

Chapter 7

Response to Comments

SCH# 2018061031

Volume 3

Camino Solar Project
By Aurora Solar, LLC.

Conditional Use Permit No. 7, Map No. 216



Kern County
Planning and Natural Resources Department
Bakersfield, California
PP 17125

May 2020

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**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

May 14, 2020

File: CUP No. 7, Map No. 216

Addressee List (See Distribution List)

RE: Response to Comments for Draft Environmental Impact Statement/Environmental Assessment; for the Camino Solar Project by, Aurora Solar LLC (PP17125)

Ladies and Gentlemen:

Enclosed is a document entitled *Volume 3 – Chapter 7 – Response to Comments*, for the above referenced project. Section 15088 of the California Environmental Quality Act Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft Environmental Impact Report (EIR) and prepare a written response addressing each comment. This document is Chapter 7 of the Final EIR.

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on May 28, 2020 at 7:00 p.m.

Due to COVID-19 and subsequent local emergency declarations by the Kern County Board of Supervisors, Staff is evaluating the possibility of facilitating an alternative form of public participation during this hearing. If you have any questions about the format of the hearing and/or wish to get more information please contact the Staff Planner.

Thank you for your participation in the environmental process for this project. If you have any questions regarding this project, please do not hesitate to contact me at (661) 862-8793 or via email at majesj@kerncounty.com.

Sincerely,

Janice Mayes, Planner III
Advanced Planning Division

COMMENTING AGENCIES AND INTERESTED PERSONS: U.S. Environmental Protection Agency; California Department of Toxic Substances Control; California Department of Conservation, Geologic Energy Management Division; Governor's Office of Planning and Research, State Clearinghouse and Planning Unit; Lahontan Regional Water Quality Control Board; Kern County Fire Department; Pacific Crest Trail Association (PCT); Richard Spotts; Kern Audubon Society; East Kern Air Pollution Control District; Mojave Air and Space Port

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Kern County Fire Department

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Kern County Planning and Natural Resources Department

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May 2020

Table of Contents

		<u>Page</u>
Chapter 7	Response to Comments	7-1
7.1	Introduction	7-1
7.1.1	Purpose	7-1
7.1.2	Environmental Review Process	7-1
7.2	Revisions to the Draft EIR/EA	7-1
7.3	Response to Comments	7-13
	Comment Letter 1: United States Environmental Protection Agency (March 16, 2020)	7-14
	Response to Comment Letter 1: United States Environmental Protection Agency (March 16, 2020)	7-19
	Comment Letter 2: Department of Toxic Substances Control (February 25, 2020)	7-26
	Response to Comment Letter 2: Department of Toxic Substances Control (February 25, 2020).....	7-29
	Comment Letter 3: California Department of Conservation, Geologic Energy Management Division (March 2, 2020)	7-31
	Response to Comment Letter 3: California Department of Conservation, Geologic Energy Management Division (March 2, 2020).....	7-33
	Comment Letter 4: Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (April 1, 2020)	7-34
	Response to Comment Letter 4: Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (April 1, 2020)	7-35
	Comment Letter 5: Lahontan Regional Water Quality Control Board (March 24, 2020)	7-36
	Response to Comment Letter 5: Lahontan Regional Water Quality Control Board (March 24, 2020).....	7-40
	Comment Letter 6: Eastern Kern Air Pollution Control District (February 20, 2020)	7-42
	Response to Comment Letter 6: Eastern Kern Air Pollution Control District (February 20, 2020).....	7-43
	Comment Letter 7: Kern County Fire Department (March 18, 2020)	7-44
	Response to Comment Letter 7: Kern County Fire Department (March 18, 2020).....	7-45
	Comment Letter 8: Mojave Air and Space Port (March 25, 2020).....	7-46
	Response to Comment Letter 8: Mojave Air & Space Port (March 25, 2020).....	7-49
	Comment Letter 9: Pacific Crest Trail Association (March 10, 2020)	7-50
	Response to Comment Letter 9: Pacific Crest Trail Association (March 10, 2020).....	7-52
	Comment Letter 10: Richard Spotts (March 16, 2020)	7-54
	Response to Comment Letter 10: Richard Spotts (March 16, 2020).....	7-55
	Comment Letter 11: Kern Audubon Society (March 26, 2020)	7-56
	Response to Comment Letter 11: Kern Audubon Society (March 26, 2020).....	7-58

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7.1 Introduction

7.1.1 Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the Kern County Planning and Natural Resources Department is serving as the “Lead Agency” for the preparation of the Environmental Impact Report/Environmental Assessment (EIR/EA) for the Camino Solar Project (project, or proposed project). The Final EIR/EA presents the environmental information and analyses that have been prepared for the proposed project, including comments received addressing the adequacy of the Draft EIR/EA, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR/EA. The Final EIR/EA, which includes the responses to comments, the Draft EIR/EA, and the Mitigation Monitoring and Reporting Program, will be used by the Planning Commission and the Board of Supervisors in the decision-making process for the proposed project.

7.1.2 Environmental Review Process

A Notice of Preparation/Initial Study (State Clearinghouse No. 2018061031) was circulated for a 29-day public review period beginning on June 13, 2018, and ending July 12, 2018. Nine individual written comment letters were received and used in the preparation of the Draft EIR/EA. The Draft EIR/EA for the proposed project was circulated for a 45-day public review period beginning on February 13, 2020, and ending March 28, 2020. A total of 11 comment letters were received on the Draft EIR/EA.

CEQA *Guidelines* Section 15088 requires that the Lead Agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR/EA and prepare a written response addressing the comments received. The response to comments is contained in this document—Volume 3, Chapter 7, of the Draft EIR/EA. Volumes 1, 2, and 3 together constitute the Final EIR/EA.

7.2 Revisions to the Draft EIR/EA

The revisions that follow were made to the text of the Draft EIR/EA. Amended text is identified by page number. Additions to the Draft EIR/EA text are shown with underline, and text removed from the Draft EIR/EA is shown with ~~strikethrough~~. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft EIR/EA and do not result in an increase to any identified impacts or produce any new impacts. No new significant environmental impact would result from the changes or from a new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made that would require recirculation of the Draft EIR/EA pursuant to CEQA *Guidelines* Section 15088.5, *Recirculation of an EIR Prior to Certification*.

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-31

Impact 4.2: Cumulative Impacts	Less than significant	No mitigation measures are required. <u>Implement Mitigation Measure MM 4.11-1</u>	Less than significant
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Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-36 and 1-37

Impact 4.3-2: The project would expose sensitive receptors to substantial pollutant concentrations.	Potentially significant	<u>Implement Mitigation Measures MM 4.3-1, MM 4.3-2, and:</u> MM 4.3-3: Minimize Exposure to Potential Valley Fever–Containing Dust. To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction: <ol style="list-style-type: none"> 1. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off site to other work locations. 2. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground. 3. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. 4. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying. 5. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a <u>High Efficiency Particulate (HEP)</u>-filtered air system. 	Less than significant
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6. Workers shall receive training to recognize the symptoms of Valley Fever, and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department and Bureau of Land Management (BLM) within 5 days of the training session.
 7. A Valley Fever informational handout shall be provided to all onsite construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.
 8. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to onsite personnel, upon request. Evidence of training shall be provided to the Kern County Planning and the ~~Bureau of Land Management~~ (BLM).

MM 4.3-4:

Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-63 through 1-65

<p>Impact 4.4-2: The project would have a substantial adverse effect on any riparian habitat or other sensitive natural community, or jurisdictional waters, identified in local or regional plans, policies, or regulations or by CDFW or USFWS.</p>	<p>Potentially significant</p>	<p><u>Implement Mitigation Measures MM 4.4-3, MM 4.4-4, and:</u></p>	<p>Less than significant</p>
		<p>MM 4.4-11: The project proponent/operator shall avoid and minimize impacts to scale broom scrub and any other <u>Desert Renewable Energy Conservation Plan (DRECP)</u> riparian vegetation type by implementing a 200-foot avoidance buffer. The avoidance buffer can be reduced, but only after receiving approval from the Bureau of Land Management (BLM) that the permitted construction activities can be classified as a minor incursion as defined with the DRECP. Impacts within the 200-foot avoidance buffer will not be permitted without BLM approval.</p>	
		<p>MM 4.4-12: Prior to issuance of any grading or building permit, the project proponent/operator shall submit a report detailing how all identified ephemeral drainages are avoided by permanent facilities. A copy of this report shall also be provided to the Lahontan Regional Water Quality Control Board (RWQCB), the County and Bureau of Land Management (BLM). The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:</p> <ol style="list-style-type: none"> 1. Avoidance of potential jurisdictional features (ephemeral drainages). This may be shown in plan form. 2. Any material/spoils generated from project activities shall be located away from jurisdictional areas and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. 	

-
3. Fuel or hazardous materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and be placed generally at least 50 feet from the top of bank.
 4. Any spillage of fuel or hazardous material will be stopped if it can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative will be notified.

MM 4.4-13:

If potential jurisdictional features cannot be avoided, the project proponent/operator shall be subject to provisions as identified below:

1. If avoidance is not practical, prior to ground disturbance activities that could impact these aquatic features, the project proponent/operator shall file a complete Report of Waste Discharge with the Regional Water Quality Control Board (RWQCB) to obtain Waste Discharge Requirements and shall also consult with California Department of Fish and Wildlife (CDFW) on the need for a streambed alteration agreement. Correspondence and copies of reports shall be submitted to the County and Bureau of Land Management (BLM).
 2. Based on consultation with RWQCB and CDFW, if permits are required for the project site, appropriate permits shall be obtained prior to disturbance of jurisdictional resources.
 3. Compensatory mitigation for impacts to unvegetated streambeds/washes shall be identified and secured prior to disturbance of the features at a minimum 1:1 ratio, or as approved by the RWQCB or CDFW. Mitigation may be either through onsite or offsite mitigation, or purchasing credits from an approved mitigation bank.
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4. The project proponent/operator shall comply with the compensatory mitigation required and proof of compliance, along with copies of permits obtained from RWQCB and/or CDFW, shall be provided to the County and BLM.
 5. A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared that outlines the compensatory mitigation in coordination with the RWQCB and CDFW.
 - a. If onsite mitigation is proposed, the HMMP shall identify those portions of the site, such as relocated drainage routes, that contain suitable characteristics (e.g., hydrology) for restoration. Determination of mitigation adequacy shall be based on comparison of the restored habitat with similar, undisturbed habitat in the site vicinity (such as upstream or downstream of the site).
 - b. The HMMP shall include remedial measures in the event that performance criteria are not met.
 - c. If mitigation is implemented off site, mitigation lands shall be comprised of similar or higher quality and preferably located in the vicinity of the site or watershed. Offsite land shall be preserved through a deed restriction or conservation easement and the HMMP shall identify an approach for funding assurance for the long-term management of the conserved land.
 - d. Copies of any coordination, permits, etc., with RWQCB and CDFW shall be provided to the County and BLM.

Implementation of Mitigation Measure MM 4.7-4 would be required. (See Section 4.7, *Geology and Soils*, for full mitigation measure text).

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-101

Impact 4.18-3: The project would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.	Potentially significant	Implement Mitigation Measures <u>MM 4.7-4 and MM 4.10-1.</u>	Less than significant
Impact 4.18: Cumulative Impacts	Potentially significant	Implement Mitigation Measures <u>MM 4.7-4 MM 4.10-1 and MM 4.14-1.</u>	Significant and Unavoidable

Section 4.2, Agriculture and Forestry Resources, Cumulative Setting, Impacts, and Mitigation Measures, Page 4.2-16

Mitigation Measures

~~No mitigation measures would be required.~~ Implement Mitigation Measure MM 4.11-1.

