

A. Introduction

In 2010, the predecessor in interest to current applicant Panoche Valley Solar, LLC (PVS or Applicant), Solargen Inc., applied to the County of San Benito (County) for a Conditional Use Permit (CUP) to construct and operate a solar photovoltaic project in the Panoche Valley. The Applicant also applied to the County for whole or partial cancellation of nearly 7,000 acres of California Land Conservation Act of 1965 (Williamson Act) contracts. The County prepared a Final Environmental Impact Report (2010 Final Environmental Impact Report [EIR]) that included a comprehensive analysis of the project's environmental impacts pursuant to the California Environmental Quality Act (CEQA). In October and November 2010, the County Board of Supervisors (Board) unanimously certified the 2010 Final EIR, approved the CUP, approved the cancellation of the Williamson Act contracts, and approved a Development Agreement. Rather than approving the project as originally proposed and analyzed in the 2010 Draft EIR, the County approved Alternative A Revised, which was a reduced density alternative that was described and analyzed in the 2010 Final EIR. Alternative A Revised is referred to as the "Approved Project" in this Supplemental EIR (SEIR).

In August 2014, PVS requested that the County modify the approved CUP. Based on subsequent consultation with state and federal resource agencies and further design and engineering, the Approved Project has been further reduced in size, and will be constructed over a shorter 18-month timeframe as opposed to 5 years. In addition, PG&E has identified specific telecommunication upgrades that are required to serve the project; most would be installed within the existing PG&E right-of-way and at existing PG&E facilities. This SEIR assesses the environmental impacts that may result from these incremental changes to the Approved Project. The SEIR does not reanalyze the environmental impacts of the project as a whole. The incremental changes that are analyzed in the SEIR are described briefly in Section A.2 and in detail in Section B of this SEIR.

The County is the public agency with the principal responsibility for approving the project, and as such is the Lead Agency under CEQA pursuant to CEQA Guidelines Section 15367. CEQA requires the Lead Agency to consider the information contained in the SEIR prior to approving modifications to the CUP. Section 15163 of the CEQA Guidelines states that a lead agency may choose to prepare a "supplement" to an EIR rather than preparing a more detailed "subsequent" EIR. In this case, a Supplemental EIR is appropriate because "... only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation."

Since the additional analysis required for the changed project components and changed circumstances did not require major revisions to the previous EIR, a Supplemental EIR is the appropriate document for CEQA compliance. A Supplemental EIR, as its name implies, supplements the EIR already prepared for a project to address project changes, changed circumstances, or new information that was not known, and could not have been known with the exercise of reasonable diligence at the time the prior document was certified. The purpose of a Supplemental EIR is to provide the additional information necessary to make the previous EIR adequate for the project as revised. Accordingly, the Supplemental EIR need contain only the information necessary to respond to the project changes, changed circumstances, or new information that triggered the need for additional environmental review. (CEQA Guidelines, Section 15163.) (A subsequent EIR, in contrast, is an entirely new EIR, largely rewritten due to major overhauls and changes to a project and focuses on the conditions described in Section 15162.) CEQA allows that a supplement to an EIR may be circulated for public review by itself without recirculating the previous draft or final EIR. The County will make available the 2010 Final EIR during the review of the Draft SEIR.

A Supplemental EIR considers the new project components and/or changed circumstances in light of the certified 2010 Final EIR already prepared for the project. The focus of a Supplemental EIR is whether the project changes, changed circumstances, or new information give rise to a significant new or substantially more severe environmental impact than was identified and analyzed in the previously certified EIR. Preparation of a Supplemental EIR does not “re-open” the previously certified EIR; the analysis is limited to whether the project changes result in new or more severe impacts.

Whether project changes or changed circumstances will result in a new or substantially more severe impact is often not known until the supplemental analysis is prepared; therefore, the preparation of a Supplemental EIR (SEIR) does not necessarily imply that the changed project components or changed circumstances will result in new or more severe impacts. The analysis for this SEIR was conducted and is presented here for purposes of full disclosure where the changed project components or changed circumstances appeared to have the potential to create new or more severe impacts. In most cases, the analysis confirms that the significance of impacts identified in the certified 2010 Final EIR would not change based on the project changes.

