

APPENDIX RTC-1
PUBLIC COMMENT LETTERS RECEIVED ON DRAFT EIR

Letter 1
Sacramento Municipal Utilities Department



August 14, 2023

Joelle Inman
Environmental Coordinator
Sacramento County
827 7th Street, Room 225
Sacramento, CA 95814
ceqa@sacounty.net

Subject: **Sloughhouse Solar Facility / EIR / 2021100444**

Dear Ms. Inman:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Draft Environmental Impact Report (EIR) for the Sloughhouse Solar Facility (Project, SCH 2021100444).

As a Responsible Agency, SMUD's review of projects include supporting the goals of our 2030 Zero Carbon Plan. This plan is a flexible road map to eliminate greenhouse gas emissions from our electricity production by 2030, which is the most ambitious goal of any large utility in the United States, while maintaining reliable and affordable service. This ambitious goal puts the Sacramento region on the map as an example to follow and a region where innovative, climate-friendly businesses want to be. As a community-owned, not-for-profit utility, our customers and community are at the heart of all we do. By pursuing zero carbon, we're helping create a cleaner and healthier region for all.

In the Final EIR please include all potential environmental effects from relocating or abandoning existing SMUD power lines, which are needed to accommodate the proposed solar arrays. The draft EIR indicates one existing power line adjacent to the existing solar facilities at the southeast portion of the project site would be relocated to accommodate solar arrays, but up to four existing SMUD electrical lines need to be relocated or abandoned to accommodate the proposed project. Please work with SMUD for final line configurations to evaluate and disclose all potential environmental effects of this portion of the proposed project in the Final EIR.

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents. We appreciate the opportunity to provide input on this Project. If you have any questions regarding this letter, please do not hesitate to contact me at 916.732.5063, or by email at Kim.Crawford@smud.org.

Sincerely,

Kim Crawford
Environmental Services Specialist
Sacramento Municipal Utility District

cc: Entitlements

Letter 2
California Department of Fish and Wildlife



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY

Gavin Newsom, Governor

DEPARTMENT OF FISH AND WILDLIFE

Charlton H. Bonham, Director

North Central Region

1701 Nimbus Road | Rancho Cordova, CA 95670

August 21, 2023

Julie Newton

Principal Planner

Sacramento County

827 7th Street, Room 225

Sacramento, CA 95814

ceqa@saccounty.gov

Subject: Sloughhouse Solar Facility - DRAFT ENVIRONMENTAL IMPACT REPORT
(DEIR) SCH# 2021100444

Dear Julie Newton:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR of a Draft Environmental Impact Report (DEIR) from Sacramento County for the Sloughhouse Solar Facility (Project) in the County of Sacramento pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on November 19, 2021.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located southwest of the intersection of Meiss Road and Dillard Road, adjacent to an existing solar energy facility at 7794 Dillard Road.

The Project consists of the construction, operation, and eventual decommissioning of solar-energy generation, energy storage, and electrical distribution facilities on approximately 400 acres. The project parcels would be developed with solar panel arrays and ancillary facilities, energy storage facilities, an electrical substation, internal roads, retention basins, and distribution lines connecting to the regional power grid. The project is located on agricultural grazing lands and is adjacent to an existing solar energy facility. The electrical power provided by the project would be supplied to the Sacramento Municipal Utility District (SMUD) using existing, adjacent SMUD distribution facilities.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist Sacramento County in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

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Comment 1:

Issue: Mitigation measures for Impact BR-6 do not mitigate to less-than-significant.

Specific impact: Impacts to South Sacramento Habitat Conservation Plan (SSHCP) landcover types will not have full compensatory mitigation, thus are not inconsistent with the SSHCP.

Why impact would occur: Project development would result in permanent impacts to SSHCP landcover types, including Valley Grassland, Seasonal Wetlands, and Vernal Pools.

Recommendations/ mitigation measure: As a non-covered activity outside the SSHCP Urban Development Area, the Project has potential to conflict with the SSHCP. Specifically, the SSHCP requires fee payment for each acre of SSHCP landcovers that are permanently impacted by Project activities. While this Project is not subject to the SSHCP itself, the DEIR does not describe how the Project's compensatory mitigation structure will be consistent with the SSHCP. For the project to be consistent with the provisions of the SSHCP, impacts to all SSHCP landcover types described in Table BR-8 should have a corresponding description and compensation component in Impact BR-6. To be consistent with the SSHCP, impacts to these land cover types should be mitigated for by providing, at minimum, one acre of compensation for each acre impacted. In this case the Project should consider an even higher ratio because the SSHCP relies on an interconnected preserve system, consistent management techniques, and preserve design criteria at a regional level, whereas the Project will consider standalone compensatory mitigation. As such, CDFW recommends the lead agency revise the description for BR-6 and include a corresponding component that describes compensatory mitigation for each SSCHP land cover type.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed

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form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by Sacramento County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the DEIR to assist Sacramento County in identifying and mitigating Project impacts on biological resources.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Ben Huffer, Environmental Scientist at (916) 216-6253 or benjamin.huffer@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Billie Wilson
0782645E72B54D0...

Billie Wilson
Acting Regional Manager

ec: Dylan Wood, Senior Environmental Scientist (Supervisor)
dylan.wood@wildlife.ca.gov

California Department of Fish and Wildlife
Charlton F. Bonham, Director
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Ben Huffer, Environmental Scientist
benjamin.huffer@wildlife.ca.gov
Department of Fish and Wildlife
Office of Planning and Research, State Clearinghouse, Sacramento

Letter 3
California Native Plant Society and
Defenders of Wildlife



August 21, 2023

Julie Newton, Environmental Coordinator
Sacramento County Planning
827 7th Street, Ste 225
Sacramento, California 95814
Delivered via email to: newtonj@saccounty.net

RE: Draft Environmental Impact Report – Sloughhouse Solar Facility (SCH 2021100444)

Dear Ms. Newton,

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Report (DEIR) for the proposed Sloughhouse Solar Facility Project (Project). These comments are submitted on behalf of the California Native Plant Society (CNPS) and Defenders of Wildlife (Defenders).