Level of Significance

Cumulative impacts would be less than significant.

Section 4.3, Air Quality, Impact 4.3-2, Pages 4.3-43 and 4.3-44

Mitigation Measures

Toxic Air Contaminants

None required.

Localized Pollutant Concentrations

~~None required.~~ Implement Mitigation Measures MM 4.3-1 and MM 4.3-2.

Valley Fever

MM 4.3-3: Minimize Exposure to Potential Valley Fever–Containing Dust. To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction:

1. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off site to other work locations.
2. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground.
3. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.

4. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying.
5. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a High Efficiency Particulate (HEP)-filtered air system.
6. Workers shall receive training to recognize the symptoms of Valley Fever, and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department and Bureau of Land Management (BLM) within 5 days of the training session.
7. A Valley Fever informational handout shall be provided to all onsite construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.
8. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to onsite personnel, upon request. Evidence of training shall be provided to the Kern County Planning and the ~~Bureau of Land Management (BLM)~~.

MM 4.3-4: Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.

Asbestos

None required.

Level of Significance after Mitigation

Sensitive receptor exposure to TACs, CO and asbestos would result in less than significant impacts with implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2. With implementation of Mitigation Measures MM 4.3-3 and MM 4.3-4, sensitive receptor exposure to Valley Fever would result in less than significant impacts.

Section 4.4, Biological Resources, Pages 4.4-43 and 4.4-44

Migratory Birds. Direct and indirect impacts to avian species may occur during project operation and maintenance through individual collisions with project facilities and equipment including fencing, array structures, and heavy equipment. Collisions with transmission lines would not occur due to the transmission lines for this project being buried underground. Such risks are commonplace with most human development activities. Factors that determine the risk of avian collisions with man-made structures include the size, height, and specific attributes of structures (guy wires and lighting/light attraction). Other factors include the siting in high-risk areas, frequency of inclement weather, type of development, and the species at potential risk. Such collisions can result in injury or mortality of avian species from electrocution, including in the case

of power lines. However, as noted previously, collisions with transmission lines would not occur because the lines would be buried underground. In addition, the solar array structures would be low profile, i.e., between 4 feet and 7 feet high, and site fencing would be 6 feet high. Because project facilities would be low profile and lighting would be minimized, avian collision risks during operations are expected to be minimal, resulting in a less than significant impact.

~~In order to determine if the operational phase of the project is resulting in a significant amount of avian mortality, a monitoring program would be implemented, as described in Mitigation Measure MM 4.4-9. The program would monitor avian mortality at the project site during operations and maintenance and provide quarterly reporting and adaptive management recommendations to reduce the level of avian mortality to less than significant levels.~~

Section 4.4, Biological Resources, Impact 4.4-2, Pages 4.4-58 and 4.4-59

Mitigation Measures

Implement Mitigation Measures MM 4.4-3, MM 4.4-4, and:

MM 4.4-11: The project proponent/operator shall avoid and minimize impacts to scale broom scrub and any other Desert Renewable Energy Conservation Plan (DRECP) riparian vegetation type by implementing a 200-foot avoidance buffer. The avoidance buffer can be reduced, but only after receiving approval from the Bureau of Land Management (BLM) that the permitted construction activities can be classified as a minor incursion as defined with the DRECP. Impacts within the 200-foot avoidance buffer will not be permitted without BLM approval.

MM 4.4-12: Prior to issuance of any grading or building permit, the project proponent/operator shall submit a report detailing how all identified ephemeral drainages are avoided by permanent facilities. A copy of this report shall also be provided to the Lahontan Regional Water Quality Control Board (RWQCB), the County and Bureau of Land Management (BLM). The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:

1. Avoidance of potential jurisdictional features (ephemeral drainages). This may be shown in plan form.
2. Any material/spoils generated from project activities shall be located away from jurisdictional areas and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
3. Fuel or hazardous materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and be placed generally at least 50 feet from the top of bank.
4. Any spillage of fuel or hazardous material will be stopped if it can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative will be notified.

MM 4.4-13: If potential jurisdictional features cannot be avoided, the project proponent/operator shall be subject to provisions as identified below:

1. If avoidance is not practical, prior to ground disturbance activities that could impact these aquatic features, the project proponent/operator shall file a complete Report of Waste Discharge with the RWQCB to obtain Waste Discharge Requirements and shall also consult with California Department of Fish and Wildlife (CDFW) on the need for a streambed alteration agreement. Correspondence and copies of reports shall be submitted to the County and BLM.
2. Based on consultation with RWQCB and CDFW, if permits are required for the project site, appropriate permits shall be obtained prior to disturbance of jurisdictional resources.
3. Compensatory mitigation for impacts to unvegetated streambeds/washes shall be identified and secured prior to disturbance of the features at a minimum 1:1 ratio, or as approved by the RWQCB or CDFW. Mitigation may be either through onsite or offsite mitigation, or purchasing credits from an approved mitigation bank.
4. The project proponent/operator shall comply with the compensatory mitigation required and proof of compliance, along with copies of permits obtained from RWQCB and/or CDFW, shall be provided to the County and Bureau of Land Management (BLM).
5. A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared that outlines the compensatory mitigation in coordination with the RWQCB and CDFW.
 - a. If onsite mitigation is proposed, the HMMP shall identify those portions of the site, such as relocated drainage routes, that contain suitable characteristics (e.g., hydrology) for restoration. Determination of mitigation adequacy shall be based on comparison of the restored habitat with similar, undisturbed habitat in the site vicinity (such as upstream or downstream of the site).
 - b. The HMMP shall include remedial measures in the event that performance criteria are not met.
 - c. If mitigation is implemented off site, mitigation lands shall be comprised of similar or higher quality and preferably located in the vicinity of the site or watershed. Offsite land shall be preserved through a deed restriction or conservation easement and the HMMP shall identify an approach for funding assurance for the long-term management of the conserved land.
 - d. Copies of any coordination, permits, etc., with RWQCB and CDFW shall be provided to the County and BLM.

Implementation of Mitigation Measure MM 4.7-4 would also be required. (See Section 4.7, *Geology and Soils*, for full mitigation measure text).

Level of Significance after Mitigation

With implementation of Mitigation Measures MM 4.4-3, MM 4.4-4, MM 4.4-11 through MM 4.4-13, and MM 4.7-4 impacts would be less than significant.

Section 4.6, Energy, Page 4.6-15

Operation (Long Term)

Non-renewable energy resources would be consumed during operation of the proposed project. However, the consumption of these resources would be minimal and predominantly associated with worker commute trips, operation of the energy storage system, and occasional panel washing activities. Energy use associated with long-term operational activities is summarized in **Table 4.6-5, Project Operational Energy Use**. As shown, operation of the proposed project would consume approximately 27 gallons of diesel fuel and 79 gallons of gasoline per year. In addition, the washing of solar panels is expected, and it would use approximately 1,201 gallons of water per year, which would result in the consumption of approximately 3 kWh/year of electricity. The annual energy needs to operate the energy storage system is 412.65 kWh/year (Aurora, 2020).

TABLE 4.6-5: PROJECT OPERATIONAL ELECTRICITY USAGE

Source	Annual Electricity Use (kWh)	Annual Diesel Fuel Use (gal)	Annual Gasoline Fuel Use (gal)
SCE (2017)/Kern County (2017) ^a	85,879,000,000	247,000,000	390,000,000
Operations:			
On-Road Vehicles	—	27	79
Water Conveyance	3	—	—
<u>Energy Storage System</u>	<u>412.65</u>	<u>—</u>	<u>—</u>
Renewable Energy Produced	132,032,000		

^a California Energy Commission, California Retail Fuel Outlet Annual Reporting (CEC-A15) Results, 2017. Available at: http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html. Accessed February 2019. Diesel is adjusted to account for retail (51%) and non-retail (49%) diesel sales. SOURCE: Ambient Consulting 2019

Section 4.6, Energy, Page 4.6-16

Electricity Usage

The electricity usage associated with operation of the proposed project is based on the electricity needed to pump water to the site for panel washing and other maintenance activities. The calculated volume of water required was then multiplied by an electricity intensity factor of 2,117 kWh per million gallons, based on CalEEMod defaults for southern Kern County. As summarized in **Table 4.6-5, Project Operational Electricity Usage**, 3 kwh/year. In addition, the annual energy needs to operate the energy storage system is 412.65 kWh/year (Aurora Solar, 2020). For

comparison, the average U.S. residential customer uses approximately 10,972 kWh/year (U.S. Energy Information Administration, 2019). Thus, the amount of energy needed annually to operate the energy storage system would amount to 3.8 percent of the annual energy used for a single residence. This amount is nominal and would primarily be provided by renewable energy sources. The battery storage system will have an emergency power supply provided by a gas generator. In unusual circumstances during operation, the gas generator is needed to provide an uninterrupted power supply to ramp the facility down safely and to maintain the remote monitoring and control system. This backup power supply would rarely operate and would be needed only when there is a complete outage at the Manzana substation.

Section 4.18, Wildfire, Impact 4.4-2, Page 4.18-11

Mitigation Measures

Implementation of Mitigation Measures MM 4.7-4 and MM 4.10-1 would be required.

Level of Significance after Mitigation

With implementation of Mitigation Measures MM 4.7-4 and MM 4.10-1, impacts would be less than significant.

Chapter 10, Bibliography

Aurora Solar, 2020. Energy Storage Electricity Usage Estimate for the Camino Solar Project. May 2020.

U.S. Energy Information Administration, 2019. Frequently Asked Questions, How Much Electricity Does an American Home Use?, Accessed at: <https://www.eia.gov/tools/faqs/faq.php?id=97&t=3>. Accessed on April 21, 2020.

7.3 Response to Comments

A list of agencies and interested parties who have commented on the Draft EIR/EA is provided below. A copy of each numbered comment letter and a lettered response to each comment are provided following this list.

- **Federal Agencies**
 - Letter 1: United States Environmental Protection Agency (March 16, 2020)
- **State Agencies**
 - Letter 2: California Department of Toxic Substances Control (February 25, 2020)
 - Letter 3: California Department of Conservation, Geologic Energy Management Division (March 2, 2020)
 - Letter 4: Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (April 1, 2020)
 - Letter 5: Lahontan Regional Water Quality Control Board (March 24, 2020)
- **Local Agencies**
 - Letter 6: Eastern Kern Air Pollution Control District (February 20, 2020)
 - Letter 7: Kern County Fire Department (March 18, 2020)
 - Letter 8: Mojave Air and Space Port (March 25, 2020)
- **Interested Parties**
 - Letter 9: Pacific Crest Trail Association (March 10, 2020)
 - Letter 10: Richard Spotts (March 16, 2020)
 - Letter 11: Kern Audubon Society (March 26, 2020)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 16, 2020

Paul Rodriquez
Bureau of Land Management - Ridgecrest Field Office
300 South Richmond Road
Ridgecrest, California 93555

Subject: Draft Environmental Assessment/Environmental Impact Report for the Camino Solar Project, Kern County, California

Dear Mr. Rodriquez:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA appreciates the BLM’s commitment to coordination throughout the NEPA process. The EPA submitted scoping comments on July 12, 2018. The EPA recognizes this project is proposed in a Development Focus Area pursuant to the Desert Renewable Energy Conservation Plan (DRECP) and that the project will comply with the Conservation Management Actions (CMAs). We support the full implementation of the CMAs to ensure project impacts are minimized and the Reduced Acreage Alternative to avoid disturbance of the 4.4 acres of California Juniper Woodlands located on-site.