A.1 Purpose and Intended Uses of the Supplemental EIR

The County has the authority to take discretionary actions relating to development of the project and may conditionally approve or deny the modified CUP. This SEIR is intended to serve as an informational document to be considered by the County in its permit considerations on the Revised Project. The SEIR evaluates and, where appropriate, mitigates any potentially new or more severe impacts associated with the Revised Project that exceed the significance thresholds that were established in the 2010 Final EIR, and explains how they differ from those of the Approved Project.

As noted above, this SEIR also considers the impacts of the proposed upgrades to Pacific Gas & Electric Company’s (PG&E) existing electric transmission system. These upgrades were unknown and not defined at the time of the 2010 Final EIR. The PG&E Upgrades are under the exclusive jurisdiction of the California Public Utilities Commission (CPUC), which must consider the environmental impacts of the upgrades prior to approving PG&E’s upgrades. The PG&E Upgrades are summarized in Section A.2.2 and are described in detail in Section B of the SEIR.

A.2 Overview of Revised Project

A.2.1 Revised Solar Project

The Approved Project (“Alternative A Revised” as described in the 2010 Final EIR) has been modified since 2010, and is now evaluated in this SEIR as the Revised Project. In August 2014, PVS applied for a modified CUP for its Revised Project (PVS, 2014). The proposed amendments to the CUP, evaluated here as the Revised Project, are described in detail in Section B, and include changes to the following project components or activities:

- Project Footprint
- Construction Schedule
- Construction Personnel
- Construction Traffic
- Construction Air Emissions
- Construction Water Usage and Storage
- Water Crossings
- Perimeter Road and Fencing
- Mitigation Measures

A.2.2 PG&E Transmission System Upgrades& Interconnection

Interconnection studies performed by the California Independent System Operator (CAISO) and a review of facilities that will support telecommunications between the project and the PG&E system resulted in PG&E's determination that the Panoche Valley Solar Project (PVSP) would require improvements to PG&E's telecommunications. These telecommunications upgrades include installation of optical ground wire (OPGW) on PG&E's existing transmission line and a backup microwave communication system. These components are evaluated in this SEIR.

A.3 Purpose and Need for the Revised Project

The purpose and need for the Revised Project has not changed since the project was approved in 2010. California is committed to the reduction of greenhouse gases through increases in renewable energy generation and reduction in the use of fossil fuels (coal and natural gas). Assembly Bill 32, the California Global Warming Solutions Act of 2006, created a program to reduce greenhouse gas emissions to 1990 levels by the year 2020. California's investor-owned utilities are required to provide their customers with 33 percent of their electricity from renewable sources, as mandated by California's Renewable Portfolio Standard (RPS). In 2010 when the County approved the Approved Project, the requirement was 20%.

In August 2014, the Applicant obtained a 20-year power purchase agreement with Southern California Edison (SCE) for electricity generated by the Revised Project. This sale of the power generated by the PVSP to SCE is part of meeting the statewide renewable generation goals.

Section 15124 of the CEQA Guidelines requires that a clearly written statement of objectives be presented in an EIR to help lead agencies develop a reasonable range of alternatives and to aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. A summary of the project objectives presented for the originally proposed project is presented in Section B.2 of this SEIR.

A.4 Public Involvement

CEQA requires the lead agency to provide the public with full disclosure of the expected environmental consequences of the project and with an opportunity to provide comments. In 2010, the County provided the following opportunities for public participation:

- **2010 Notice of Preparation (NOP) and Scoping.** As required by CEQA Guidelines Section 15082, the County issued a NOP on March 1, 2010, that described the originally proposed project, stated its intention to prepare an EIR, and requested comments from interested parties. The NOP also included notice of the two public scoping meetings that were held on March 15 and 16, 2010 in the Panoche Valley and Hollister, respectively. The NOP was filed with the State Clearinghouse on March 2, 2010 (SCH #2010031008), starting a 30-day public scoping period. The scoping period was extended at the end of March by an additional notice. The review period for the NOP ended on April 15, 2010. Approximately 88 copies of the NOP were distributed to federal, State, regional, and local agencies; elected officials; and the general public.
- **Comments on 2010 Draft EIR.** The Draft EIR for the original project was published on June 28, 2010 and circulated for review and comment to the public, agencies and individuals and interest groups who have requested to be notified. Per Section 15105 of the State CEQA Guidelines, San Benito County provided for a 60-day public review period on the Draft EIR, ending on August 31, 2010. During the public review period (on July 21, 2010), the County held a public hearing to allow public comment on

the contents of the 2010 Draft EIR. The 2010 Final EIR in Volume 2 includes a response to each comment on the 2010 Draft EIR.

- **Certification of 2010 Final EIR.** The San Benito County Board of Supervisors considered the adequacy of the 2010 Final EIR at a noticed public hearing, determined it to be adequate, and certified the Final EIR prior to approving cancellation on Williamson Act contracts. The San Benito County Planning Commission and the County Board of Supervisors, on appeal, approved the Conditional Use Permit at a two noticed public hearings.

The County has provided the following opportunity to provide comments on the Revised Project:

- **2014 Notice of Preparation (NOP) and Scoping.** The County issued a NOP for the SEIR on October 31, 2014. The NOP described the revisions to the Approved Project, stated its intention to prepare a SEIR, and requested comments from interested parties. The NOP was filed with the State Clearinghouse on October 30, 2014 (SCH #2010031008), starting a 30-day public scoping period. The review period for the NOP ended on December 1, 2014. Approximately 185 copies of the NOP were distributed to federal, State, regional, and local agencies; elected officials; and the general public.

There will be a 45-day public comment period after release of the Draft SEIR and hearings prior to certification of the Final SEIR.

A.5 EIR Process and Agency Review

A.5.1 San Benito County

The Revised Project would be located on the same private land as the Approved Project. The County has prepared the SEIR to evaluate the environmental impacts of changes to the Approved Project, and to disclose the environmental impacts of the project to the County's decision-making bodies so they can make an informed decision regarding the environmental impacts of a modification to the Use Permit.

The Board of Supervisors approved the Williamson Act contract cancellation in 2010. As a result, the Applicant is required to comply with all conditions of approval, which include the payment of a cancellation fee based on the unrestricted fair market value of the land subject to the cancellation. The cancellation will become effective once all conditions have been met.

The Planning Commission (or the Board on appeal) will be the decision-making body on the CUP modification. If granted, the County's approval will again include the approval of a mitigation monitoring and reporting program, as revised based on the SEIR, to ensure implementation of all feasible mitigation measures. The County will not issue any grading or building permits until the Applicant demonstrates that all the conditions and mitigation that must be satisfied prior to issuance of grading or building permits have been met.

A.5.2 California Public Utilities Commission

The CPUC ~~must approve~~ has jurisdiction over any facility that will be transferred to and/or owned and maintained by an investor owner utility such as Pacific Gas & Electric Company (PG&E). In this case, PG&E facilities would include the on-site switchyard (to be known as Las Aguilas Switchyard) and associated components, as well as the interconnection to the existing 230 kV transmission line and its telecommunications components. Public Utilities Code 1001-1005 as implemented through CPUC's General Order 131-D requires the CPUC to ensure that any utility facility has undergone adequate environmental review. In addition, the CPUC Energy Division will need to consider this document before

the issuance of any permit or notice pertaining to PG&E’s ownership and operation of any facilities analyzed in this EIR.

A.5.3 Other Agencies

Several other local, State, and federal agencies will rely on information contained in the 2010 Final EIR as supplemented by this SEIR to inform the agencies in their decisions regarding issuance of specific permits related to project construction or operation. In addition to San Benito County, State agencies such as the California Department of Transportation, Department of Fish and Wildlife, and the Regional Water Quality Control Board would be involved in reviewing and/or approving the Revised Project or components of it. Federal agencies with permitting authority include the U.S. Fish and Wildlife Service (USFWS), the United States Army Corps of Engineers (Corps), and the U.S. Bureau of Land Management (BLM). Other local agencies which may require permits or approvals include the Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District. A list of required permits and approvals is included in Table A-1 in Section A.5.4 below.

