

**CALIFORNIA DEPARTMENT OF WATER RESOURCES
CEQA RESPONSIBLE AGENCY FINDINGS
LAUREL CLUSTER SOLAR FARMS PROJECT**

I. ENVIRONMENTAL REVIEW PROCESS

The California Department of Water Resources (DWR), as a Responsible Agency under the California Environmental Quality Act (CEQA), makes these findings under Section 15096(h) of the CEQA Guidelines, with regard to the proposed Power Purchase Agreement (PPA) between DWR and 8minute Solar Energy for procurement of renewable energy from the Laurel Cluster Solar Farms project.

Laurel Cluster Solar Farms (Project). Imperial County, as the Lead Agency under CEQA, has completed and certified an Environmental Impact Report (EIR) for the Project (*see* “Draft Environmental Impact Report Big Rock Solar Farms” (April 2018) and “Final Environmental Impact Report Laurel Cluster Solar Farms (formally known as Big Rock Cluster)” (August 2018) (State Clearinghouse No. 2017121078)). The EIR evaluated the Laurel Cluster Solar Farms at a project-level.

The primary objective of the Project, as articulated in the EIR, is to utilize Imperial County’s abundance of available solar energy (sunlight) to generate renewable energy, consistent with the County General Plan renewable energy objectives. To achieve that objective, the Project developer, 8minute Solar Energy, proposes to construct and operate a photovoltaic (PV) solar energy facility capable of producing up to 325 megawatts (MW) of electricity, daily, to help California meet its statutory and regulatory goals of increasing renewable power generation. The Project would consist of four utility-scale PV solar facilities developed on approximately 1,380 acres of privately-owned land, located approximately 8 miles southwest of the City of El Centro and 3 miles south of Seeley, a census-designated place, in the unincorporated area of Imperial County.

On January 15, 2019, the Board of Supervisors of the County of Imperial adopted Resolution No. 2019-13 certifying the Final EIR for the Project. In so doing, the Board of Supervisors of the County of Imperial adopted CEQA Findings and a Mitigation Monitoring and Reporting Program (MMRP). On January 17, 2019, Imperial County filed a CEQA Notice of Determination (NOD) in compliance with Section 21152 of the Public Resources Code to fulfill its CEQA responsibilities.

The custodian and location of the Final EIR and other documents and materials that constitute the record of the proceeding are: Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243.

DWR Role in the Project. DWR’s role in the Project would be to enter into a PPA with 8minute Solar Energy to continue implementing DWR’s *Climate Action Plan Phase 1: Greenhouse Gas Emissions Reduction Plan* (May 2012), as recently updated pursuant to Update 2020 (July 2020), which sets DWR’s greenhouse emissions reduction goals and identifies emissions reduction measures, consistent with Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006) and other state climate laws. The proposed PPA would fulfill part of DWR’s commitment to renewable energy procurement for operation of the State Water Project pursuant to Measure OP-3 -

Renewable Energy Procurement Plan, included in DWR's *Climate Action Plan Phase 1, Update 2020*.

DWR issued a Request for Proposal (RFP), dated September 19, 2019, seeking to purchase renewable energy and capacity, including attributes used to qualify for Resource Adequacy, and all associated Environmental Attributes, including Renewable Energy Credits (RECs), from a solar photovoltaic facility through a PPA. The proposal from 8minute Solar Energy to provide energy from the Project was deemed eligible for commencing contract negotiations. Pursuant to the proposed PPA, DWR will purchase 100 MW of capacity and associated energy from the Project for the period of 25 years. DWR has no ownership interest in the Project or any of its components. If DWR does not enter into a PPA to purchase power from the Project, it is likely that that power will be purchased by other users.

DWR, as a Responsible Agency under CEQA, has reviewed and considered the environmental documentation prepared by Imperial County, the Lead Agency. DWR has carefully considered the environmental effects of the Project, as shown in the Final EIR, and has reached its own independent conclusion on whether and how to approve the PPA. It is important to note that DWR has no authority over the Project as a police power authority, or as a permitting or regulatory agency.

Based on its independent review, DWR makes the following findings.

II. SIGNIFICANT ADVERSE IMPACTS THAT ARE REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES

Laurel Cluster Solar Farms. The EIR identified a number of environmental impacts resulting from the Project that would be reduced to a less-than-significant level by mitigation measures set forth in the EIR. The County expressly incorporated the mitigation measures into its project approval and adopted the MMRP to ensure that all adopted mitigation measures are implemented in a satisfactory manner and that implementation of the measures is documented.

The relevant impacts and mitigation measures, which are discussed in the EIR and in the County's CEQA Findings, are briefly described below:

A. Impact 4.1-4: New Sources of Nighttime Lighting and Glare. The Project would create a new source of glare, which could adversely affect day or nighttime views in the project area. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure VQ-1, which requires the final engineering plans and design plans to determine whether fencing slats should be installed in locations that face certain roadways that could be subject to the Project-related glare impacts.