Notwithstanding these positive aspects of the proposed project, the EPA has concerns about potential direct, indirect and cumulative impacts to air quality, site hydrology, groundwater, and cultural resources. As discussed in our attached detailed comments, the EPA recommends further analysis with supporting documentation and additional minimization or mitigation measures to support a “Finding of No Significant Impact” for this project in the Final EA/EIR.

The EPA appreciates the opportunity to review this Draft EA/EIR. When the Final EA/EIR and/or other environmental analysis is released for public review, please send one copy to the address above (mail code: TIP-2). If you have any questions, please contact me at (415) 947-4167, or Tom Plenys, the lead reviewer for this project, at 415-972-3238 or plenys.thomas@epa.gov.

Sincerely,

JEAN
PRIJATEL
Digitally signed
by JEAN PRIJATEL
Date: 2020.03.16
10:28:25 -07'00'

Jean Prijatel, Manager
Environmental Review Branch

Cc (via email): Janice Mayes, Kern County Planning and Natural Resources Department
Glen Stephens, Eastern Kern Air Pollution Control District
Julie Vance, California Department of Fish and Wildlife
Ray Bransfield, US Fish and Wildlife Service

1-A

USEPA DETAILED COMMENTS ON THE CAMINO SOLAR PROJECT, DRAFT ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT REPORT, KERN COUNTY, CALIFORNIA – MARCH 16, 2020

Air Quality

The proposed project is located in a serious federal non-attainment area for ozone (p. 11-8). Estimates show that project construction would exceed Eastern Kern Air Pollution Control District thresholds for PM₁₀ even after incorporating proposed mitigation measures (p. 4.3-34). The Draft EA/EIR also indicates that on-site workers are at risk for contracting Valley Fever from fugitive dust.

Due to these potential air quality and health impacts, which may be intensified by the concurrent construction of other reasonably foreseeable development projects within the area, the EPA supports incorporating stringent mitigation strategies to reduce vehicular and equipment emissions as well as fugitive dust. We note that MM 4.3-3 would require Tier 3 engines for off-road equipment, if available. The BLM has recommended the usage of Tier 4 engines for recently proposed solar projects in the Riverside East Solar Energy Zone. The BLM conducted a survey for the Crimson Solar Project Draft Environmental Impact Statement to confirm the availability of Tier 4 engines for future project construction and found 85% of off-road equipment could meet Tier 4 standards. In light of the project area’s compromised air quality, we support the usage of Tier 4 engines for this project as well. The Crimson Solar Draft EIS also included a commitment to limit idling on-site to two minutes for off-road equipment, further reducing emissions beyond California’s five-minute maximum idling requirement. We recommend the BLM include these additional mitigation strategies for this project and include as conditions of certification in the Final EA/EIR.

While we note that a Dust Control Plan will be developed by the applicant in the future, we recommend the BLM consider requiring the installation of real-time PM₁₀ dust monitoring equipment, like that installed at other BLM solar facilities (e.g. Desert Sunlight), to monitor dust during both the construction and operational phases of the project. Such monitoring could help support the assertion in the Draft EIR/EA that dust caused by project activities would be confined to the project site areas and would not cumulatively interact with dust generated from other projects farther away (p. 11-10). If a decision is made not to install such equipment, discuss, in the Final EA/EIR, what type of field monitoring (e.g. mitigation measure for BLM’s Palen project) would be conducted and clarify how the BLM would ensure that performance standards are met.

The EPA commends the BLM for incorporating quantified emissions estimates for reasonably foreseeable projects as part of the cumulative air quality analysis (p.4.3-45). We note that should concurrent construction occur for these projects, EKAPCD annual thresholds would be far exceeded for NO_x and PM. The Draft EA/EIR indicates that “cumulative impacts would be significant with respect to localized construction emissions and would interfere with attainment of applicable air quality standards during construction activities” (p. 4.3-45).

Recommendations:

- Consider including, in the Final EA/EIS, a commitment to consult with the EKAPCD, prior to commencement of construction, on a phased construction approach considering the multiple projects in close vicinity that may undergo construction at the same time.
- To further reduce indirect and cumulative impacts, we recommend that on-highway vehicles used for this project should meet, or exceed, the US EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., long-haul

1-B
1-C
1-D

trucks, refuse haulers, shuttle buses, etc.).¹ The EPA encourages the BLM to include in the Final EA/EIR contractor selection criteria that would give preference to contractors using fleets meeting the above standards.

- Based on the evaluation of cumulative emissions, if additional mitigation measures or reductions in acreages of soil disturbance would be needed, or if the project would affect the ability of other foreseeable projects to be permitted, discuss this in the Final EA/EIR.

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1-D

Site Hydrology, Ephemeral Drainages and Site Preparation

The Draft EA/EIR does not provide acreage estimates for areas that would be graded, mowed and rolled or left undisturbed for each alternative. The Draft EA/EIR also indicates that the project would substantially alter the existing drainage patterns of the site (p. 4.10-17). The EPA has concerns that grubbing and grading or mowing and rolling could disrupt natural flows on site and result in impacts to site drainage, vegetation and ephemeral washes without commensurate benefit to soil stability.

The Draft EA/EIR identifies four linear drainages that were delineated on the BLM portion of the site (p. 4.4-29) and indicates that such waters would be avoided if feasible (p. 4.4-29 and 11-14). MM 4.4-13 does not clarify how this feasibility determination will be made.

The BLM’s Crimson Solar Draft EIS proposed ‘Design Elements’ (DE) to reduce soil disturbance and preserve the site’s natural hydrology; several of these elements could be incorporated into the Camino Solar project to reduce impacts. Specifically, we recommend: using a track-mounted pile driver for solar array support structure installation which would limit soil disturbance to the areas under the two 12- to 18-inch wide tracks with a 4-foot space between the tracks; using only hand techniques to trim vegetation greater than 18 inches; and mounting inverters and transformers on steel skids and piers to allow for soils underneath to remain pervious. The EPA recommends that these measures be incorporated under the preferred alternative and be included as conditions of certification in the Final EA/EIR. Additional recommendations are stated below.

1-E

Recommendations:

- Quantify the acreage of the site that will be graded versus mowed and rolled versus left undisturbed. We recommend use of pile driving equipment and trimming, as described above, to the greatest extent feasible to preserve site hydrology, minimize soil disruption, and limit fugitive dust.
- Discuss in further detail, in Section 4.10, whether and where check dams, retention basins, fabrics, sediment basins or traps would be used to direct surface flow, control peak run off conditions, and how such features would affect upstream and downstream hydrological conditions.
- Confirm the use of at-grade or Arizona crossings wherever possible, to maximize avoidance and minimization of impacts to the washes.
- Describe how adaptive management would be used to manage erosion within the project area. Identify the criteria that would be used to evaluate the effectiveness of erosion and sedimentation control measures.
- Include an update on consultation with California Department of Fish and Wildlife, and the extent to which all four identified linear drainages can be fully avoided. In addition to avoiding these drainages, we recommend ensuring adequate buffers around all on-site drainages.

¹ <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

Flood Hazards

The project is located within Flood Zone “X”, areas of minimal flooding and no standing water (p. 11-27). According to MM 4.10-1, prior to issuance of a grading permit, the project proponent shall complete a final hydrologic study and drainage plan which would model drainage conditions during storm events ranging up to the 100-year event. Planning based on the 100-year flood event may not be sufficient to both protect the project and avoid environmental impacts. The Federal Emergency Management Agency, in its guidance document “Further Advice on Executive Order 11988 – Floodplain Management”, states that “in light of increasing flood damages occurring outside of the designated 100-year floodplain, it may be appropriate to consider using a higher flood standard for proposed activities which are funded, either directly or indirectly, by the federal government.”² FEMA also identifies Power Generating Stations as possible critical facilities.³

Recommendations:

- Consider, in the Final EA/EIR, the impacts of changing precipitation patterns on the project as part of its analysis of impacts to water resources. Discuss the anticipated extent and depth of overland flows through the development areas given a 500-year flood event, as compared to a 100-year event. Identify design considerations needed to accommodate future anticipated effects (e.g. increased intensity and severity of storms) such as upsizing the stormwater and retention pond system.
- Confirm, in the Final EA/EIS, whether all substations, switchyards, and buildings areas are outside of the 500-year floodplain – consistent with FEMA guidance – and describe how essential equipment would be protected from flooding. Identify if battery systems and inverters will be elevated in areas with overland flows and if solar panels can be elevated above the 100-year flood depth.

1-F

Groundwater and Water Supply

Construction of the proposed project would require 200 acre-feet of water over an eight-month period. Water would be sourced from off-site wells or by water delivery trucks (p. 4.10-16). During operations, water requirements would drop to 5 acre-feet per year.

The Draft EA/EIR explains that due to existing overdraft conditions within the Antelope Valley groundwater basin, any use of onsite groundwater would potentially contribute to existing overdraft conditions. However, groundwater levels in the Willows Springs subbasin, where the project is located, are understood to be rising, indicating that localized overdraft is recovering (p. 4.10-16). The EPA has concerns regarding the potential cumulative impacts to the groundwater basin should multiple projects draw from the underlying basin.

Recommendations:

- Quantify, in Section 4.10, the combined water use, by year, from reasonably foreseeable projects projected to draw from the underlying groundwater basins. The BLM’s Desert Quartzite EIS contains an example of such an analysis.
- Clarify, in the Final EA/EIR, how an individual project’s responsibility will be determined if multiple projects are drawing from the Antelope Valley groundwater basin and groundwater resources in the basins become overextended to the point that curtailment is necessary.

1-G

² Federal Emergency Management Agency, 1987, *Further Advice on Executive Order 11988 Floodplain Management*. Available: <https://www.fema.gov/media-library/assets/documents/3430>, https://www.gsa.gov/cdnstatic/Advice_EO11988.pdf

³ FEMA Fact Sheet “Critical Facilities and Higher Standards”. Available: https://www.fema.gov/media-library-data/1436818953164-4f8f6fc191d26a924f67911c5eaa6848/FPM_1_Page_CriticalFacilities.pdf

- Consider eliminating or reducing panel washing in the Final EA/EIR. Our understanding is that some solar operators have found minimal efficiency losses by not washing the panels which are outweighed by the significant financial savings from not having to purchase water.

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1-G

Battery Storage

The Draft EA/EIR indicates that the project would include an energy storage facility comprised of a series of batteries to store power (p. 3-15). We recommend the Final EA/EIR include an analysis of the potential energy needs of the energy storage facility itself (e.g. separate generator for HVAC), a discussion of whether such needs can be met by energy generated on site by the solar facility, and updated air emission estimates for the project, as needed.

1-H

Biological Resources

The EPA recognizes the proposed project would be collocated with an existing wind farm. We recommend that the BLM consult with the California Department of Fish and Wildlife and the US Fish and Wildlife Service to determine a monitoring and mitigation protocol should the solar facility attract avian species and result in increased avian mortality. Include a summary of the consultation and the recommended approach in the Final EA/EIR.

1-I

Cultural Resources and Tribal Consultation

The EPA recommends that the Final EA/EIR describes the final outcome of tribal consultation between the BLM and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed.