We strongly support the development of renewable energy production. A low-carbon energy future is critical for California – for our economy, our communities, and the environment. Achieving this future—and *how* we achieve it—is critical for protecting California’s internationally treasured biodiversity, landscapes and diverse habitats. We believe transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis by thoughtfully planning projects while protecting habitat critical to species.

CNPS is a non-profit environmental organization with more than 12,500 members in 36 Chapters across California and Baja California, Mexico. CNPS’s mission is to protect California’s native plant heritage and to preserve it for future generations through the application of science, research, education, and conservation. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices. CNPS supports science-based, rational policies and actions, on the local, state, national, and international levels, that lead to the continued study and enjoyment of the state’s botanical resources.

Defenders has 2.1 million members and supporters in the United States, 316,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Project Description:

The proposed 380-acre solar photovoltaic energy facility would generate 50 MW of renewable energy. The Project is within the Cosumnes community of unincorporated Sacramento County. Specifically, it is located south of Jackson Highway, southeast of the Cosumnes River, west of Dillard Road and south of Meiss Road. The proposed site is adjacent to an existing solar facility and is primarily comprised of grazed grassland habitat.

The proposed Project site contains sensitive, high-value biological resources and provides important habitat to numerous special-status wildlife species, including but not limited to the following:¹

Table 1: Special Status Species’ Habitat Within the Project Site

Common Name	Scientific Name	Status
Bald eagle	<i>Haliaeetus leucocephalus</i>	State Endangered
Burrowing owl	<i>Athene cunicularia</i>	State Species of Special Concern
California tiger salamander	<i>Ambystoma californiense</i>	Federal and State Threatened
Swainson’s hawk	<i>Buteo swainsoni</i>	State Threatened
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	Federal Threatened
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Federal Threatened
Western pond turtle	<i>Emys marmorata</i>	State Species of Special Concern
Western spadefoot	<i>Spea hammondi</i>	State Species of Special Concern

The Project site is within the southeastern Sacramento Valley vernal pool region and is situated between the Mather core area and the Cosumnes/Rancho Seco core areas designated by the US Fish and Wildlife Service (USFWS) in the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. The Project site is also within the South Sacramento Habitat Conservation Plan area, which is a regional plan to protect habitat, open space and agricultural lands while streamlining the permitting process for development and infrastructure projects.

¹ California Natural Diversity Database (CNDDDB). Accessed 8/2/2023. <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>

Furthermore, the Project site provides habitat connectivity due to the proximity of the Cosumnes River corridor. It is located east/southeast of the riparian corridor extending from the Cosumnes River headwaters to the Sacramento-San Joaquin Delta.

Comments

We offer the following comments on the DEIR for the proposed Project:

1. 2023 Rare Plant Survey

The DEIR states that additional rare plant surveys were initiated in the wet spring of 2023. However, full results of the May 22, 2023 rare plant survey were not included for public review, only a statement that the surveys “have so far resulted in no observations of special-status plants.” The DEIR did not document the survey efforts in terms of the number of hours and number of botanists needed to survey the project site. We request the results of the spring and summer 2023 rare plant surveys and details of the surveys be disclosed so the public can provide meaningful review and comments on the impacts this Project may have on rare plants.

2. Sufficient Mitigation Measures

As we transition toward a clean energy future, it is imperative that we consider the near-term impact of solar development on our biodiversity, habitats, and natural landscapes. Therefore, renewable energy projects must be planned, developed and operated in a manner that minimizes and mitigates adverse impacts on wildlife and vegetation. We find the proposed Project applies the appropriate mitigation measures to reduce project impacts for several special-status species. Specifically, we applaud the following mitigation measures and encourage the County to continue its commitment to avoidance, minimization and mitigation for impacts from solar projects on special-status species.

a. Burrow Owl

The mitigation measures within the DEIR related to avoiding, minimizing and mitigating impacts on burrowing owl (BUOW) follow the recommendations outlined within the California Department of Fish and Wildlife (CDFW) 2012 BUOW guidelines.² Adhering to the appropriate avoidance, minimization and mitigation measures is vital given BUOW is known to occur as the species and active burrows were observed on the Project site during protocol-level surveys. The DEIR also includes a Burrowing Owl Mitigation and Management Plan that requires no net loss of burrowing owl nesting and foraging habitat. We are pleased the County has ensured the measures are consistent with the guidelines and has implemented a no net loss habitat plan.

² California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

b. Vernal Pools

The proposed Project site is located within the southeastern Sacramento Valley vernal pool region and contains 0.25 acres of vernal pools. Several special-status species, that may occur on the Project site, rely on vernal pool habitat, including but not limited to Boggs Lake hedge-hyssop (*Gratiola heterosepala*), California tiger salamander (*Ambystoma californiense*), hogwallow starfish (*Hesperavax caulescens*), legene (*Legenere limosa*), Sacramento Orcutt grass (*Orcuttia viscida*), slender Orcutt grass (*Orcuttia tenuis*), valley brodiaea (*Brodiaea rosea* ssp. *vallicola*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*) and Western spadefoot (*Spea hammondi*).

Given the number of sensitive species that rely on vernal pool habitat, it is imperative potential impacts are mitigated appropriately. While we are pleased the DEIR includes an adequate construction buffer surrounding any potentially aquatic habitats, including vernal pools, we recommend that these buffers also be applied to upland habitats associated with vernal pools. Additionally, we applaud the inclusion of no net loss of State and Federally Protected Wetlands performance standards.

