortoise

The desert tortoise is continuing to decline throughout its range despite being under federal and state Endangered Species Acts protection as threatened⁶. The proposed Arica and Victory Pass projects, despite being outside desert wildlife management areas (DWMAs) as identified in the Northern and Eastern Colorado Plan⁷ and the Desert Renewable Energy Conservation Plan⁸, may have desert tortoise occurring on site. The EAs and EIR must clearly address alternative proposals for avoiding, minimizing and mitigating the impacts to the desert tortoise and any occupied habitat.

The EAs and EIR must first look at ways to avoid impacts to the desert tortoise, for example, by identifying and analyzing *alternative sites* outside of desert tortoise occupied habitat or in areas that have already been severely disturbed by other prior land use as well as alternative project configurations that would avoid or significantly reduce impacts. The EAs and EIR must also look at ways to minimize any impacts that it finds are unavoidable, for example, by limiting the ground disturbing activities from the project and limiting access roads to the project. Acquisition of lands that will be managed in perpetuity for conservation must be included as part of the strategy to mitigate impacts to the tortoise, mitigation lands should also be high-quality habitat within the impacted recovery unit or within key connectivity corridors.

Translocation as a long-term strategy for minimizing and mitigating impacts to desert tortoise may be a tool for augmenting conservation of the desert tortoise⁹ although it may not be

⁵ USFWS 2006 https://ecos.fws.gov/docs/five_year_review/doc782.pdf

⁶ USFWS 2010

https://www.fws.gov/nevada/desert_tortoise/documents/reports/2020/2019_DRAFT_RangewideMojaveDesertTortoiseMonitoring.pdf

⁷ BLM 2006 <http://www.blm.gov/ca/st/en/fo/cdd/neco.html>

⁸ <https://www.blm.gov/programs/planning-and-nepa/plans-in-development/california/desert-renewable-energy-conservation-plan>

⁹ <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1092&context=usgsstaffpub>

effective in retaining the existing genetic diversity¹⁰, but it cannot substitute for other mitigation such as preservation of habitat and providing habitat connectivity. Moreover, to date, translocation does not have a proven track record of success. If translocation (for any species) is to be a part of the mitigation strategy, a detailed final plan must be included as part of the EAs and EIR, and include methodologies for determining appropriate conservation area where tortoises may be translocated, impacts to existing “host” tortoise populations that occur on the translocation site, when/how the tortoise are to be translocated, how tortoise diseases will be addressed, and requisite monitoring of host and translocated tortoises, etc.. Monitoring of the translocated and existing “host” tortoises needs to occur for a long enough time period that is realistic to evaluate success of the translocation –10 years may be a more realistic minimum for tracking impacts to this long-lived species. Success criteria for translocation must also be clearly identified. Any temporary project site needs to be fenced with tortoise proof fencing during construction and the permanent project sites need to be fenced to prevent tortoise mortality. All associated roads also need to be fenced.

An aggressive raven prevention plan also needs to be developed as part of the EAs and EIR and followed during project development and implementation.

Mojave Fringe-toed Lizard

At least part of the proposed Arica project lies within or directly adjacent to the critical sand transport corridor¹¹ which creates adjacent dune and stabilized sand flat habitat that is critical for the Mojave fringe-toed lizard (*Uma scoparia*). The sand transport corridor is extensive, originating in the Pinto Basin of Joshua Tree National Park, moving through the Palen Valley and the Palen/McCoy Valley and extending eastwards to the edge of the agricultural development in the Palo Verde Valley south of Interstate 10. Numerous renewable energy projects have been permitted and some built along this important sand transport corridor feature, leading to our concerns about downwind impacts and the reduction of habitat for the Mojave fringe-toed lizard. The EAs and EIR need to include a comprehensive analysis of the sand transport corridor and a thorough impact analysis from the proposed projects. Disruption of sand transport corridor functionality upwind affects all downwind resources and disrupts eolian function. Secondly, because sand dune habitat is a rare resource on the landscape because the geological and geographical features that transport sand and form dunes are extremely limited, the species that have evolved to rely on this unique habitat are also quite rare and typically endemic only to dune systems. Impacts to sand transport systems are therefore comparatively greater than impacts to other habitat types because of the uniqueness of the eolian habitat. Impacts are also much more challenging to mitigate because of the limited habitat type and complex eolian requirements that form and maintain the sand transport and dune habitat. We remain very concerned that, coupled with the other projects that are already permitted, inadequate amount of mitigation habitat is available to actually mitigate the impacts, particularly near the Mojave fringe-toed lizards that will be impacted by this project. The proposed project