1-J

Response to Comment Letter 1: United States Environmental Protection Agency (March 16, 2020)

- 1-A:** The comment confirms receipt of the Camino Solar Draft EIR/EA and thanks the Bureau of Land Management (BLM) for commitment to coordination throughout the National Environmental Policy Act (NEPA) process. The commenter expresses support for the full implementation of the Desert Renewable Energy Conservation Plan (DRECP) Conservation Management Actions (CMAs) to ensure project impacts are minimized and the Reduced Acreage Alternative to avoid disturbance of the 4.4 acres of California Juniper Woodlands located onsite. However, the commenter also states concern regarding potential impacts to air quality, site hydrology, groundwater, and cultural resources. These concerns are addressed in Responses to Comments 1-B through 1-J, below. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record.
- 1-B:** The comment requests that BLM require the use of Tier 4 engines and to limit idling to 2 minutes to further reduce project air pollutant emissions. As stated in Draft EIR/EA Chapter 11, *Environmental Assessment*, Section 11.5, the project is located in a serious non-attainment area for ozone; therefore, the project and alternatives would be subject to the general conformity regulations if emissions of ozone precursors exceed *de minimis* levels of 50 tons per year for reactive organic gases (ROG) and 50 tons per year for nitrogen oxides (NO_x). As shown in Table 11-2, *Estimated Annual Project Emissions*, ROG and NO_x emissions generated by project-related construction and operation activities would not exceed the applicable General Conformity *de minimis* levels of these non-attainment pollutants. Therefore, mitigation is not required to reduce project air emissions below the applicable *de minimis* levels. Rather, Mitigation Measures MM 4.3-1 through MM 4.3-4 were prescribed to the project to reduce potential Valley Fever exposure and to comply with Eastern Kern Air Pollution Control District (EKAPCD) rules and regulations to reduce fugitive dust emissions. The requirement for more stringent mitigation is not warranted and no changes to Mitigation Measure MM 4.4-3 are needed. The availability of Tier 4 equipment increases each year following the U.S. Environmental Protection Agency's phase implementation plans. Therefore, it can be assumed that some of the equipment used for the Camino Solar project will be Tier 4 because of market availability at the time of construction. The Applicant will use Tier 4 equipment as available, but using only Tier 4 equipment for the entirety of the project may not be feasible due to equipment shortages. Solar construction requires specialized equipment (i.e., cable trenchers or pile drivers), and there may be limitations on equipment availability given the forecasted solar development in Southern California. The suggested 2-minute idling time would be infeasible to implement on all off-road equipment because it is difficult and inefficient to repeatedly stop and restart large equipment engines that would be used for construction of the project. Idling times for off-road equipment will be limited to a maximum of 5 minutes, in compliance with the State of California's requirements; additional mitigation is not needed. The comment has been noted for the record.
- 1-C:** The comment requests that BLM consider requiring the installation of real-time PM₁₀ dust monitoring equipment. As noted in the Draft EIR/EA in Chapter 11, *Environmental Assessment*, Section 11.5, the project is located within the jurisdiction of the EKAPCD, which is responsible for local implementation of both state and federal air quality requirements. Enforcement of performance standards is the responsibility of the EKAPCD. Recognizing the extensive development of solar energy generating facilities in the area, the EKAPCD has established

guidance specifically for such facilities, which will be implemented for the proposed project. Pursuant to District Rule 402 (Fugitive Dust), the project will prepare a Fugitive Dust Control Plan for EKAPCD approval prior to the issuance of an Authority to Construct/Permit to Operate (ATC/PTO) from EKAPCD. As required in Mitigation Measure MM 4.3-2, the Fugitive Dust Control Plan must include all EKAPCD-recommended measures, and it will also be reviewed by the Kern County Planning and Natural Resources Department and the BLM. In addition, as part of EKAPCD's requirements for issuing an ATC/PTO, a Fugitive Dust Emission Monitoring Plan will be submitted to the EKAPCD, and will include PM₁₀ monitoring. Per the EKAPCD, PM₁₀ monitoring may be achieved either through instrumentation installed onsite at upwind and downwind locations, or through alternative means. The methodology for monitoring PM₁₀ emissions at the proposed project will be determined prior to construction but has not been finalized at this time. The comment does not identify any new significant impacts that require mitigation, thus no change is required for the Draft EIR/EA.

1-D: The comment recommends including a commitment to consult with EKAPCD prior to construction concerning a phased construction approach in consideration of multiple projects in close vicinity that may undergo construction at the same time. The comment also recommends that on-highway vehicles used for this project meet, or exceed, the U.S. Environmental Protection Agency exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines. Lastly, this comment recommends that additional discussion be added to the Final EIR/EA if additional mitigation measures or reductions in acreages of soil disturbance would be needed, or if the project would affect the ability of other foreseeable projects to be permitted. Camino Solar's in-service date is dictated by the grid operator and under its power-purchase agreement. Therefore, it would not be feasible to change the construction schedule based on the development plans of unrelated projects. As noted in the EIR/EA, the project is located within the jurisdiction of EKAPCD, which is responsible for local implementation of both state and federal air quality requirements. Prior to construction, the Applicant will be required to obtain an ATC/PTO from EKAPCD, and would follow any additional measures that EKAPCD may be required in addition to the measures required by Mitigation Measures MM 4.3-1 and MM 4.3-2. This comment has been noted for the record.

1-E: This comment states that the Draft EIR/EA does not provide acreage estimates for areas that would be graded, mowed, and rolled or left undisturbed for each alternative, and recommends measures to mitigate impacts to existing drainage patterns and natural drainages at the project site. As stated in Chapter 3, *Project Description*, site preparation would involve the removal and proper disposal of existing vegetation and debris that would unduly interfere with project construction or the health and safety of onsite personnel. Dust minimizing techniques would be employed, such as maintaining natural vegetation where possible, using "mow-and-roll" vegetation clearance strategy, placement of wind control fencing, application of water, and application of dust suppressants. Conventional grading would be performed throughout the project site but minimized to the maximum extent possible to reduce unnecessary soil movement that may result in dust. For the purposes of the Draft EIR/EA analysis presented in Chapter 11, it was assumed that conventional grading would occur throughout the 383-acre project site for Alternative A-Proposed Action. For Alternative B—Reduced Acreage Alternative, it was assumed that conventional grading would occur throughout the 378.6-acre site, and Alternative C-No Action alternative would result in no grading or other ground disturbance. As described in Section 4.10, *Hydrology and Water Quality*, page 4.10-17, natural flows through the project site occur as sheetflow and in one

small wash that loses definition and returns to sheetflow. The Draft EIR/EA explains that changes in drainage patterns at the site will result from the project, and explains that “offsite flow that enters the site would continue to flow south through the site much as it does currently” (page 4.10-17). However, grading, stormwater controls, and retention basins do have the potential to cause significant impacts to drainage patterns. The Draft EIR/EA concludes that, with implementation of Mitigation Measure MM 4.10-1, the impacts are less than significant. Mitigation Measure MM 4.10-1 requires the preparation of a final drainage plan to evaluate and minimize potential increases in runoff from the project site. The plan will be prepared according to the Kern County Grading Code and Kern County Development Standards, and will be approved by the Kern County Public Works Department and BLM before grading permits are issued. In addition, Mitigation Measure MM 4.7-4 requires preparation of a Soil Erosion and Sedimentation Control Plan, which would be approved by the Kern County Public Works Department and the BLM before grading, construction, and demolition activities. The Soil Erosion and Sedimentation Control Plan would include Best Management Practices (BMPs) to minimize soil erosion consistent with Kern County grading requirements and Regional Water Quality Control Board (RWQCB) requirements for preparation of a Stormwater Pollution Prevention Plan; it would also include provisions to maintain flow in washes, should it occur, throughout construction, and long-term monitoring (after construction) of erosion control measures until site stabilization is achieved. The erosion-related concerns raised by the commenter would be addressed through these mitigation measures, and no change is required to the EIR/EA or mitigation.

As discussed in the Draft EIR/EA and required by Mitigation Measures MM 4.4-12 and MM 4.4-13, the project would avoid ephemeral drainages and other jurisdictional features, if feasible, and would minimize and mitigate impacts if jurisdictional features cannot be avoided. Per Mitigation Measure MM 4.4-12, the project proponent/operator will provide California Department of Fish and Wildlife (CDFW) and the Lahontan RWQCB with a report that details how ephemeral drainages will be avoided by permanent facilities—or, per Mitigation Measure MM 4.4-13, if avoidance is not feasible, the project proponent/operator will obtain all required permits and approvals from the RWQCB and CDFW for impacts to jurisdictional features, and prepare a habitat mitigation and monitoring plan that outlines compensatory mitigation and includes remedial measures if performance criteria are not met. No change is required to the EIR/EA or Mitigation Measure MM 4.4-13 to define whether it is feasible for the project to avoid jurisdictional features, because this term is defined in CEQA and the CEQA Guidelines. (See Cal. Code Regs., Title 14, Section 15364 “Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”) The extent to which drainages can be avoided will be confirmed during final engineering and updated field studies, which would occur following approval of a project alternative. The comment does not identify any new significant impacts that require mitigation, thus no change is required to the Draft EIR/EA. This comment has been noted for the record.

- 1-F:** The comment suggests that planning for the 100-year flood event may not be sufficient to reduce impacts related to flooding and recommends considering the 500-year storm event for planning. As discussed in Draft EIR/EA Section 4.10, *Hydrology and Water Quality*, on page 4.10-3, the entire site is located in an area mapped by the Federal Emergency Management Agency (FEMA) as having a minimal flood hazard (Zone X) and is not identified as being within the 500-year flood hazard area. The drainage report required by Mitigation Measure MM 4.10-1 would be required to be consistent with Kern County Public Works Department and BLM requirements and would be

required to take into account changing precipitation patterns. The Drainage Plan must also include measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding onsite or offsite. Critical facilities, including the substation, switchyards, and buildings, have already been constructed as part of the existing Manzanita Wind Project. All other critical facilities, such as the battery storage facility, would be constructed at an elevation that is outside calculated flood hazard level with at least an additional 1-foot clearance in accordance with County requirements. The recommendations made in the comment are appreciated and will be considered in the final design plans.