3. Deficient Mitigation Measures Require Revision

a. BMP-7 (Biological Monitor)

The DEIR states that a construction monitor shall be onsite as required by the species-specific mitigation measures for California tiger salamander, Western spadefoot, Western pond turtle, burrowing owl, Swainson’s hawk, tricolored blackbird, Valley Elderberry longhorn beetle, bats, nesting raptors and migratory birds. However, MM BMP-7 fails to provide a monitor that is qualified to identify special-status plant species. We request revising this mitigation measure to ensure the protection of special-status plant species as follows:

“A construction monitor shall be onsite during construction activities as needed, as described below in **Mitigation Measure BR-1b (Special-Status Plants)**, Mitigation Measure BR-1c (California Tiger Salamander and Western Spadefoot), Mitigation Measure BR-1d (Western Pond Turtle), Mitigation Measure BR-1e (Western Burrowing Owl), Mitigation Measure BR-1f (Swainson’s Hawk), Mitigation Measure BR-1g (Tricolored Blackbird), Mitigation Measure BR1h (Valley Elderberry Longhorn Beetle), Mitigation Measure BR1k (Bats), and Mitigation Measure BR-1l (Nesting Raptors and Migratory Birds).”

b. BMP-10 (Revegetation)

The mitigation measure allows for cut-and-fill slopes to be revegetated with native or existing non-invasive, non-native plants. The presence of non-native species should not justify their use for revegetation and the use of non-native species does not align with CO-113 to “Encourage revegetation of native plant species appropriate to natural substrate conditions and avoid introduction of nonindigenous species” and CO-123 “The use of native plant species shall be encouraged on revegetation plans.” Most of the grasses listed in Appendix B of the Biological Technical Report are non-native and many are considered to be invasive, as are several of the non-native broad-leafed species listed. We recommend the measure be revised to only allow for native species as follows:

“Cut-and-fill slopes shall be revegetated with locally native plant species ~~or existing non-invasive, non-native plants (e.g., nonnative grasses)~~ suitable for the altered soil conditions, collected on site or from nearby seed sources.”

c. MM BR-1b Avoid, Minimize, and Mitigate for Impacts on Special-Status Plants

As discussed in our comments on MM BMP-7 (Biological Monitor), an onsite monitor for special-status plants must be required. We request the mitigation measure be revised to conform with the requested revisions to BMP-7 (Biological Monitor) as follows:

“A preconstruction protocol-level botanical survey shall be conducted within the project site for special-status plant species (Table BR-3) with potential to occur and, where access is permitted, within a 250-foot buffer of the project site. Surveys shall be conducted by a qualified botanist and in accordance with the most recent CDFW and CNPS survey guidelines, including conducting surveys during appropriate bloom periods for targeted species. All attempts shall be made to conduct this survey during a year with favorable conditions (i.e., adequate rainfall). If no special-status species and/or potential suitable habitat are observed during the preconstruction survey, then no further actions or mitigation are required. If potential suitable habitat is observed and project ground-disturbing activities must be implemented in potentially suitable habitat for these species, a qualified biologist experienced with rare plants shall monitor the project site. The qualified biologist shall be onsite daily while construction-related activities are taking place and shall inspect the project site for rare-plant species every morning prior to construction activities.”

d. MM BR-1m Avoid, Minimize, and Mitigate for Impacts on Crotch’s Bumble Bee

The Crotch’s bumble bee (CBB) is a candidate species for listing under the California Endangered Species Act, and as such, must be accorded protection as if it were listed. The proposed Project site contains several plant species that could provide suitable nectar and pollen sources for CBB. A focused habitat survey of burrows and nectar resources was conducted in Spring 2023. However, since the surveys were conducted, CDFW released survey guidelines for bumble bee candidate species, including CBB.³ We request the mitigation measure be revised to adhere to CDFW guidance for CBB focused surveys, as follows:

“Prior to construction, a qualified biologist shall conduct focused surveys for Crotch's bumble bee, **that are consistent with CDFW’s Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species,** in potential habitat within the project site during the Crotch's bumble bee worker flight period (March-September, peak in July). During the surveys, the qualified biologist shall flag inactive small mammal burrows and other potential nest or overwintering sites. If Crotch's bumble bee is detected, **the qualified biologist should notify CDFW and survey data shall be submitted to CNDDDB.** ~~a~~ **A** site-specific Crotch's Bumble Bee Avoidance and Minimization Plan shall be prepared **and implemented** in coordination with CDFW ~~and implemented~~. The Plan shall include a description of onsite habitat, potential nest and overwintering sites present, recommendations for avoidance and minimization (such as unoccupied burrow avoidance buffers), potential identification of methods to evaluate potential nest sites for use (e.g., burrow scoping or emergence surveys), and compensatory mitigation for the loss of potential nest sites, such as incorporation of appropriate native flower resources into the Agricultural Management Plan that would support this species throughout the flight period and promote development of queens (i.e., perennial plants) and reducing use of harmful pesticides. All the measures included in the approved plan shall be implemented during project activities. **A full round of surveys shall be conducted each year that project activities occur as Crotch’s bumble bee is known to move nest sites each year.**”

4. Lake Effect

Studies indicate various species of birds may be attracted to the vast arrays of PV solar panels caused by reflected polarized light. This phenomenon is known as “lake effect.” The northwest corner of the Project site is just 150 feet from the Cosumnes River, which provides abundant habitat for birds including migratory species. Due to the proximity to the

³ California Department of Fish and Wildlife. 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species.*

river and the abundant bird activity in suitable habitat, there is a higher likelihood for migratory birds to mistake the solar panels for water and become injured or killed because of collisions with Project facilities. Despite the potential threat, the DEIR fails to analyze any potential impacts to avian species due to lake effect. We recommend the FEIR include consideration of lake effect impacts to migratory birds. Furthermore, we recommend coordination with CDFW and USFWS on incidental take permit requirements for migratory birds.

5. South Sacramento Habitat Conservation Plan (SSHCP)

The SSHCP provides a framework to improve the conservation of natural resources, including endangered habitat, while streamlining the permitting process for development and infrastructure projects on 317,000 acres in south Sacramento County. Coverage for take and conservation actions are provided within the SSHCP to protect 28 species with the potential to occur within the plan area to accommodate for impacts from development. The SSHCP is split into two areas: inside or outside the Urban Development Area (UDA).