B. Impact 4.2-1: Conversion of Important Farmlands to Non-agricultural Use. Implementation of the Project would result in the conversion of economically viable Important Farmland, including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to non-agricultural uses. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure AG-1a, which requires payment of agricultural and other benefit fees, and Mitigation Measure AG-1b, which requires implementation of a comprehensive reclamation plan that would restore the project sites

to their existing conditions and reintroduce agricultural uses on the sites following decommissioning of the projects.

C. Impact 4.2-3: Result in Other Effects that could Contribute to the Conversion of Active Farmlands to Non-Agricultural Use. The Project could result in direct and indirect impacts to adjacent agricultural lands that could indirectly contribute to conversion of active farmland to non-agricultural use. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure AG-1b, which requires implementation of a comprehensive reclamation plan.

D. Impact 4.2-4: Adversely Affect Agricultural Productivity. The Project could impair the agricultural productivity of the project site or use of neighboring areas for agricultural use. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure AG-1b, which requires implementation of a comprehensive reclamation plan, and Mitigation Measure AG-2, which requires implementation of a pest management plan.

E. Impact 4.3-2: Violate any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation. The Project would result in a temporary increase of emissions during construction and operation activities. This impact will be mitigated to a less-than significant level by the County's Mitigation Measures AQ-1 (Construction Equipment), AQ-2 (Fugitive Dust Control), AQ-3 (Dust Suppression), AQ-4 (Dust Suppression Management Plan), and AQ-5 (Operational Dust Control Plan).

F. Impact 4.4-1: Possible Habitat Modification. The construction and operation of the Project could result in the indirect or direct habitat alteration on certain species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or the CDFW or USFWS. This impact will be mitigated to a less-than significant level by the County's Mitigation Measures BIO-1 (Burrowing Owl Mitigation), BIO-2 (Burrowing Owl Compensation), BIO-3 (Worker Awareness Program), BIO-4 (Speed Limit), BIO-5 (Temporary Construction Suspension), BIO-6 (Construction and O&M Mitigation Measures), and BIO-7 (Raptor and Active Raptor Nest Avoidance).

G. Impact 4.5-1: Impact on Historical Resources. The Project could potentially cause a substantial adverse change in the significance of a historical resource. This impact will be mitigated to a less-than significant level by the County's Mitigation Measures CR-1 (requiring cultural resources surveys by a qualified archaeologist prior to issuance of grading permits), CR-2 (requiring avoidance or mitigation of impacts to newly documented archaeological resources found to be eligible for listing in the California Register of Historical Resources (CRHR)), CR-3 (requiring mitigation to the historic architectural resource), and CR-4 (requiring avoidance of impacts to the historical resources that have been previously determined or recommended as eligible for listing in the CRHR).

H. Impact 4.5-2: Impact on Archaeological Resources. The Project could cause a substantial adverse change in the significance of an archaeological resource. This impact will be mitigated to a less-than significant level by the County's Mitigation Measures CR-5 and CR-6, which provide mitigation measures in the event that previously unidentified unique archaeological resources are encountered during construction or operational repairs.

I. Impact 4.5-3: Impact on Paleontological Resources. The Project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure CR-7, requiring paleontological monitoring.

J. Impact 4.5-4: Impact on Human Remains. The Project could disturb human remains, including those interred outside of formal cemeteries. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure CR-8, which specifies procedures to be followed in the event that evidence of human remains is discovered during project-related activities.

K. Impact 4.6-1: Possible Risks to People and Structures Caused by Strong Seismic Ground Shaking. The Project sites are located in an area of moderate to high seismic activity and, therefore, project-related structures could be subject to damage from seismic ground shaking and related secondary geologic hazards. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure GEO-1, requiring preparation of a geotechnical report and implementation of measures identified in the final geotechnical engineering report.

L. Impact 4.6-2: Unstable Geologic Conditions. The Project could be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure GEO-1, requiring preparation of a geotechnical report and implementation of measures identified in the final geotechnical engineering report

M. Impact 4.6-3: Construction-related Erosion. Construction activities during project implementation would involve grading and movement of earth in soils subject to wind and water erosion as well as topsoil loss. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure HYD-1, requiring preparation of a stormwater pollution prevention plan (SWPPP) and implementation of best management practices (BMPs) to reduce erosion from the construction site.

N. Impact 4.6-4: Exposure to Potential Hazards from Problematic Soils. The Project could encounter expansive or corrosive soils thereby subjecting related structures to potential risk of failure. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure GEO-2, requiring implementation of corrosion protection measures.

O. Impact 4.6-5: On-site Wastewater Treatment and Disposal. The Project would have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure GEO-3, requiring compliance with the County's on-site wastewater treatment and disposal requirements.

P. Impact 4.8-2: Possible Risk to the Public or Environment through Release of Hazardous Materials. The Project may result in an accidental release of hazardous materials into environment from project-related activities. This impact will be mitigated to a less-than significant level by the County's Mitigation Measures HAZ-1 (requiring completion of Phase II Environmental Site Assessment) and HAZ-2 (establishing procedures in the event of a hazardous materials discovery).