- 1-G:** The comment states concerns regarding potential cumulative impacts to the groundwater basin water supplies. As stated in Draft EIR/EA Section 4.10, *Hydrology and Water Quality*, on page 4.10-16, the Antelope Valley Groundwater Basin is adjudicated, and all current and future projects would be required to ensure that operational water requirements would not exceed the amount of annual pumping as authorized in the adjudication judgment. If the adjudication judgment does not allow for pumping in the amount required for any of the cumulative projects, the project proponent and/or contractor would enter into an agreement with the watermaster and other groundwater rights holders to accommodate the project's annual operational water requirements. In addition, water supply management strategies that have been in place recently suggest that water supply availability in the Antelope Valley region have improved, with estimated groundwater extractions in 2016 coming in at 96,005 acre-feet per year (AFY), well within the calculated total safe yield of 110,000 AFY of the basin. Like the proposed project, other solar projects have their greatest water demand over the short-term construction period, which is followed by relatively low annual demands. Since these projects would vary in their timing and peak water demands, along with their requirement to adhere to the watermaster authorizations for pumping, the potential cumulative impact would be less than significant. However, the recommendation for consideration of reduced operational solar panel cleaning is acknowledged and will be considered by decision makers.
- 1-H:** The comment recommends that the Final EIR/EA include an analysis of the potential energy needs of the energy storage facility itself (e.g., separate generator for Heating, Ventilation, and Air Conditioning [HVAC]), a discussion of whether such needs can be met by energy generated onsite by the solar facility, and updated air emission estimates for the project, as needed. Station service for the battery storage system and for the operation of the control system and HVAC would be provided by a stepdown transformer at the Manzanita substation. Therefore, station service needs could be met from energy generated at the Manzanita Wind facility, Camino Solar facility, or from the grid. The annual energy needs to operate the energy storage system is 412.65 kWh/year (Aurora Solar, 2020). For comparison, the average U.S. residential customer uses approximately 10,972 kWh/year (U.S. Energy Information Administration, 2019). Thus, the amount of energy needed annually to operate the energy storage system would amount to 3.8 percent of the annual energy used for a single residence. This amount is nominal and would primarily be provided by renewable energy sources. The battery storage system will have an emergency power supply provided by a gas generator. In unusual circumstances during operation, the gas generator is needed to provide an uninterrupted power supply to ramp the facility down safely and to maintain the remote monitoring and control system. The backup power supply would rarely operate and would be needed only when there is a complete outage at the Manzanita substation. Therefore, emissions resulting from operation of the energy storage system would not be substantial, and there is no need

to update the air emission estimate. In response to this comment, pages 4.6-15 and 4.6-16 of the Draft EIR/EA have been revised as follows:

Section 4.6, Energy, Page 4.6-15:

Operation (Long Term)

Non-renewable energy resources would be consumed during operation of the proposed project. However, the consumption of these resources would be minimal and predominantly associated with worker commute trips, operation of the energy storage system, and occasional panel washing activities. Energy use associated with long-term operational activities is summarized in **Table 4.6-5, Project Operational Energy Use**. As shown, operation of the proposed project would consume approximately 27 gallons of diesel fuel and 79 gallons of gasoline per year. In addition, the washing of solar panels is expected, and it would use approximately 1,201 gallons of water per year, which would result in the consumption of approximately 3 kWh/year of electricity. The annual energy needs to operate the energy storage system is 412.65 kWh/year (Aurora Solar, 2020).

TABLE 4.6-5: PROJECT OPERATIONAL ELECTRICITY USAGE

Source	Annual Electricity Use (kWh)	Annual Diesel Fuel Use (gal)	Annual Gasoline Fuel Use (gal)
SCE (2017)/Kern County (2017) ^a	85,879,000,000	247,000,000	390,000,000
Operations:			
On-Road Vehicles	—	27	79
Water Conveyance	3	—	—
<u>Energy Storage System</u>	<u>412.65</u>	—	—
Renewable Energy Produced	132,032,000		

^a California Energy Commission, California Retail Fuel Outlet Annual Reporting (CEC-A15) Results, 2017. Available at: http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html. Accessed February 2019. Diesel is adjusted to account for retail (51%) and non-retail (49%) diesel sales.

SOURCE: Ambient Consulting 2019

Section 4.6, Energy, Page 4.6-16:

Electricity Usage

The electricity usage associated with operation of the proposed project is based on the electricity needed to pump water to the site for panel washing and other maintenance activities. The calculated volume of water required was then multiplied by an electricity intensity factor of 2,117 kWh per million gallons, based on CalEEMod defaults for southern Kern County. As summarized in Table 4.6-5, *Project Operational Electricity Usage*, 3 kWh/year. In addition, the annual energy needs to operate the energy storage

system is 412.65 kWh/year (Aurora Solar, 2020). For comparison, the average U.S. residential customer uses approximately 10,972 kWh/year (U.S. Energy Information Administration, 2019). Thus, the amount of energy needed annually to operate the energy storage system would amount to 3.8 percent of the annual energy used for a single residence. This amount is nominal and would primarily be provided by renewable energy sources. The battery storage system will have an emergency power supply provided by a gas generator. In unusual circumstances during operation, the gas generator is needed to provide an uninterrupted power supply to ramp the facility down safely and to maintain the remote monitoring and control system. This backup power supply would rarely operate and would be needed only when there is a complete outage at the Manzana substation.

1-I: The comment recommends that the BLM consult with the CDFW and the United States Fish and Wildlife Service (USFWS) to determine the monitoring and mitigation protocol, should the solar facility attract avian species and result in increased avian mortality. As described in Draft EIR/EA Section 4.4, *Biological Resources*, direct and indirect impacts to avian species may occur during project operation and maintenance through individual collisions with project facilities and equipment, including fencing, array structures, and heavy equipment. To determine if the operational phase of the project is resulting in a significant amount of avian mortality, a monitoring program would be implemented, as described in Mitigation Measure MM 4.4-9, in consultation with the CDFW and the USFWS. The program would monitor avian mortality at the project site during operations and maintenance and provide quarterly reporting and adaptive management recommendations to reduce the level of avian mortality to less than significant levels. Therefore, the proposed project would comply with the commenters recommendation. The comment has been noted for the record, and revisions are not necessary.

1-J: The comment recommends that the Final EIR/EA describe the final outcome of tribal consultation between the BLM and each of the tribal governments within the project area. The BLM has conducted extended Tribal Consultations since 2009 with five Tribes and four Tribal communities regarding any possible effects to important and significant Tribal resources that might be caused by the approval of this undertaking. The initial communications and collaboration regarding this undertaking was conducted by the BLM in June 2009. Formal invitation letters were submitted to the Kern Valley Indian Council, the Tubatulabals of the Kern Valley, the Nuui Cunni Interpretative Center operated by the Kern River Paiute Tribe, and the Monache Inter-Tribal Council. There were also follow-up contacts made in January 2011 and June 2013 to these Tribal communities.

The BLM also submitted letters to five Tribes in April of 2013. These five Tribes are: The Bishop Paiute Tribe, the Big Pine Paiute Tribe, the Ft. Independence Paiute Tribe, the Lone Pine Paiute-Shoshone Tribe, and the Timbisha Shoshone Tribe. These Tribes were apprised of the project's details and were invited to provide BLM with any comments or concerns regarding whether any cultural resources or Traditional Cultural Properties important to them would be affected by the proposed undertaking.

Renewed Tribal consultation and communications were again conducted by the BLM in January 2016 with these same five Tribes and four Tribal communities. Information regarding the new photovoltaic project was provided to them at that time, and in September 2019, a renewed request to share any concerns or cultural resource issues with the BLM was submitted to this group.

As a result of this extended consultation and outreach with knowledgeable Tribes and communities in the region, there has been no responses received during the past 10 years that contained any concerns or that identified any sensitive resource or location to the BLM that needed to be addressed prior to the approval of this undertaking. The BLM will continue to consult and communicate with these Tribes and communities as this undertaking is implemented in the coming years to ensure that their concerns or questions are adequately addressed. Therefore, the proposed project would comply with the commenters recommendation. The comment has been noted for the record, and revisions are not necessary.



Department of Toxic Substances Control

Jared Blumenfeld
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February 25, 2020

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Bakersfield, California 93301-2323

**DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR CAMINO SOLAR
PROJECT BY AURORA SOLAR, LLC; (AVANGRID RENEWABLES, LLC) –
DATED FEBRUARY 2020 (STATE CLEARINGHOUSE NUMBER: 2018061031)**

Dear Ms. Mayes:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for Camino Solar Project by Aurora Solar, LLC; (Avangrid Renewables, LLC). The project proponent is requesting a Conditional Use Permit to allow the construction and operation of a solar photovoltaic electrical generating facility (Section 19.12.030. G) in an Exclusive Agricultural (A) and Open Space (OS) District. Permanent facilities would include solar panels; service roads; on-site battery storage systems, communication cables, overhead and underground transmission lines and electrical switchyards, and inverters and transformers on approximately 3.83 acres of private and public lands. Private lands comprise 150 acres and Bureau of Land Management Public Lands comprise 233 acres of the project.

2-A

DTSC recommends that the following issues be evaluated in the EIR Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of

2-B

2-C

lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).

2-C

3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).

2-D

4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

2-E

DTSC appreciates the opportunity to review the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

Cc: (see next page)

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Response to Comment Letter 2: Department of Toxic Substances Control (February 25, 2020)

- 2-A:** The comment states the California Department of Toxic Substances Control (DTSC) received a copy of the Draft EIR/EA in its entirety, which included a Notice of Availability. The commenter provides a brief summary of the proposed project and the permanent facilities that would be installed with project implementation. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record.
- 2-B:** The comment suggests that the EIR/EA analyze the potential for historic or future releases of hazardous materials to the subsurface. As described in Draft EIR/EA Section 4.9, *Hazards and Hazardous Materials*, on page 4.9-3, historic land uses have been limited to grazing and as a result there is a very low likelihood of encountering legacy contaminants. In addition, as described therein, a Phase I Environmental Site Assessment was conducted for the project site and did not find any historical recognized conditions. Furthermore, the potential for future releases of hazardous materials due to project construction or operation were addressed in Impact 4.9-2 on Draft EIR/EA page 4.9-19. As mentioned in the analysis for that issue, the project would implement BMPs during construction that minimize the potential for any release and operational uses of hazardous materials would be controlled by implementation of the Hazardous Materials Business Plan (HMBP) required by Mitigation Measure MM 4.9-1. The HMBP would require approval by Kern County Planning and Natural Resources Department and the BLM. It is acknowledged that any releases that might occur, would require notification to the Kern County Planning and Natural Resources Department and BLM to provide oversight, which would be included as part of the HMBP.
- 2-C:** The comment recommends that the EIR/EA consider the potential hazardous materials that might be released during demolition of onsite structures. The commenter states that removal, demolition, or disposal of lead-based paints, mercury, asbestos containing materials, and polychlorinated biphenyl caulk, should be conducted in compliance with California environmental regulations and policies. Demolition of existing structures is not proposed as part of the project. In addition, as discussed in Draft EIR/EA Section 4.9, *Hazards and Hazardous Materials*, Mitigation Measure MM 4.9-1 would be implemented and would require that procedures be adhered to, in the event of hazardous material encounters, to comply with California environmental regulations, and which would be approved by the Kern County Planning and Natural Resources Department and BLM. Therefore, the proposed project would comply with the commenters recommendation. The comment has been noted for the record, and revisions are not necessary.
- 2-D:** The comment recommends that the EIR/EA consider the impact of potentially contaminated soil to backfill any excavated areas. As discussed in Chapter 3, *Project Description*, of the Draft EIR/EA, the proposed project would not require any import or export of soil to backfill excavated areas and, thus, backfilling with contaminated soil would not pose a potential impact with implementation of the proposed project. The comment has been noted for the record, and revisions to the Draft EIR/EA are not necessary.
- 2-E:** The comment suggests that any areas of the site that were used for agriculture or weed abatement should be evaluated for potential pesticides in the surface soils. As stated in Draft EIR/EA Section 4.9, *Hazards and Hazardous Materials*, on page 4.9-3, the project site's prior agricultural use has been identified as being used for grazing rather than cropland, and as a result, there would

have been no need for the use of pesticides or insecticides. The findings of the Phase I Environmental Site Assessment also did not identify a potential for encountering pesticides as a potential recognized condition after reviewing site records and historical aerial photographs. Therefore, there does not appear to be any evidence to warrant the need to implement the referenced measures in the comment.



Gavin Newsom, Governor
David Shabazian, Director
801 K Street, MS 18-05
Sacramento, CA 95814
T: (916) 445-9686

03/02/2020

Janice Mayes
2700 M Street, Suite 100, Bakersfield, CA 93301, USA

Construction Site Well Review (CSWR) ID: 1011816

Assessor Parcel Number(s): 47606109, 47605209, 47611003, 47611004, 47611014, 47611016,
47613011, 47613002, 47613003, 47613004, 47613010, 47613012, 47613013, 47613014, 47613017,
47613018, 47606204, 47611019

Property Owner(s): Aurora Solar, LLC

Project Location Address: Approx. 12 miles south of Tehachapi, and Approx. 16 miles NW of
Rosamond, Rosamond, California, 93560

Project Title: Camino Solar Project, CUP No. 7, Map No. 216

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a
previously plugged and abandoned well will be impacted by planned property development or
construction activities. Local permitting agencies, property owners, and/or developers should be aware
of, and fully understand, that significant and potentially dangerous issues may be associated with
development near oil, gas, and geothermal wells.