¹⁰ <https://cpb-us-w2.wpmucdn.com/people.uwm.edu/dist/9/244/files/2016/07/MulderTortoiseTranslocationRecruitmentBiolCons2017-2kt1oo6.pdf>

¹¹ <http://www.cpuc.ca.gov/environment/info/aspen/dpv2/sfeir/apps/ap3.pdf>

area, indeed the whole of the Riverside-East DFA in the dune/stabilized sand habitat supports the southernmost genetic clade of the Mojave fringe-toed lizard¹², and therefore impacts and mitigation need to be evaluated based on the uniqueness of the local lizards.

The EAs and EIR alternatives should all prioritize avoidance and conservation of the sand transport corridor, sand dune and stabilized sand flat areas. Models have been developed to identify conservation areas that are essential to maintain sand transport corridors¹³. These data and models should be incorporated into the analysis of impacts and all key areas that maintain the eolian function of the sand transport corridors should be unavailable for solar development.

Impacts to Mojave fringe-toed lizard in this area have already been significant and any additional impacts must be avoided. Although avoidance of Mojave fringe-toed lizard mortalities was the goal during construction/operation of the another project near the downwind portions of the sand transport - the Colorado River substation - despite speed limits, vehicle escorts and other avoidance measures, significant Mojave fringe-toed lizard mortalities were documented¹⁴. The EAs and EIR need to require avoidance of all habitat areas and require stronger minimization measures to prevent any additional mortalities to the lizards from the proposed projects.

We also note that any facility put in or even adjacent to a sand transport corridor will suffer significant impacts from sand abrasion and require regular clearing of sand from the structures, increasing maintenance and operational costs.

Burrowing Owl

Burrowing owls are continuing to decline in California. If burrowing owls are identified on the site, at least one alternative should evaluate the reduction of impacts to this rare species by moving the project away from the nesting burrows. Additionally, acquisition lands may be required as part of the mitigation and will need to be managed in perpetuity for conservation. Mitigation lands should be high-quality habitat and, at minimum 5:1 mitigation should be provided of all acres of burrowing owl habitat destroyed. If translocation is proposed as an avoidance measure, the type of translocation (active or passive) needs to be based on the best science available. Additional measures for avoidance and minimization should also be incorporated into the evaluation of impacts to this species.

Migratory Birds

The Conservation Organizations are concerned about the effect of this project on migratory birds, both rare and common. Evidence from large PV solar project – Desert Sunlight - and a solar trough project – Genesis, both of which are located within the Riverside-East DFA, documented many water bird mortalities¹⁵. Indeed, Desert Sunlight reported a state and federally

12 Murphy et al. 2006

13 Barrows 1996

14 Helix 2013.

15 <http://www.kcet.org/news/rewire/solar/water-birds-turning-up-dead-at-solar-projects-in-desert.html> ;

endangered species bird mortality – the Yuma Ridgway rail¹⁶, even though on-site surveys never identified this species as occurring on the site, nor was habitat present on site. Few if any of the bird species that died on the project sites were recorded as occurring on site in the pre-construction avian surveys. These large solar projects may in fact be attracting migratory birds to them, through the birds mistaking the project infrastructure as water – the “lake effect”¹⁷. Both BLM and CDFW are member agencies of the Multiagency Avian-Solar Collaborative Working Group¹⁸ and one focus of that group is research into the impacts to avian species from solar projects. While no working group data or reports have been published since 2018, we support using the data to inform avoidance, minimization and mitigation for impacts from these projects. Because large-scale PV projects apparently pose a significant hazard to migratory birds and especially water birds, the EAs and EIR need to discuss these potential impacts and propose alternatives to avoid and minimize the impact, as well as identify and release as part of the EAs and EIR, a robust monitoring scheme to actually collect data.