The proposed Project is located within the SSHCP and outside the UDA. The Project site contains documented occurrences for several SSHCP-covered species. Since the site is located outside of the UDA, where solar energy development is not considered a covered activity, the Project will not receive take coverage for the covered species.

a. Habitat Value

The DEIR states, “while the lands within the project site would not be available for acquisition as part of the SSHCP preserve system during the project’s 35-year lifespan of the project, the project site would continue to provide some habitat value for SSHCP Covered Species (see discussions under Impact BR-1, Burrowing Owl and Swainson’s Hawk).”⁴ However, we take issue with the claim that the project site will continue to provide habitat value as there is no evidence that habitat will continue to exist on the project site for SWHA and BUOW once construction begins. Therefore, it must be assumed that the Project will result in the permanent loss of BUOW and SWHA habitat. In fact, within the Impact BR-1 section, the DEIR admits that BUOW would not be expected to utilize solar array fields after construction because they typically inhabit areas that are open and sparse. Furthermore, the section on SWHA states:

“However, because it is not definitively known whether Swainson’s hawk would use areas beneath solar panels or between solar array rows or blocks, it has been conservatively assumed that all grasslands within the solar array

⁴ The County of Sacramento. 2023. *Draft Environmental Impact Report Sloughouse Solar Facility*. P. 6-72.

field would be permanently converted to non-habitat and would result in a permanent loss of Swainson's hawk foraging habitat. Similarly, areas between solar array fields and the adjacent proposed facility fenceline (i.e., Outside Work Areas) may be too fragmented to support foraging Swainson's hawk; therefore, it has been conservatively assumed that Outside Work Areas would also no longer function as Swainson's hawk foraging habitat after project construction."⁵

Given that the DEIR itself assumes that the project site would no longer provide habitat to BUOW and SWHA, it is perplexing why the DEIR would also claim that the project site would continue to provide some habitat value for SSHCP Covered Species, pointing specifically to BUOW and SWHA.

Furthermore, §15125(d) states, "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans."⁶ The section of the DEIR on the SSHCP incorrectly assumes the project site will provide habitat for BUOW and SHWA, which results in profoundly flawed and inadequate analysis on the project impacts and inconsistencies with the SSHCP. We request reevaluation of the Project's impact to the SSHCP with the assumption that the project site and surrounding area will no longer provide suitable habitat.

b. Conservation Strategy

Although the project is an unauthorized activity outside the UDA and not a covered activity, the DEIR states that the Project will still adhere to general avoidance and minimization measures based on SSHCP General Condition 2 – Implement Construction Best Management Practices and General Covered Species Take Avoidance Minimization Measures in an effort to allow for a consistent approach to mitigation within the SSHCP Plan Area. While we applaud the County's commitment to the SSHCP's avoidance and minimization measures, we find the compensatory ratio for species listed under the SSHCP is inadequate and does not adhere to the requirements under SSHCP. The DEIR states the compensatory mitigation of 75% of foraging habitat value is based on the AG-20 zoning, which equates to 264.77 acres of habitat for the 353.02 acres of permanent impact on grassland foraging habitat. This low ratio is in conflict with the County's long-standing policy of a 1:1 ratio as stated within the County's Swainson's Hawk Ordinance⁷ and disregards the ratios within the SSHCP, which states habitat is established that meet a minimum 1:1

⁵ The County of Sacramento. 2023. *Draft Environmental Impact Report Sloughouse Solar Facility*. P. 6-48.

⁶ Cal. Code Regs. tit. 14 § 15125(d)

⁷ Sacramento County, California County Code. tit. 16 §130.070.

compensatory mitigation ratio requirement for habitat re-establishment/establishment.⁸

We request the Project be required to provide 1:1 compensatory mitigation for loss of Swainson's hawk foraging habitat as required by the County's Swainson's Hawk Ordinance and be consistent with the requirements of the SSHCP.

Conclusion

Thank you once again for the opportunity to provide comments on the DEIR for the proposed Sloughhouse Solar Facility and for considering our comments. We look forward to reviewing the Final EIR and request to be notified when it is available. Please feel free to contact us with any questions.

Respectfully submitted,



Brendan Wilce
California Native Plant Society
Conservation Program Coordinator
530-416-0188
Bwilce@cnps.org



Sophia Markowska
Defenders of Wildlife
Senior California Representative
408-603-4694
Smarkowska@defenders.org

⁸ County of Sacramento, City of Rancho Cordova, City of Galt, Sacramento County Water Agency, Sacramento Regional County Sanitation District, and the Southeast Connector Joint Powers Authority. 2018. *Final South Sacramento Habitat Conservation Plan*. Sacramento, CA.

Letter 4
Rod Hoover

ITEM 1 PUBLIC COMMENT CPAC CONSUMNES 001

From: rod_hoover@yahoo.com
To: [Clerk of the Board Public Email](#)
Subject: Sloughhouse Solar Facility Subject PLNP2021-00011 July 26 7pm meeting
Date: Tuesday, July 25, 2023 7:53:29 PM
Attachments: [Cosumnes Solar.pdf](#)

You don't often get email from rod_hoover@yahoo.com. [Learn why this is important](#)

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.
If you have concerns about this email, please report it via the Phish Alert button.

I am a neighbor to the proposed solar facility. Attached are my concerns relating to the project's approval.

Cosumnes CPAC

PLNP2021-00011, Assessor Parcel Numbers 126-0110-001/003

Meeting Date: July 26, 2023 7p.m.

Subject: Sloughhouse Solar Facility

I have two main concerns regarding the Sloughhouse Solar Facility Project
Fire Safety:

This project is a multi-million dollar facility located in an area with no fire hydrants or water mains. I can't imagine a project of this value being constructed anywhere in the County without fire protection. In addition it is on the border of two fire districts.

One agency is the Wilton Fire District that, "consists of 1 staffed fire station, 2 resident volunteer fire stations, 3 full time captains and a combination of volunteer shift firefighters as well as resident volunteer firefighters". The District provides "assistance to residents located within its 59 square mile boundary".