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above
referenced project dated 2/28/2020. To assist local permitting agencies, property owners, and
developers in making wise land use decisions regarding potential development near oil, gas, or
geothermal wells, the Division provides the following well evaluation.

The project is located in County, within the boundaries of the following fields:

Our records indicate there are 0 known oil or gas wells located within the project boundary as
identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and
Projected to Be Built Over or Have Future Access Impeded by this project: 0
• Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and
Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
• Number of wells Abandoned to Current Division Requirements as Prescribed by Law and
Projected to Be Built Over or Have Future Access Impeded by this project: 0
• Number of wells Abandoned to Current Division Requirements as Prescribed by Law and
Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation,



3-A



California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
David Shabazian, Director
801 K Street, MS 18-05
Sacramento, CA 95814
T: (916) 445-9686

maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 326-6016 or via email at Victor.Medrano@conservation.ca.gov

Sincerely,

Cameron Campbell
District Deputy



3-A

Response to Comment Letter 3: California Department of Conservation, Geologic Energy Management Division (March 2, 2020)

- 3-A:** The comment states there are no known oil, gas, or geothermal wells located within the project boundary, and that if during development activities, any previously unknown wells are discovered, the project proponent shall immediately notify the California Department of Conservation, Geologic Energy Management Division's Inland District office for consultation and file for review of an amended site plan with well casing diagrams. This comment has been noted for the record and revisions to the Draft EIR/EA are not necessary.



Kate Gordon
Director

April 1, 2020

Janice Mayes
Kern County
2700 "M" Street Suite 100
Bakersfield, CA 93301-2323

Subject: Camino Solar Project by Aurora Solar, LLC; (Avangrid Renewables, LLC)
SCH#: 2018061031

Dear Janice Mayes:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 3/30/2020, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2018061031/2>. Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

4-A

Response to Comment Letter 4: Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (April 1, 2020)

- 4-A:** The commenter states the State Clearinghouse received the Draft EIR/EA for the Camino Solar Project proposed by Aurora Solar, LLC, and then sent the Draft EIR/EA to selected State agencies for review and comment. The content of this letter has been noted for the record, and it is acknowledged that the CEQA Lead Agency has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.



Lahontan Regional Water Quality Control Board

March 24, 2020

File: Environmental Doc Review
Kern County

Janice Mayes, Planner III
Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, CA 93301
mayesj@kerncounty.com

Comments on the Draft Environmental Impact Report for Camino Solar Project, Kern County, State Clearinghouse No. 2018061031

Lahontan Regional Water Quality Control Board (Water Board) staff received the Draft Environmental Impact Report (EIR) for the above-referenced Project (Project) on February 13, 2020. The EIR was prepared by the Kern County Planning and Natural Resources Department (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We thank the County for providing Water Board staff the opportunity to review and comment on the EIR. Based on our review, we recommend the following be incorporated as part of the Project and included in the EIR: (1) all Project alternatives should be clearly defined in scope, size, and potential environmental impacts, including the number of megawatts that each alternative could produce, in order to fully evaluate the preferred Project alternative in the environmental review; (2) natural drainage channels and flow paths should be maintained through the Project site to ensure no net loss of function and value of waters of the state; (3) specific hydrology and water quality mitigations should be identified and incorporated into the Project to avoid or minimize significant affects; and (4) post-construction storm water management should be identified as a significant Project component. Our comments are outlined below.

5-A

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

5-B

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board’s web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

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5-B

SPECIFIC COMMENTS

We recommend the following be considered in the environmental review.

1. The “No Ground-Mounted Utility-Solar Development” alternative states that it would incur greater impacts to land as it would require extensive discretionary actions, such as design review, Conditional Use Permits, or Zone Variances. These are not impacts to land or environmental resources, but are administrative requirements that are achievable. The draft EIR implies that this alternative will result in lower greenhouse gas emissions and also avoids impacts to waters and biological resources. While this alternative may produce less power, no estimated power production was provided for the other alternatives. Please provide the number of megawatts each alternative could provide if that information is used in the selection of a preferred alternative.
2. In general, the installation of Photovoltaic (PV) grid systems for these types of projects has the potential to hydrologically modify natural drainage systems. Of particular concern is the collection of onsite storm water runoff and the concentrated discharge of that storm water to natural drainage channels. Design alternatives that are compatible with low impact development (LID) should be considered. LID components include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite infiltration. We recommend natural drainage channels and flow paths be maintained through the Project site to avoid no net loss of function and value of waters of the state as a result of Project implementation.
3. The EIR should identify the hydrology and water quality mitigations that are being incorporated into the Project to avoid or minimize significant affects such as those included in a Storm Water Pollution Prevention Plan (SWPPP) or a Water Quality Management Plan. Details regarding how these mitigations will protect water quality must be included in the EIR.
4. The EIR should identify post-construction storm water management as a significant Project component, and a variety of best management practices (BMPs) that effectively treat post-construction storm water runoff, particularly maintaining native vegetation, should be evaluated as part of the Project. Based

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5-D

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on our experience with other solar developments in the Mojave Desert, native vegetation is the most efficient and cost-effective post-construction BMP to treat storm water runoff. Because revegetating disturbed soils in the desert is particularly challenging due to low rainfall, extreme climatic conditions, and relatively slow growth rates, we strongly encourage Project proponents to maintain and mow existing vegetation rather than clear and grub the entire site during construction. For those projects where native vegetation is maintained, we have observed that the need to implement temporary BMPs is greatly minimized and the costs associated with implementation and maintenance of post-construction BMPs is significantly reduced.



5-F

PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

1. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
2. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.



5-G

We request that the draft EIR recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

Thank you for the opportunity to comment on the draft EIR. If you have any questions regarding this letter, please contact me at (760) 241-7305, tiffany.steinert@waterboards.ca.gov or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7404, jan.zimmerman@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line.

Tiffany Steinert
Tiffany Steinert
 Engineering Geologist

cc: California Department of Fish and Wildlife (Reg4Assistant@wildlife.ca.gov)
State Clearinghouse (state.clearinghouse@opr.ca.gov) SCH No. 2018061031

**Response to Comment Letter 5: Lahontan Regional Water Quality Control Board
(March 24, 2020)**

- 5-A:** The comment introduces the comment letter and identifies the four main comments on the document which are addressed separately below in Responses to Comments 7-C, Defining Alternatives; 7-D, Maintaining Drainage Channels; 7-E, Identifying Hydrology Mitigations; and 7-F, Post-Construction Mitigations.
- 5-B:** The commenter provides an overview of the Lahontan RWQCB authority and the applicable laws and regulations which the Water Board enforces. The proposed project would abide by all Water Board requirements that are applicable to the proposed project. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record and revisions to the Draft EIR/EA are not necessary.
- 5-C:** The commenter states that the issues associated with the No Ground-Mounted Utility Solar Development Alternative are largely related to discretionary actions and are not impacts to land or environmental resources. However, land use is an environmental factor that is recommended for evaluation in CEQA *Guidelines* Appendix G. The No Ground-Mounted Utility-Solar Development Alternative would result in greater impacts to land use as it would require extensive discretionary actions, such as design review, conditional use permits, or zone variances, depending on local jurisdictional requirements and wildfire risks due to the numerous power lines that would be required to harness the distributed solar panel energy. As discussed in Chapter 6, *Alternatives*, of the Draft EIR/EA, impacts related to greenhouse gas (GHG) emissions would be greater under this alternative due to the lower efficiency of the distributed systems, which would not include solar tracking technology. The commenter recommends providing the number of megawatts each alternative could provide to assist in the comparison of the identified alternatives. As discussed in Chapter 6, *Alternatives*, of the Draft EIR/EA, Alternative 1, No Project Alternative, and Alternative 2, General Plan and Zoning Build-Out Alternative, would not develop solar generation facilities and would not produce any renewable energy. Furthermore, Chapter 6, *Alternatives*, of the Draft EIR/EA states that Alternative 3, Reduced Project Alternative, and Alternative 4, No Ground-Mounted Utility-Solar Development Alternative, would produce approximately 44 MW of renewable energy. Therefore, the proposed project would comply with the commenter's recommendation. This comment has been noted for the record revisions to the Draft EIR/EA are not necessary.
- 5-D:** The commenter recommends that existing natural drainages onsite be maintained as much as possible. As stated in in Draft EIR/EA Section 4.4, *Biological Resources*, on page 4.4-57, there are four ephemeral drainages on the site. Mitigation Measure MM 4.4-12 would require that a plan be developed to show how all permanent facilities avoid existing drainages. Additionally, as described in Draft EIR/EA Chapter 3, *Project Description*, on page 3-16, the access roads would also avoid streambed crossings. Otherwise, the project design would include Low Impact Design (LID) stormwater improvements consistent with Kern County requirements as mentioned in Draft EIR/EA Section 4.10, *Hydrology and Water Quality*, on page 4.10-14. Therefore, the proposed project would be consistent with the recommendations in the comment. This comment has been noted for the record and revisions to the Draft EIR/EA are not necessary.
- 5-E:** The commenter recommends that the Draft EIR/EA list hydrology and water quality mitigation measures that are being incorporated into the project to avoid or minimize significant effects. As

discussed in Draft EIR/EA Section 4.10, *Hydrology and Water Quality*, on page 4.10-15, Mitigation Measure MM 4.10-1, would require the project proponent/operator to prepare and submit a final hydrologic study and drainage plan for review and approval by the Kern County Public Works Department. In addition, the project proponent/operator would be required to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Lahontan RWQCB. The items required per Mitigation Measure MM 4.10-1 and the SWPPP would be required to be prepared pursuant to the Kern County Grading Code, which would include any necessary stormwater management facilities to control runoff leaving the project site once the specific facility plans are drafted. Therefore, the proposed project would comply with the commenter's recommendation. This comment has been noted for the record and revisions to the Draft EIR/EA are not necessary.

- 5-F:** The comment suggests that post construction stormwater mitigations should be identified as a significant project component and that maintaining native vegetation would be very effective and cost-effective BMP. As stated on Draft EIR/EA page 3-21, grading for the site would be minimized to the maximum extent possible to reduce unnecessary soil movement, thus leaving natural vegetation in place to the extent feasible. Mitigation Measure MM 4.10-1 requires a drainage plan that would be in accordance with Kern County Public Works Department and would include LID measures such as maintaining native vegetation to the extent feasible. Therefore, the project would be consistent with the suggestions in the comment, which will be considered in the review of final project design plans.
- 5-G:** The comment requests mention of the potential for application of a National Pollution Discharge Elimination System (NPDES) General Construction Permit (GCP) and a Section 401 Streambed Alteration Permit. The requirement to adhere to the NPDES GCP is mentioned in Draft EIR/EA Section 4.10, *Hydrology and Water Quality*, on page 4.10-5. The potential to adhere to a Clean Water Act Section 401 Permit is also acknowledged in the Draft EIR/EA in several sections including pages 4.10-5 and 3-27. Therefore, the Draft EIR/EA is consistent with the comment on the applicability of these permit requirements.