Desert Kit Fox and Badgers

The desert kit fox and badgers are experiencing unprecedented impacts from development of renewable energy projects in their habitat. While amount of acreage of proposed solar energy projects is currently decreased from highs of more than 96,000 acres in January 2013¹⁹, we remain concerned about the impacts to desert kit foxes and badgers in the context of their great site fidelity, challenges of “passive relocation” where the animals generally go to great effort to return to their on-site territories.

The EAs and EIR must estimate the number of desert kit fox or badgers on the project sites and analyze impacts to them from the proposed projects. Previous BLM FEIS for a large-scale PV solar project similar to the proposed project includes a much more comprehensive evaluation of desert kit fox occupancy on the project site and requires significantly greater avoidance, minimization and mitigation measures²⁰. Measures that should be included in the American Badger and Desert Kit Fox Monitoring and Management Plan include but are not limited to:

- Baseline desert kit fox census and population health survey, by characterizing the demography (e.g., size, structure, and distribution) of the kit fox population on the site and receiving areas, and a testing component in which researchers trap and test a representative subsample of the population for canine distemper, and generally describe animal health on the site and receiving areas.

http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-08C/TN200657_20130930T120056_August_2013_Monthly_Compliance_Report.pdf

16 <http://www.kcet.org/news/rewire/solar/water-birds-turning-up-dead-at-solar-projects-in-desert.html>

17 <http://www.kcet.org/news/rewire/solar/water-birds-turning-up-dead-at-solar-projects-in-desert.html>

18 <https://blmsolar.anl.gov/program/avian-solar/>

19 BLM 2012. Solar Apps and Auths

<http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.84447.File.dat/BLM%20Solar%20Apps%20and%20Auths.pdf>

20 BLM 2012. McCoy PA-FEIS Vol. 1 - Chapter 4

http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/palmsprings/Solar.Par.89379.File.dat/Vol1_McCoy%20PA-FEIS.pdf

- Incorporation of the baseline desert kit fox census and health survey findings into a cohesive management strategy that minimizes disease risk to kit fox populations; provides a program for tagging, radio-tracking and monitoring of a subset of displaced kit foxes during the construction phase to understand how displacement affects regional kit fox populations; specifically identifies preconstruction survey methods for kit foxes (and large carnivores e.g., badgers) in the Project area; describes preconstruction and construction-phase relocation methods from the site, including the possibility for passive and active relocation from the site (and outlines identified CDFW permit and MOU requirements for active relocation); coordinates survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations; and includes contingency measures that would be performed if canine distemper were documented in the Project area or in potential relocation areas, and measures to address potential kit fox reoccupancy of the site
- Implementation of the desert kit fox/badger management plan that includes preconstruction surveys, avoidance of active den complexes and implementation of measures to monitor, minimize and contain any canine distemper outbreaks.
- On 10/22/13, the CDFW veterinarians docketed a draft outline of a new desert kit fox program which identifies many concerns about project impacts the desert kit fox²¹. The DEIR identifies likely kit fox and dens on the proposed project site, although it is unclear if these are natal dens (DEIR at 4-88). According to the state, passive relocation or hazing activities conducted in an area experiencing or adjacent to distemper cases may enhance disease transmission and spread by multiple mechanisms. Many unanswered questions remain, and the American badger and Desert kit fox monitoring and management plan (MM BIO-6) must include mechanisms to answer them:
 - Do passively relocated animals re-establish territories adjacent to the solar site?
 - Does this depend on the density or spatial distribution of foxes around a site?
 - Do relocated foxes experience lower survival or different causes of mortality that might need to be addressed through mitigation efforts.
 - Recursion rate – how likely are relocated foxes going to try to get back on site and return to former den areas?
 - What’s the demographic shifts of neighbors?
 - Reproductive impact appears highly negative (n=1 relocated pair this year had den failure; most other dens were successful this year in producing pups).
 - Are artificial dens helpful?
 - What are the longer-term translocation effects?