This solar project adds significant monetary assets on the border of a fire district staffed mainly by volunteers who may or may not have the training and expertise to provide mutual aid to suppress fires in an electrical generation compound. Fire suppression will need to be performed without any onsite or nearby water.

The Sacramento Metro Fire District (the principal fire agency for this project) has standards for fire access lanes and drives. (Fire Apparatus Access Roads Standard #3 as revised 1/1/2023). These include 16 foot or 20 foot roadways that support an 80,000 pound fire vehicle. Dirt or gravel roads would need to support the 80,000 pounds in all weather conditions. Additional requirements such as minimum turning radii are mandated depending on the distance from the roadway to the asset being protected.

The Applicant underestimates the fire danger in their application by stating in Sloughhouse Solar Project Description (August 2021) Section 1.5.7 (page 15 of 43)

Fire Control: Negligible increase in fire potential as the panels and equipment are fire resistant.

Their statement ignores the fact that the existing solar panels melted during a 2018 fire that burned through the same acreage.

A neighbor was sued for \$20 million as a result of fire damage to the solar facility. This has made it difficult to get insurance for the neighboring properties as the asset base is too high and results in too much risk for a residential insurance carrier.

This issue was brought up in the 2021 permitting process and was addressed by the Applicant's (DeShaw) attorney, Mr. Menahem. In Sept. 2021, Mr. Menahem proposed the following language for the owners and related parties.

“DEVELOPER WAIVES ANY AND ALL CLAIMS AGAINST OWNER FROM AND AGAINST ALL DAMAGES, LOSSES, LIABILITIES, COSTS, DEFICIENCIES AND EXPENSES (COLLECTIVELY, THE “LOSSES”), TO WHICH DEVELOPER BECOMES SUBJECT, WHICH SUCH LOSSES ARE DIRECTLY CAUSED BY FIRE NOT RESULTING FROM, RELATED TO OR CAUSED BY THE NEGLIGENT ACT, GROSSLY NEGLIGENT ACT OR INTENTIONAL ACT OF THE OWNER.....”

The clause above also included a waiver of claims for any damage done to the owners by the developer although that isn't the issue we are attempting to mitigate. The current owners aren't the ones adding a multi-million dollar asset in a grass field without any fire suppression or fire hydrants.

The Developer's indemnity solves the homeowners' insurability issue if we can agree on the legal nuances of negligent act, grossly negligent act, or intentional act.

An indemnity provided by the developer, operator, future owners/agents etc. would alleviate the homeowners' financial risk and allow insurability if this project is approved.

The second issue relates to construction hours. The Applicant addresses this concern in Section 1.5.1 (page 14 of 43).

Employees: "The number of construction workers will be about 150 daily. Typical construction work hours are expected to be from 6:00 am to 4:00 pm." and "However, based on a need to comply with various biological mitigation measures, overall construction timing, or worker safety such as avoidance of excessive midday heat. Work at night will be performed occasionally within limited areas of the site."

This is not acceptable.

I take no issue with the workers or standard work hours. I take issue with the language allowing the contractor to build at any time, day or night, including bright lights and pile driving activities.

Sound travels long distances in the country at night. The surrounding neighbors have work lives that aren't conducive to construction noise during the night. Neighbors shouldn't have to endure night construction because of the contractor's schedule. We know Sacramento gets hot, workers have to cope, and projects run off schedule. They cope all over the County while obeying noise ordinances.

It isn't unreasonable to insist upon a 6 a.m. to 8 p.m. construction work schedule.

Letter 5
Robert Grossglauser (1 of 2)

From: [Doberneck, N.D](#)
To: [Little, Alison](#)
Subject: [PLNP2021-00011 Sloughhouse Solar Facility] Public Comments & Questions: Robert Grossglauser - 12501 Simpson Ranch Court
Date: Tuesday, July 25, 2023 6:11:34 PM
Attachments: [image001.png](#)
[image002.png](#)

[PLNP2021-00011 Sloughhouse Solar Facility] Public Comments & Questions: Robert Grossglauser - 12501 Simpson Ranch Court

Hi Alison,

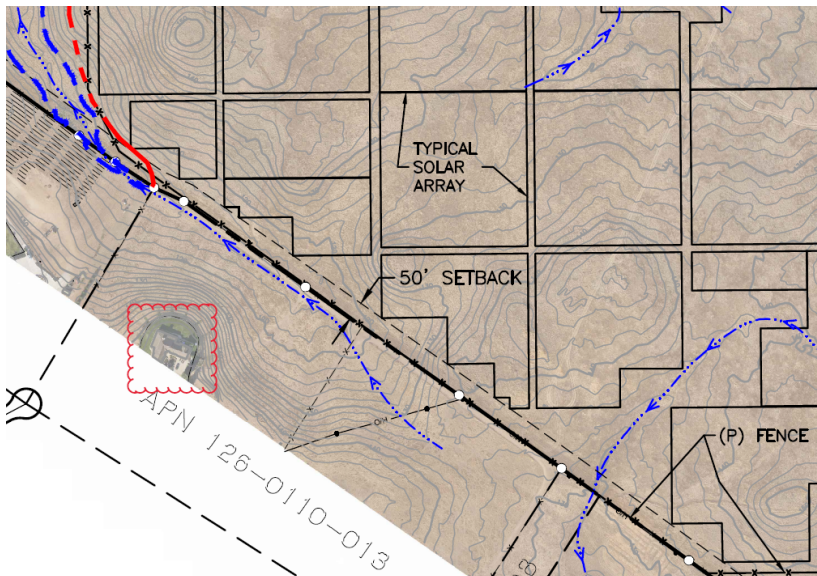
This afternoon I spoke with Mr. Robert Grossglauser, resident of 12501 Simpson Ranch Court. He has carefully reviewed the Draft EIR for proposed project PLNP2021-00011 *Sloughhouse Solar Facility* and has several concerns. Following the Cosumnes CPAC meeting on 26 July 2023, he intends to submit comments on the Draft EIR and the Proposed Project. Also, he would like to meet with Environmental Review staff to further explore visual aesthetics issues identified in the Draft EIR for his property, via an online meeting, *date & time TBD*.