Q. Impact 4.9-1: Violation of Water Quality Standards During Construction. Construction of the Project could generate discharges to surface water resources that could potentially violate water quality standards or waste discharge requirements. This impact will be mitigated to a less-than significant level by the County's Mitigation Measures HYD-1 (requiring preparation of a SWPPP and implementation of BMPs prior to construction and site restoration) and HYD-2 (requiring proper disposition of construction dewatering in accordance with the Colorado River Basin Regional Water Quality Control Board requirements).

R. Impact 4.9-2: Violation of Water Quality Standards During Operation. Operation of the Project could involve the use of materials or substances that could be entrained in surface runoff and discharge to surface waterways or groundwater. This impact will be mitigated to a less-than significant level by the County's Mitigation Measure HYD-3, requiring incorporation of post-construction runoff BMPs into the project drainage plan and integration of opportunities for low impact development.

Based on independent review, DWR concurs with the County's determinations that the mitigation measures set forth in the EIR will reduce the identified environmental impacts to a less-than-significant level.

III. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

Based on independent review, DWR concurs with the County's determination that the EIR identified and discussed significant effects that may occur as a result of the project and that, with implementation of mitigation measures discussed in the Final EIR, these impacts would be mitigated to a less-than-significant level. As a result, there were not any impacts identified in the EIR that would remain significant and unavoidable.

IV. MITIGATION MONITORING AND REPORTING PROGRAM

DWR has reviewed the MMRP, approved by the Board of Supervisors of the County of Imperial on January 15, 2019, as a condition of its approval of the Project, and which meets the requirements of CEQA Guidelines Section 15091(d). Compliance with the County's MMRP will be required pursuant to the proposed PPA between DWR and 8minute Solar Energy.

V. ALTERNATIVES

CEQA Guidelines Section 15126.6(a) states: “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Accordingly, the alternatives selected by the County for review in the EIR focus on alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the Project's objectives (i.e., the alternatives could impede to some degree the attainment of Project objectives, but still would enable the Project to obtain its basic objectives). Four alternatives to the Project were considered in the EIR, as follows:

- Alternative 1 - No Project/No Development
- Alternative 2 – Reduced Acreage Alternative (Avoid Prime Farmland)
- Alternative 3 – Increased Development Setback (LSF1 site)
- Alternative 4 – Development within Renewable Energy Overlay Zone.

The County found Alternative 1 would have less environmental impacts than the Project; however, it would not meet any of the Project’s objectives. Additionally, Alternative 1 would not help California meet its statutory and regulatory goal of increasing renewable power generation, including GHG reduction goals of AB 32.

The County found Alternative 2 would result in reduced impacts to agriculture, air quality, biological resources, and hydrology/water quality, and would not result in any greater environmental impacts when compared to the Project. Alternative 2 would meet most of the basic project objectives. However, this alternative would make it more difficult to achieve the overall objective of providing 325 MW of renewable solar energy, on a daily basis, as there would be less area available for the placement of PV structures.

The County found Alternative 3 would result in reduced impacts to agriculture, air quality, biological resources, and hydrology/water quality, and would not result in any greater environmental impacts when compared to the Project. Alternative 3 would meet most of the basic objectives of the Project. However, this alternative would make it more difficult to achieve the overall objective of providing 325 MW of renewable solar energy, as there would be less area available for the placement of PV structures.

The County found Alternative 4 would result in reduced impacts to agriculture, air quality, and hydrology/air quality. However, it would result in greater impacts to aesthetics, biological resources, cultural resources, and noise. Alternative 4 would meet most of the basic objectives of the Project. However, this alternative would make it more difficult to achieve the overall objective of providing a total of 325 megawatts MW of renewable solar energy, as there would be less area available for the placement of PV structures.

Because the Project, as mitigated, would not have a significant impact on the environment, CEQA does not require DWR to consider an environmentally superior alternative when approving the Project. Nevertheless, DWR has considered the alternatives analysis in the EIR and finds that it

covers an adequate range and discussion of alternatives as such alternatives relate to the parts of the project that DWR proposes to carry out, finance or approve (see CEQA Guidelines Section 15096 (g)).

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

California Public Resource Code Section 21002 provides: "...in the event specific economic, social and other conditions make infeasible such project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." When an agency approves a project which will result in the occurrence of significant effects on the environment which are identified in the EIR but are not avoided or substantially lessened, the agency shall adopt a statement of overriding considerations stating the specific reasons to support its action based on the final EIR and other information in the record. (CEQA Guidelines Sections 15093(b), 15096(h).)

Because the Project, as mitigated, would not have a significant effect on the environment, CEQA does not require DWR to adopt a statement of overriding considerations.

VII. NO SUPPLEMENTAL OR SUBSEQUENT EIR IS REQUIRED

DWR finds that no Subsequent or Supplemental EIR is required. In particular, DWR finds that there are no substantial changes in the Project; no substantial changes in the circumstances under which the Project is undertaken; and no new information of substantial importance, which gives rise to a new significant environmental impact or otherwise triggers the need for additional CEQA review under Sections 15162 or 15163 of the CEQA Guidelines.

VIII. ADOPTION OF FINDINGS

DWR hereby formally adopts the Findings set forth herein, which meet the requirements of CEQA Guidelines Section 15091.

 _____ Ted Craddock Deputy Director State Water Project	 _____ Date
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