The answers to these questions are currently unknown to our knowledge, despite projects consistently moving forward for construction and operation. In addition, the State also identifies that the current monitoring is limited in scope and inadequate to address needs and methods and outcomes for relocation are not evaluated systematically or reported. The American badger and Desert kit fox monitoring and management plan (must address these issues.

Other Rare Species

²¹ http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200995_20131022T141658_Exhibit_2005_CDFW_Outline_for_Proposed_Desert_Kit_Fox_Health_M.pdf

The diversity of rare species found across the landscape near and on the Arica and Victory Pass sites is impressive and suggests that the proposed project sites are part of a larger ecologically intact and functioning unit²². The Agencies must clearly address proposals for avoiding, minimizing and mitigating the impacts to all the rare species that utilize the sites for part or all of their lifecycle.

Acquisition of lands that will be managed in perpetuity for conservation must be included as part of the strategy to avoid, minimize and mitigate impacts to the other species found on site as well. Acquisition is particularly important for these species because the proposed project appears to have little compatibility with any type of on-site conservation of plant communities or wildlife.

For the rare plants, avoidance is preferable because of the general lack of success in transplanting rare plants²³. If transplantation is to be a part of the mitigation strategy, a detailed final plan must be included as part of the EIS on the methodology for determination of appropriate conservation area where plants may be transplanted, when/how plant are to be transplanted and identification of success criteria for transplantation. Monitoring of the transplanted plants needs to occur for a time period that is realistic to evaluate long-term success of the plants.

Locally Rare Species

The Conservation Organizations request that the EAs and EIR also evaluate the impact of the proposed project on locally rare species (not merely federal- and state-listed threatened and endangered species). The preservation of regional and local scales of genetic diversity is very important to maintaining species in perpetuity especially considering global climate change. Therefore, we request that all species found at the edge of their ranges or that occur as disjunct locations be evaluated for impacts by the proposed permitted activities.

Water Resources

The proposed projects appear to potentially impact on-site drainages on the project site. The EAs and EIR must clarify the impacts to the jurisdictional Waters of U.S. and the Water of the State of California, and surface hydrology across the site. The project must avoid, minimize and mitigate any impacts to surface waters and surface hydrology. Impacts should be avoided to the greatest extent possible and if impacts remain, they must be mitigated. In doing so, any reroute of waters and drainage on the site must assure that downstream processes are not impacted.

An evaluation of the effect of water use by the proposed project during construction and operations needs to be detailed and include alternatives and its impact on the Colorado River Basin. Any groundwater pumping proposed for the proposed project (in conjunction with other groundwater issues [pumping, nitrate plume etc.] in the basin) must be analyzed in terms of

²² CNDDDB 2010 <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>

²³ Fiedler 1991

groundwater resource availability as well as water quality in the basin and surface water resources, and its effect on the native plant and animal species and their habitats need to be included in the EIS/R.

Alternatives

The EAs and EIR must include a robust analysis of alternatives, including a private lands alternative and alternatives using other technologies including distributed generation. The stated objectives of the project must not unreasonably constrain the range of feasible alternatives evaluated in the EA or EIR. The Agencies must establish an independent set of objectives that do not unreasonably limit the EAs' and EIR's analysis of feasible alternatives including alternative sites. At a minimum, alternatives including the no-action alternative, an environmentally preferred alternative which avoids all rare sand habitat and other significant impacts to resources (including cultural resources), and an alternative where power generation is sited adjacent to power consumption need to be included.

Other Issues

The construction and operation of the proposed facilities will also increase greenhouse gas emissions and those emissions should be quantified and off-set. This would include the manufacture and shipping of components of the project and the car and truck trips associated with construction and operations. Similarly, such activities will also impact air quality and traffic in the area and these impacts should be disclosed, minimized and mitigated as well. For mobile sources, since consistency with the AQMP will not necessarily achieve the maximum feasible reduction in mobile source greenhouse emissions, the EAs and EIR should evaluate specific mitigation measures to reduce greenhouse emissions from mobile sources.