Issues:

- 1. Visual Aesthetics.** The Draft EIR, pr 115 notes *“Under CEQA, an evaluation of a project’s potential visual change as viewed from private property is not required. Nevertheless, for purposes of full disclosure, the project applicant has elected to provide a comparison of a viewshed change from the surrounding private residences.”* And, *“The change in visual character of the foreground and middleground views from these two residences at 12500 and 12501 Simpson Ranch Court to the north would represent a substantial degradation of the existing visual character.”*
As such, Mr. Grossglauser is concerned about the loss of views, glint, and glare as this property is on a knoll that would overlook several hundred acres of the north adjacent solar array.
- 2. Glare Monitoring.** Is there any way to monitor compliance for the Glare Analysis?
- 3. Landscape Screening.** The proposed landscape screening is along the public RoW of Dillard and Meiss Roads. Given the above reference to *substantial degradation of the existing visual character* for the two properties 12500 and 12501 Simpson Ranch Court, would there be any consideration of additional landscaping in the triangular gap spaces between the arrays and the 50-ft setback?



Photo Viewpoint KOP 4. Looking Northeast from Simpson Ranch Court



- 4. Nighttime Construction.** What are the allowable hours of construction? The Draft EIR mentions that nighttime construction is anticipated to be rare, but without any metrics. *"The project applicant has indicated that if nighttime work were to occur, it would likely be due to weather or traffic control permits."* pg 350 of 546
- 5. Dirt Roads:** Once operational, in the event of excessive dust from vehicles driving across the site, is there a watering plan?

Feel free to call should you have any comments or questions.

Nate Doberneck
doberneckn@saccounty.gov
(916) 874-2562

Letter 6
Kelly Rhodes

Doberneck. N.D

From: Kelly Rhodes <krhodes@championinstalls.com>
Sent: Saturday, 29 July, 2023 06:10 AM
To: Doberneck. N.D
Subject: PLNP2021-00011
Attachments: PLNP2021-00011.pdf

You don't often get email from krhodes@championinstalls.com. [Learn why this is important](#)

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.
If you have concerns about this email, please report it via the Phish Alert button.

Hello,

Please see attached letter regarding the proposed project PLNP2021-00011.

Thank you,

--

Kelly Rhodes
Champion Installs, Inc
9631 Elk Grove Florin Rd
Elk Grove, CA 95624
Ph: (888)627-5180

July 29, 2023

Sacramento County
Attn: Planning Department
doberneckn@saccounty.gov
827 7th Street, Room 225
Sacramento CA 95814

Re: PLNP 2021-00011 - Sloughhouse Solar Facility

Dear Planning Department,

As the need for electricity grows exponentially, it is imperative that cities and counties act strategically in placement of large scale solar panel facilities. These facilities are not only unsightly and emit radiation, but they are large and require a substantial amount of acreage. It is important to consider the environmental impacts of these facilities on its local residents, agriculture, and livestock and possibly reconsider zoning and land use regulations as these facilities become larger and more common.

The proposed 328 -acre facility referenced above, will be built on valuable AG land, that is in direct proximity to over 5,000 residents, thousands of livestock, crops, and will also be located in a floodplain. As viable nutrient rich land becomes scarcer, it is more important than ever to preserve our agricultural land. AG land should be used for planting food and raising livestock. Not be thrown away to unsightly industrial facilities that emit radiation into the environment and whose environmental impact is still very much unknown. Most of these large scale solar facilities are located in rural vacant areas and nowhere near populated areas. Camprocks Solar Farm for example is located in the desert and nowhere near residents or anytype of livestock. Satellite Solar Farm also in California, is located near a mountain range, again away from neighborhoods and populated areas.

With the proposed site being located in a floodplain, what happens in winter months when flooding occurs and the facility becomes emerged under water during flood season? Sacramento county already lost a handful of residents this last winter due to flooding in our area. It seems callous to put up an electrical facility in a populated area next to and in the direct flood path of the only wild river left in California, the Consumnes River.

This facility will also be in direct sight and less than 4 miles from our only local historical site. It should be in the city planners interest to continue to preserve these sites and consider the landscape of surrounding areas to these sites.

Lastly, this facility is to no direct benefit to the residents that its location will negatively impact. Therefore, we strongly ask that this project be reconsidered and rejected by Sacramento County Planning Department.

Respectfully,

Kelly Rhodes

Letter 7
Robert Grossglauser (2 of 2)

August 21, 2023

Nate Doberneck

doberneckn@saccounty.gov

Sacramento County Environmental Coordinator

Office of Planning and Environmental Review

827 7th Street, Room 225

Sacramento, CA 95814

CEQA@saccounty.net

RE: Comments on Sloughhouse Solar Facility Draft Environmental Impact Report

Control Number: PLNP2021-00011

State Clearinghouse Number: 202100444

Dear Mr. Doberneck:

I write in respectful opposition to the Sloughhouse Solar Facility project due to a lack of sufficient mitigation analysis and proposed mitigation actions.

My 11-year-old son and I live at **12501 Simpson Ranch Court** in Wilton, California. The Sloughhouse Solar Facility project, as currently proposed, will be located immediately adjacent to my property, abutting my property line.

'Substantial Degradation of the Existing Visual Character'

Page 3-24 of the July 2023 Draft Environmental Impact Report (DEIR) specifically cites my address, indicating that “[t]he change in visual character of the foreground and middleground views from these two residences at 12500 and 12501 Simpson Ranch Court to the north would represent a substantial degradation of the existing visual character” (this conclusion is reiterated on page 3-26).