Eastern Kern
Air Pollution Control District

Glen E. Stephens, P.E.
Air Pollution Control Officer

February 20, 2020

Janice Mayes, Planner III
Kern County Planning and Natural Resources Department
2700 "M" Street Suite 100
Bakersfield, CA 93301

SUBJECT: Comments for Draft Environmental Report for the Camino Solar Project by
Aurora Solar, LLC (PP17125)

Dear Ms. Mayes:

Eastern Kern Air Pollution Control District (District) is in receipt of the Draft Environmental Impact Report (EIR) for the project listed above.

The following District requirements were properly addressed in the Draft EIR and are summarized here for reference: commercial solar power generation facilities 10 acres and larger are required to submit a Fugitive Dust Emission Control Plan, Fugitive Dust Emission Monitoring Plan, and apply for an Authority to Construct Prior to commencing construction of solar facility. In addition to the requirements listed above, please note, stationary engines over 50 horsepower (i.e. generator sets, compressors, pumps, etc.) may require a permit to operate from the District prior to installation and operation.

6-A

Should you have any questions, please contact Miguel Sandoval at (661) 862-5250 or via email at sandovalm@kerncounty.com.

Sincerely,

Glen E. Stephens, P.E.
Air Pollution Control Officer

GES:MS:tf

RECEIVED

MAR 02 2020

**Kern County Planning &
Natural Resources Dept**

**Response to Comment Letter 6: Eastern Kern Air Pollution Control District
(February 20, 2020)**

6-A: The commenter confirms Eastern Kern Air Pollution Control District's (EKAPCD's) receipt of the Draft EIR/EA and that the applicable EKAPCD requirements were properly addressed in the Draft EIR/EA. In addition, the commenter notes that solar facilities 10 acres and larger are required to submit a Fugitive Dust Emission Control Plan and apply for an Authority to Construct prior to commencing construction of the facility. Additionally, stationary equipment that emits air pollutants may require a permit from the EKAPCD prior to installation and operation. As discussed in Draft EIR/EA Section 4.3, *Air Quality*, construction and operation of the proposed project would be conducted in compliance with applicable rules and regulations set forth by the EKAPCD, including all necessary permits. Additionally, fugitive dust would be reduced through implementation of Mitigation Measures MM 4.3-2 and MM 4.3-3, which would be implemented in conformance with the applicable EKACPD plans and regulations and Kern County General Plan Policies 20 and 21. Specifically, Mitigation Measure MM 4.3-2 requires that prior to the issuance of grading or building permits, the project proponent shall provide a comprehensive Fugitive Dust Control Plan for review by the Kern County Planning and Natural Resources Department to reduce fugitive dust emissions resulting from wind erosion at the site. Mitigation Measure MM 4.3-3 specifies dust containment measures to minimize exposure to potential Valley Fever. As noted, the proposed project would be required to comply with applicable EKACPD plans and regulations and, as such, the project proponent would coordinate with the EKACPD as necessary. This comment has been noted for the record and revisions to the Draft EIR/EA are not necessary.

March 18, 2020

Kern County Planning and Natural Resources Department
2800 M St., Bakersfield, CA 93301
Attn.: Janice Mayes

Re: Kern County Fire Department Comments Regarding Planning Department Project

To Whom It May Concern,

The Kern County Fire Department (KCFD), as the local fire authority, has received a request for comments regarding **Draft EIR for Camino Solar**. Upon initial review, it has been determined that in addition to applying for regular building permits, which will include a fire department plan review, the applicant will need to secure a separate KCFD permit for the proposed stationary energy storage systems.

A more detailed review and project comments will be conducted when the building permit is pulled and plans are submitted to KCFD.

Please feel free to call our Fire Prevention Office at 661-391-3310 with any questions.

Sincerely,
Michael Nicholas
Assistant Fire Marshal
Kern County Fire Department



7-A

Response to Comment Letter 7: Kern County Fire Department (March 18, 2020)

- 7-A:** The commenter describes the Kern County Fire Department's (KCFD's) local regulatory authority to enforce state and local codes related to fire protection and health and safety. The commenter states that the solar installation shall meet requirements set forth in KCFD standard 503-507 and shall be required to submit plans and obtain a permit from KCFD for installation of a Stationary Energy Storage System. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record and revisions to the Draft EIR/EA are not necessary.

March 25, 2020

Ms. Janice Mayes
Advanced Planning Division
Kern County Planning and Natural Resources Department
2700 "M" Street
Bakersfield, CA 93301-2323

Re: Draft Environmental Impact Report/Environmental Assessment (EIR/EA)
Report for the Camino Solar Project by Aurora Solar, LLC – SCH No. 2018061031

Dear Ms. Mayes:

Mojave Air & Space Port (MASP) has reviewed the Draft Environmental Impact Report/Environmental Assessment (EIR/EA) that was prepared to support the construction of the Camino Solar Project (Project) by Aurora Solar, LLC (PP17125).

MASP understands that Aurora Solar, LLC (Aurora) proposes to construct a utility-scale solar facility on 383 acres located approximately 17 miles southwest of the Mojave Air & Space Port in southeastern Kern County. Project components include the construction of:

- One 44-megawatt (MW) photovoltaic (PV) solar facility including 180,000 solar panels;
- An energy storage system;
- Underground collection systems and overhead medium voltage collection systems; and
- One 0.75-mile-long, 34.5-kilovolt (kV) underground collector line to connect the proposed solar facility to the existing Manzana Project substation.

MASP understands that several Manzana Wind Project turbines surround the proposed Project location, and the Project will use this existing infrastructure, including a transmission line, substation, and site access roads, with the Manzana Project. The existing Manzana Project generation tie-line (gen-tie line) will be used to transfer energy to the Southern California Edison Whirlwind substation, and no additional gen-tie lines will be constructed as part of the proposed project.



8-A

AVIATION CONSIDERATIONS

When considering the effects of proposed land use changes, including solar projects, MASP considers the project location, its components, and operational effects that could be inconsistent with or pose hazards to ongoing operations at MASP. Specific factors that are usually considered in association with solar projects include glare, obstructions to navigable airspace, and cumulative effects.

Compatible Land Use

Pursuant to California Public Utilities Code Section 21676, proposals for major public or private land use development that have the potential to substantially affect nearby airport activities shall be subject to compatibility review in accordance with the policies set forth in the applicable Airport Land Use Compatibility Plan (ALUCP). The criteria for identifying potentially incompatible land uses near MASP are set forth in the Kern County ALUCP. The ALUCP identifies an airport-specific Airport Influence Area (AIA); proposed projects that would be located within the AIA must be evaluated by the Airport Land Use Commission to determine whether they are consistent with ALUCP policies. The proposed Project would be constructed 17 miles from MASP and outside of the AIA; therefore, it does not require evaluation to determine its consistency with ongoing operations at MASP.

8-B

Cumulative Effects

MASP also considered whether the effects of the proposed project, when considered with the effects of other projects, had the potential to result in cumulative impacts that would be inconsistent with ALUCP policies. The EIR/EA identifies a cumulative effects study area that encompasses the area within approximately 6 miles of the Project. The nearest portion of the cumulative effects study area remains approximately 10 miles west of MASP and outside of the AIA.

8-C

Other Considerations

MASP also considered the individual components associated with the proposed project and their potential effect on aircraft operations. Staff concluded that the proposed project would be unlikely to affect ongoing aircraft operations based the following characteristics:

- Electricity from the solar arrays will be transferred to the Manzana Project substation through a new approximately 0.75-mile-long underground collector line to the existing aboveground Manzana Project transmission line at the interconnection with the Manzana substation (EIR/EA p. 3-13).
- The Project does not include the construction of a new gen-tie line; therefore, no part of the Project will be higher than the existing Manzana facility.

8-D

Conclusions

Based on the location of the proposed project and its components, MASP staff concluded the following:

- The Project would be constructed 17 miles southwest of Mojave Air & Space Port and outside of the AIA for MASP; therefore, ALUCP policies do not apply to the proposed project.
- The EIR/EA identified a cumulative effects project area that remains approximately 10 miles west of MASP and outside of the AIA; therefore, no cumulative impacts are anticipated within the AIA.
- The proposed project will not include the construction of additional gen-tie lines.

Based on the proposed Project location and components, MASP staff do not anticipate that the Project would create project-related or cumulative impacts that would affect ongoing operations at MASP. However, we request that the project Applicant inform MASP staff should the proposed project description change or expand to include additional gen-tie lines or other features that would be constructed within or near the AIA as set forth in the Kern County ALUCP.

Thank you for the opportunity to review your proposed Project; if you have any questions regarding MASP's comments, please contact me by phone (661-824-2433) or email (karina@mojaveairport.com).

Sincerely,

Karina Drees

Karina Drees
CEO and General Manager

cc: Lorelei H. Oviatt, Director, Kern County Department of Planning and Natural Resources

8-E

Response to Comment Letter 8: Mojave Air & Space Port (March 25, 2020)

- 8-A:** The comment states the Mojave Air & Space Port (MASP) received a copy of the Draft EIR/EA in its entirety. The commenter provides a brief summary of the proposed project and the permanent facilities that would be installed if the project is implemented. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record.
- 8-B:** The comment provides an overview of the MASP's aviation considerations in association with solar projects and the applicable laws and regulations which MASP enforces. The comment states that Pursuant to California Public Utilities Code Section 21676, the proposed project would be subject to compatibility review in accordance with the policies set forth in the applicable Airport Land Use Compatibility Plan (ALUCP). The proposed project would be constructed approximately 17 miles from the MASP and outside of the Airport Influence Area and, therefore, would not require evaluation to determine its consistency with the ALUCP. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. This comment has been noted for the record, and revisions are not necessary.
- 8-C:** The comment summarizes the MASP consideration of cumulative effects as well as the cumulative study area of the Draft EIR/EA. The comment states that the nearest portion of the cumulative effects study area remains approximately 10 miles west of MASP and outside of the Airport Influence Area (AIA). This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. This comment has been noted for the record.
- 8-D:** The comment states the other considerations taken by the MASP. Staff concluded that the proposed project would be unlikely to affect ongoing aircraft operations based on the transmission of electricity using the existing Manzana Project substation and avoiding construction of a new gen-tie line, such that, no part of the project would be higher than the existing Manzana facility. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record, and revisions are not necessary.
- 8-E:** The comment summarizes the MASP's conclusions. The comment concludes that the proposed project would not affect ongoing operations as it would be located outside of the AIA for MASP and ALUCP policies would not apply; there are no cumulative impacts anticipated within the AIA; and the proposed project will not include the construction of additional gen-tie lines. However, the MASP requests to be informed should the proposed project description change. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record.



March 10, 2020

Carl Symons, Field Manager
Bureau of Land Management
Ridgecrest Field Office
300 S. Ridgecrest Rd.
Ridgecrest, CA 93555

This letter submitted to: <https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=1503669>

RE: Pacific Crest Trail Association Comments in Response to Camino Solar Project

Dear Field Manager Symons,

I am writing on behalf of the 13,300 member Pacific Crest Trail Association (PCTA). PCTA is the Bureau of Land Management’s primary private partner in the management and maintenance of the Pacific Crest National Scenic Trail (PCT). The foundation for this private-public partnership in the operation of National Scenic Trails dates back to the 1968 National Trails System Act. Section 11 of the Act, titled “Volunteer Trails Assistance” states in Sec. 11(a), “... the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.” Sec. 11(b) continues, “Each Secretary or the head of any Federal land managing agency, may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails.” As such, it is PCTA’s role to work with the Bureau of Land Management to ensure the best possible management of the PCT and the experience it affords trail users, year-round. As you are aware, PCTA and the Ridgecrest Field Office have a strong partnership with the management and maintenance of the PCT.