Fire Impacts

Because the any industrial project increases the potential for human-caused fire to occur on site, fire prevention including best management practices must be addressed and clearly identified in the EAs and EIR - not only on-site protection of resources, but also preventing fire from moving into the adjacent lands. Fire is incredibly detrimental to desert ecosystems, resulting in degradation of the habitat and if frequently reburned results in a type conversion to non-native vegetation²⁴.

Non-Native Plants

The EAs and EIR must identify and evaluate impacts to species and ecosystems from invasive exotics species. Many of these species invade disturbed areas, and then spread into wildlands. Fragmentation of intact, ecologically functioning habitat/communities further aides

²⁴http://www.nps.gov/moja/naturescience/upload/Fire%20congress%202006_brooks%20and%20draper_extended%20abstract.pdf

the spread and degradation of habitat and plant communities²⁵. These factors for wildland weed invasions are present in the project, and their effect must be evaluated in the EAs and EIR.

Additionally, landscaping with exotic species is often the vector for introducing invasive exotics into adjacent habitats. Invasive landscape species displace native vegetation, degrade functioning ecosystems, provide little or no habitat for native animals, and increase fire danger and carrying capacity²⁶ and should be banned from the project site.

Wildlife Movement

Because the proposed projects are within the Riverside East DFA as adopted by the DRECP, these projects must not impinge either directly or indirectly with wildlife movement and connectivity as identified in the DRECP. Recently, the Dingell Act also designated important wildlife corridors in the area that also need to be analyzed. The EAs and EIR must evaluate all direct, indirect, and cumulative impacts to wildlife movement corridors, not only from these proposed projects but also from existing projects that were permitted and constructed prior to the DRECP's adoption. The analysis should cover movement of large mammals, as well as other taxonomic groups, including small mammals, birds, reptiles, amphibians, invertebrates, and vegetation communities.

The EAs and EIR should assure that any proposed on-site wildlife movement corridors are wide enough to minimize edge effects and allow natural processes of disturbance and subsequent recruitment to function as well as the ability of these spaces to provide key resources for species, such as host plants, pollinators, or other elements. For example, many species commonly found in washes depend on upland habitats during some portion of their cycle. Therefore, in areas with intermittent or perennial streams, upland habitat protection is needed for these species. Upland habitat protection is also necessary to prevent the degradation of wash habitat quality.

Cumulative Impacts

While the current CEQ guidance does not require a robust cumulative impact analysis, we urge the BLM to include such an analysis. Because of the number of currently permitted and proposed projects in these projects' vicinity, the region, and the CDCA, a thorough analysis of the cumulative impacts from all these projects on the resources needs to be included. Because the project sites are within the Riverside East DFA, projects located in the zone have the potential to cumulatively significantly impact the existing biological resources and ecological processes that currently exist within the zone despite the safeguards included in the Desert Renewable Energy Conservation Plan. To date numerous renewable energy projects and associated infrastructure projects have been permitted in the DFA, including the Colorado River substation, Desert Sunlight, Genesis, the Desert Harvest, McCoy, Blythe, Desert Quartzite solar projects and the

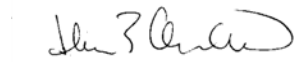
²⁵ Bossard et al 2000

²⁶ http://dhtlral.gosolarcalifornia.org/sitingcases/genesis_solar/documents/others/testimony_central_biological_diversity/exhibits/Exh.%20806.%20Brooks%202000.%20Competition%20between%20alien%20annual%20grasses%20and.pdf

Ten West transmission line. Additionally other projects are pending. While the DFA may be appropriate for some renewable energy development, especially on already disturbed private lands, the EAs and EIR must evaluate if the cumulative impact from the projects will cause significant unmitigable impacts not only to the DFA but to the surrounding resources including Joshua Tree National Park, which already is impacted by border development on the south, east and west boundaries, as well as BLM's identified Areas of Critical Environmental Concern (ACECs), Wildlife Habitat Management Areas (WHMAs) and federally designated Wilderness.

Thank you for your consideration of these comments. Please add us to the distribution list for the EAs and EIR and all notices associated with these projects.

Sincerely,



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