While the DEIR names both my address and that of my immediate neighbor, the DEIR calls out my address as being uniquely degraded by this project, stating that “based on the topography and distances to the proposed PV arrays, the visual character of foreground and middleground views...of these two residences would change substantially from undeveloped grassland (i.e., cattle grazing land) to multiple horizontal lines of pole-mounted grey/black PV panels. The westernmost residence at 12500 Simpson Ranch Court would still have partial foreground views (to the northwest) of undeveloped grassland. *However, foreground views from the residence at 12501 Simpson Ranch Court would be composed entirely of PV arrays*” due to the topographic

elevation of my home and the fact that my property is “substantially closer” to the photovoltaic (PV) arrays than other impacted private properties are (also on page 3-24; emphasis added).

While the DEIR notes that views of the photovoltaic (PV) arrays to the public and from *other* nearby private residences are likely to be “substantially blocked by existing large agricultural barns and landscaping” (page 3-25), no such relief is projected for my property.

As the DEIR indicates, the Sacramento General Plan of 2005-2030 applies various policies to this project, including a policy to “minimize visual impacts and protect the county’s visual and aesthetic resources” (PF-85), stressing that projects such as this “should be located in industrial and non-retail commercial areas” (page 3-13 of the DEIR), unlike the current proposed location in agricultural land immediately adjacent to private residential properties that the DEIR admits will experience “a substantial degradation of the existing visual character” (3-24 and 3-26).

Additionally, the degradation of visual character cited in the DEIR is likely to result in an economic loss to the value of my property. A reputable Sacramento appraiser and trusted real estate valuation expert, Mr. Ryan Lundquist, has provided written validation for my understanding that this project is very like to have a negative impact on my home. Please see the attached letter.

Glare Analysis Report

As part of the CEQA analysis required for any activity which may cause a direct or reasonably foreseeable indirect physical change in the environment, the CEQA statute and guidelines require an analysis of “substantial light or glare” (page 3 of the July 2022 Glare Analysis Report for the Sloughhouse Solar Farm Project – Alternative Site Plan).

The July 2022 Glare Analysis Report was based on the “ForgeSolar 3D geometric glare analysis software tool,” which is the “publicly available and licensed SGHAT [Solar Glare Hazard Analysis Tool] application.” The analysis indicates that the SGHAT is used “to anticipate glare intensity that would cause unwanted visual impacts to Air Traffic Control towers and airplane pilots,” (page 2) *rather than civilians immediately adjacent to and/or overlooking the project.* Furthermore, the analysis indicates that the Federal Aviation Administration (FAA) “*has not established a formal policy for ocular impact assessments for non-airport solar facilities*” (page 2), such as the Sloughhouse Solar Facility. While local and state laws and regulations may currently lack details regarding solar facilities specifically, the substantial evidence guidelines require enough relevant information and the Glare Analysis is lacking in regards to the ocular impact on individuals at neighboring properties.

The conclusions of the glare analysis (2.2.5) are only “in accordance with preferred FAA methodology for assessing impacts ***to aviation facilities and activities***” (emphasis added), therefore being insufficient for considering the glare and potentially harmful ocular impact to an individual stationed on my property, the proximity and topographic elevation of which will

subject me to a nearly complete top-down view of hundreds of acres of these proposed solar arrays.

Requested Mitigation

Various forms of mitigation would mitigate or eliminate the actual, potential, and reasonably foreseeable negative impacts to my property. I present the options below for your consideration.

The most extreme form of mitigation would be to **relocate the Sloughhouse Solar Facility elsewhere** to an industrial or non-retail commercial area, as stressed in the Sacramento General Plan, to prevent substantial aesthetic impacts and resulting degradation of properties adjoining the currently proposed site.

Another form of mitigation would be a **reorientation of the current layout of the 400 acres** of solar arrays. The DEIR fails to consider whether relocating the solar arrays immediately adjoining my parcel would reduce or prevent the substantial degradation it cites, nor provides any analysis on the risk of ocular glare.

The National Library of Medicine published an October 2022 article entitled, “Effect of Solar Radiation on the Eyes.” The article can be found here:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9709587/>

The size and scope of 400 acres of solar panels that will follow the path of the sun, in the evening hours being directed towards a residence creates an ocular glare risk.

The DEIR failed to assess the **ocular impact of glare** on adjacent individuals using properly relevant tools, rather than methods used to assess impacts only to aviation facilities and activities. Without a proper and comprehensive assessment, it is difficult to propose sufficient mitigation measures, but elsewhere the **application of anodized material site-wide has been proposed to reduce the risk of glare.**

While the DEIR explores landscaping and screening mitigation, it fails to do so in the context of the orientation of my property. Landscaping and screening are unlikely to meaningfully reduce the aesthetic harm done to my home because the property is not only immediately adjacent to the project but topographically elevated relative to it, resulting in a near complete top-down view of hundreds of acres of these proposed solar arrays.

Earlier this year (March 2023) researchers from Lawrence Berkeley National Laboratory released the largest analysis ever conducted on the impact of utility-scale solar plants on neighboring homes. The analysis can be found here: https://eta-publications.lbl.gov/sites/default/files/lspvp_journal_article.pdf

Pertinent excerpts in “Conclusion and policy implications” include: “Our results suggest that there are **adverse property value impacts** of LSPVP construction for homes very close to a

LSPVP and those **predominantly in rural agricultural settings around larger projects**. But we find that most impacts fade at distances greater than 1 mile from a LSPVP.”

“These results suggest that care should be taken in siting LSPVPs near homes in some contexts. **Developers or policymakers** considering siting LSPVPs very close to homes **have several tools to employ, such as compensation schemes with neighbors and landscape measures like vegetative screening.**”

“For policy-makers, this heterogeneity may point to the importance of **carefully considering siting strategies for rural, large, or agricultural installations.**..”

The tools articulated in the **Lawrence Berkeley National Laboratory report need to be considered as a form of mitigation**. The visual character impact of this project rises to the level of being a significant economic impact on surrounding homes. Such impact is not hyperbole. Again, please see the letter attached to this submission.

Thank you for the opportunity to submit these comments. Should you have any questions or wish to discuss these matters in more detail, please do not hesitate to contact me.

Sincerely,
Rob Grossglauser

A handwritten signature in black ink, appearing to be 'Rob Grossglauser', with a stylized, sweeping flourish.