9-A

Thank you for the opportunity to comment on the Camino Solar Project. We appreciate that project activities and development will not occur with the PCT Special Recreation Management Area (SRMA). Although developments will be outside of the SRMA, this project still has the potential to affect the experiences of thousands of hikers, primarily through degradation of visual resources. Users of the PCT, as well as the public at large, will be relying on mitigation measures to ensure this project has the lowest impact possible on recreation and visual resources. Our comments are meant to improve the already listed mitigation measures, found on pages M1-25 through M1-27, and thus make this project more robust.

MM 4.1-2: This mitigation measure would be improved by stipulating specific colors that have proven effective in similar projects, in similar geographic areas. Colors should be slightly darker than their surrounding landscape and should help blend anthropogenic features with the natural environment.

9-B

MM 4.1-2: This mitigation measure should specify that existing vegetation should not be trimmed or altered.

9-C

In addition to existing mitigation measures, we recommend adding the following:



- Existing roads and facilities should be used whenever possible. New roads and facilities should be limited to only those that are absolutely necessary; any new roads that are not needed for operation should be immediately restored
- Construction activities should be limited to day-time hours only, avoiding impacts to nighttime users and opportunities for dark sky viewing.

9-D

9-E

Mitigation Measures **MM 4.1-3**, **MM 4.1-4**, **MM 4.1-5**, and **MM 4.1-6** are critical to retain and provide excellent direction, we urge you to keep them as currently written in the project plan.

We look forward to working with you and your staff to ensure that impacts to the Pacific Crest National Scenic Trail are minimized and to ensure the trail provides the best experience possible for hikers and horseback riders. Please do not hesitate to contact me with any questions.

Sincerely,



Benjamin Barry
Southern Sierra Regional Representative

CC:

Beth Boyst, U.S. Forest Service, Pacific Crest Trail Program Administrator
Justin Kooyman, PCTA, Associate Director of Trail Operations

Response to Comment Letter 9: Pacific Crest Trail Association (March 10, 2020)

9-A: The commenter provides an overview of the Pacific Crest Trail Association (PCTA) and the applicable laws and regulations which the PCTA enforces in coordination with the Bureau of Land Management (BLM). The commenter confirms their receipt of the Camino Solar Draft EIR/EA and appreciates that the proposed project would not occur within the PCT Special Recreation Management Area (SRMA). The comment adds that although developments will be outside of the SRMA, there is the potential to affect the experiences of hikers through degradation of visual resources. The comment states that the PCTA's comments are meant to improve the already provided list of mitigation measures.

Visual simulations were prepared for the project to determine its effects on existing visual resources. As stated in Draft EIR/EA Chapter 11, *Environmental Assessment*, Section 11.5, of the six KOPs that were selected within the project area, the project would only be visible from one location on the PCT (KOP 4). While the project would be visible from KOP 4 along the PCT, the quality of scenic vistas from this KOP is considered moderate to low given the existing solar facilities and wind turbines already visible from this location. Although the project would add another industrial element to the view from the PCT, the project's solar facilities would be consistent with the visual character of existing energy development in the area. Additionally, would be partially obstructed by existing wind turbines. Existing topography would block visibility of the project from the other four KOPs. Further, implementation of Mitigation Measure MM 4.1-1 through MM 4.1-6 would reduce impacts by requiring trash abatement, color-treating project facilities, maintaining natural vegetation, shielding and directing lighting downward, and minimizing glare.

This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record, and revisions are not necessary.

9-B: The comment suggests that Mitigation Measure MM 4.1-2 be improved by stipulating colors that have proven effective in similar projects, in similar geographic areas. The comment suggests colors should be darker than the surrounding landscape. Mitigation Measure MM 4.1-2 requires the project proponent/operator to identify and submit to BLM and the Kern County Planning and Natural Resources Department a proposed color scheme and treatment plan that will ensure all project facilities including operations and maintenance buildings, gen-tie poles, array facilities, etc. blend in with the colors found in the natural landscape. The color scheme and treatment plan will be reviewed and approved by the Planning Director and the BLM. The recommendation for colors that are slightly darker than their surrounding landscape will be considered during the review of the color scheme and treatment plan. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record, and revisions are not necessary.

9-C: The comment suggests that Mitigation Measure MM 4.1-2 be improved by specifying that existing vegetation should not be trimmed or altered. From a visual standpoint, not trimming vegetation beneath the solar arrays would not improve the visual quality of the project site because the solar arrays would cover the vegetation. In addition, not trimming or altering any of the vegetation on the project site would not be feasible because some of the vegetation onsite such as California juniper would stand taller than the solar arrays. Mitigation Measure MM 4.1-3 states that all natural vegetation adjacent to the project boundary shall remain in place. Trimming vegetation adjacent to

the project boundary may be necessary for fire safety purposes and to prevent shading of the solar arrays. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record, and revisions are not necessary.

- 9-D:** The comment suggests requiring the utilization of existing roads and facilities, using new roads and facilities only when absolutely necessary, and restoring any new roads that are not needed for operation. As discussed in Chapter 3, *Project Description*, the proposed project would share the existing infrastructure, including transmission line, substation, operations and maintenance building and site access roads of the Manzana Wind Project. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record, and revisions are not necessary.
- 9-E:** The comment requests that construction activities should be limited to day-time hours only, avoiding impacts to nighttime users and opportunities for dark sky viewing. As discussed in Chapter 3, *Project Description*, construction activities may occur after dark and would require lighting. As discussed in Draft EIR/EA Section 4.1, *Aesthetics*, on page 4.1-15, lighting may be used during construction but would be designed to provide the minimum illumination needed to achieve work objectives, and would be directed downward and shielded to focus illumination on the desired areas only and minimize light trespass. In addition, the construction phase of the project is temporary and is anticipated to last 6 to 9 months (see Draft EIR/EA Chapter 3, *Project Description*, Section 3.6), after which no construction lighting would be needed. Therefore, no impact, which would adversely affect daytime or nighttime views in the area would occur. The comment has been noted for the record, and revisions are not necessary.

Comment Letter for the Camino Solar Project Draft EIR/EA

Submitted through the BLM eplanning website

From: Mr. Richard Spotts

Submitted on March 16, 2020

Comment:

I reviewed this EA and it is generally excellent. Kudos to those who prepared it.

I support and urge BLM to adopt Alternative B, the reduced acreage alternative. This would protect the biologically important California Juniper Woodland while allowing the same amount of solar energy generation as the proposed action. A "win, win" outcome.

Climate change is real, getting worse, and we must urgently transition away from burning fossil fuels and toward clean alternative energy sources like solar. I appreciate this project because it is a positive step in making that critical transition.

Thank you very much for your consideration.



10-A

Response to Comment Letter 10: Richard Spotts (March 16, 2020)

10-A: The commenter confirms their review of the Camino Solar Draft EIR/EA, commends the BLM for its preparation, and expresses their appreciation for the proposed project. The commenter also expresses support for Alternative B—Reduced Acreage Alternative, to protect the biologically important California Juniper Woodland, while allowing the same amount of solar energy generation as the proposed project. While California Juniper Woodland is a native plant community, as described in Draft EIR/EA Section 4.4 *Biological Resources*, it is not a sensitive natural community and avoidance is not required by any state, federal, or local plans, policies, or regulations. Thus, Alternative B would not substantially reduce any impacts when compared to the proposed project. The commenter’s statement expressing a preference in alternatives is appreciated and is noted for the record.

Kern Audubon Society
Attn: Franklin Bedard
P.O. Box 3581
Bakersfield, CA 93385
mbedard@bak.rr.com

March 26, 2020

submitted electronically

Janice Mayes
Kern County Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

**Subject: Draft Environmental Impact Report
Camino Solar Project (Project), by Aurora Solar
SCH: 2018061031**

Dear Ms Mayes:

The Kern Audubon Society (KAS), an interested party, received a notice of availability of a Draft Environmental Impact Report (DEIR) from the Kern County Planning and Natural Resources Department (County) for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

11-A

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect the diverse California avian wildlife within the Project's footprint and its cumulative impacts in the region.

Comments and Recommendations.

KAS offers the following comments and recommendations to assist County in adequately mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

Project Impacts and Mitigation. Section 4.4-4: Burrowing Owl. Burrowing owl (BUOW) sign was observed at a burrow within 500 feet of the project site during 2016 surveys and one BUOW was present at this site during 2011 surveys conducted for a formerly proposed project. Therefore, it is presumed that there is a potential for BUOW to be present on the project site during their nesting period.

11-B

The BUOW is a California Species of Special Concern and is protected by California Fish and Game Code (FGC) Section 3503 *et seq.* and the federal Migratory Bird Treaty Act. BUOWs and burrows with sign were recorded within the Project. The BUOW is a year-round resident throughout much of the state and is often considered a sedentary species (e.g., Thomsen 1971). A large proportion of adults show strong fidelity to their nest site from year to year. In California, nest site fidelity rates range from 32% to 50% in large grasslands (Catlin 2004, Catlin et al. 2005).

Direct impacts to BUOW could result from construction activities, including death or injury to individuals, displacement and loss of territory, disruption of breeding/nesting activities, crushing of burrows, viable eggs and chicks, and other impacts.

Indirect impacts could include reduced foraging areas, increased incidence of agitation, increase potential establishment of invasive species, and other impacts.

The Project requires the implementation of BUOW specific mitigation measure MM4.4-8 to ensure that impacts to BUOW be reduced to “less than significant” level. Mitigation measures should require the wide suite of mitigation measures specific to the presence of BUOW based on the CDFW 2012 Staff Report on Burrowing Owl Mitigation to ensure potential impacts will be avoided or minimized. Any additional mitigation should be done in consultation with CDFW.

KAS appreciates the opportunity to comment on the DEIR for the Camino Solar Project (SCH: 2018061031) to assist the County in identifying and mitigating Project impacts on biological resources.

Sincerely,

Franklin Bedard
Conservation Chair
Kern Audubon Society

REFERENCES:

CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game, March 2012.

Catlin, D.H., 2004. Factors affecting within-season and between-season breeding dispersal of Burrowing Owls in California. M.S. thesis. Oregon State Univ., Corvallis.

Catlin, D.H., and Rosenberg, D.K. 2006. Nest destruction increases mortality and dispersal of Burrowing Owl in the Imperial Valley, California. Southwest Nat. 51:406-409.

Thomsen, L. 1971. Behavior and ecology of Burrowing Owl on the Oakland Municipal Airport. Condor 73:177-192.

11-B
cont.

Response to Comment Letter 11: Kern Audubon Society (March 26, 2020)

- 11-A:** The commenter acknowledges receipt of the Notice of Availability of the Draft EIR/EA and notes that the project that may affect diverse California avian wildlife within the project's footprint and its cumulative impacts in the region. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record, and revisions are not necessary.
- 11-B:** The comment states that the project could have direct and indirect impacts to burrowing owls during construction. The comment also states that mitigation measures should require the wide suite of measures specific to the presence of burrowing owls based on the CDFW 2012 Staff Report on Burrowing Owl Mitigation to ensure potential impacts will be avoided or minimized, and that any additional mitigation should be done in consultation with CDFW. Draft EIR/EA Section 4.4, *Biological Resources*, page 4.4-40 acknowledges the information presented in the comment. Mitigation Measure MM 4.8-8 requires a wide suite of measures based on the CDFW 2012 Staff Report on Burrowing Owl, and also requires consultation with CDFW. This comment does not otherwise raise a substantive issue on the content of the Draft EIR/EA. The comment has been noted for the record, and revisions are not necessary.