12501 Simpson Ranch Court
Wilton, CA 95693
Rob@PinnacleAdvocacy.com

LUNDQUIST APPRAISAL COMPANY

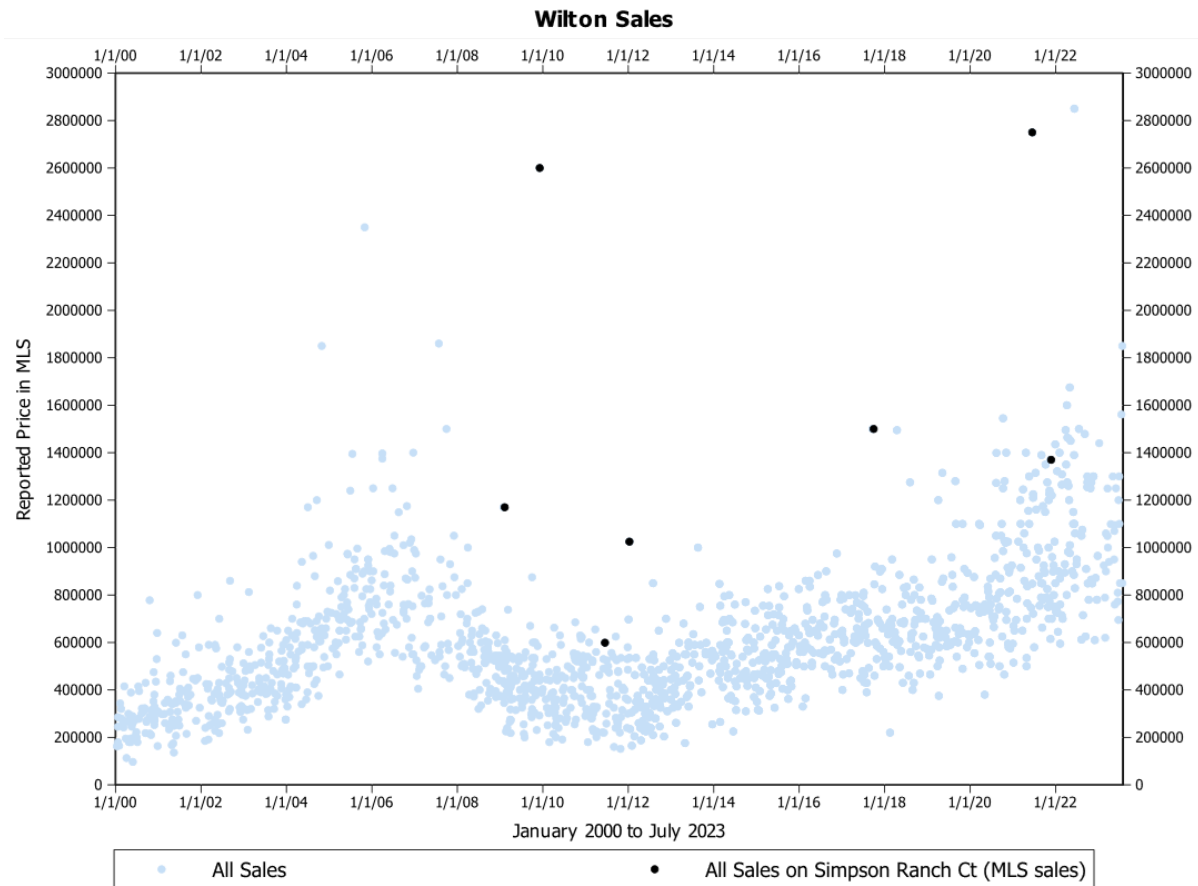
August 17, 2023

ATTN: Rob Grossglauer

Subject Property: 12501 Simpson Ranch Ct Wilton CA 95693

In my professional opinion as a certified residential appraiser and housing market expert in the Sacramento region, having a direct view of 400 acres of solar adjacent to the subject property is something that could negatively affect value.

There are some national studies that suggest a diminished value for close proximity to solar, and those are worth considering, but the location of the subject property is the key factor here. The subject property is located in a community in Wilton called Simpson Ranch, and this area produces some of the highest-priced sales in the Wilton marketplace as shown on the following visual. The blue dots represent twenty years of sales in Wilton and the black dots are sales in Simpson Ranch. The subject property sold in November 2021 for \$1.37M.



Parcels in Simpson Ranch tend to have nearly twenty-acres or more, and they have stately homes with multiple outbuildings. The expectations of buyers at this price point are a huge issue as these buyers tend to pay careful attention to location and be far less forgiving about potentially adverse locational issues than buyers at other price points. In my experience, first-time buyers sometimes gloss over adverse views and locations because they don't have experience yet in real estate, but buyers at the highest prices have likely moved-up to this level after years of real estate experience. These buyers are often bringing hundreds of thousands of dollars as a downpayment for the house too. The most recent sales in the development put anywhere from \$225,000 to \$800,000 down. Sometimes owners purchase land and spend millions to build in this development also. As a subjective reference, I did some valuation consulting for an owner of a different house in Simpson Ranch in July 2023, and the owner was sure to tell me about the various business moguls and millionaires who live on the street.

National study references:

Study 1: https://eta-publications.lbl.gov/sites/default/files/lspvp_journal_article.pdf

Study 2: https://emp.lbl.gov/sites/default/files/property-value_impacts_near_utility-scale_solar_installations.pdf

All things considered, this is an issue buyers would definitively consider, and faced with an identical house on a different lot, there is a very good chance the buyer would pay less for the house with a view of four hundred acres of solar. This would likely be an eyesore for buyers at higher price points, and a property like this could have marketability issues in the future too.

Please let me know if you have any questions. Thank you.

Ryan Lundquist
Certified Residential Appraiser / Housing Market Analyst
Phone: 916-595-3735

Lundquist Appraisal Company

TEL: 916-595-3735

lundquistcompany@gmail.com

SacramentoAppraisalBlog.com