The Corps has assumed jurisdiction over the project for federal permitting under the National Environmental Policy Act (NEPA) of 1969 – 42 U.S.C. Section 4321 et seq. The Corps issued a Notice of Intent to prepare an Environmental Impact Statement (EIS) on July 19, 2012. The NEPA process is taking place independent of the CEQA process. The environmental effects associated with the Revised Project, including the PG&E network upgrades, will be analyzed in that NEPA document to facilitate subsequent approvals or permits required by the Corps, and the BLM, and the USFWS.

A.5.4 Required Permits and Approvals

Table A-1 lists the preliminary federal, State, and local permits and authorizations required for the Revised Project.

| Table A-1. Permits or Other Actions Required Prior to Construction of the Revised Project | | |
|--|---|---|
| Agency | Jurisdiction | Permit or Regulatory Requirement |
| FEDERAL | | |
| U.S. Fish and Wildlife Service | Endangered Species Act 16 USC 1531-1544 Migratory Bird Treaty Act and Eagle Protection Act Fish and Wildlife Coordination Act | <ul style="list-style-type: none"> • Biological Assessment, Section 7 Consultation, Biological Opinion |
| U.S. Army Corps of Engineers | Clean Water Act, 33 USC 1341 Section 10, Rivers and Harbors Act Permit | <ul style="list-style-type: none"> • Individual/Nationwide Section 404 Permit |
| <u>U.S. Bureau of Land Management</u> | <u>Federal Lands Management and Policy Act of 1976 (Title V)</u> | <ul style="list-style-type: none"> • <u>Right of Way (SF-299)</u> |
| STATE | | |
| California Public Utilities Commission | Public Utilities Code 1001-1005 and CPUC General Order 131-D | <ul style="list-style-type: none"> • Permit to Construct or Advice Letter Notice (where applicable) are required for any facility to be operated and owned by PG&E |
| California Department of Fish and Wildlife | Manage fish, wildlife, plant resources and habitats; California ESA, California Native Plant Protection Act, California Fish and Game Code Section 1602 | <ul style="list-style-type: none"> • Streambed Alteration 1602 Permit • Section 2081 and 2099 Incidental Take Permit • Mitigation agreement/plan |

Table A-1. Permits or Other Actions Required Prior to Construction of the Revised Project

| Agency | Jurisdiction | Permit or Regulatory Requirement |
|--|--|--|
| Regional Water Quality Control Board, Region 3 (Central Coast) | Clean Water Act, Section 401 | <ul style="list-style-type: none"> • 401 Water Quality Certification • Storm Water Construction General Permit 2009-0009-DWQ • National Pollutant Discharge and Elimination System (NPDES) Permit |
| California Department of Transportation, Districts 5 and 6 | California Vehicle Code, Division 15, SECTIONS 35000 et seq. California Street and Highway Code SECTIONS 660-711, 670-695 | <ul style="list-style-type: none"> • Oversize/Overweight Permits • Encroachment Permits |
| California State Historic Preservation Office | Any archaeological or paleontological work | <ul style="list-style-type: none"> • Cultural Resources Use Permit, Field Use Authorization, or an Archaeological Resources Protection Act (ARPA) Permit (if required) |
| California Air Resources Board | Statewide, Title 13, Article 5, SECTIONS 2450-2465, California Code of Regulations | <ul style="list-style-type: none"> • Register portable equipment in accordance with the California Statewide Portable Engine Registration Program (PERP) |
| LOCAL AND REGIONAL | | |
| San Benito County | County roads and highways, flood control/channels | <ul style="list-style-type: none"> • Final cancellation of Williamson Act contracts • Amendment to Conditional Use Permit • Road Encroachment Permit • Building Permit • Grading Permit |
| Monterey Bay Unified Air Pollution Control District | Health and Safety Code 42300 et seq. | <ul style="list-style-type: none"> • Authority to Construct (ATC) and Permit to Operate (PTO) – New Stationary Source (e.g., engine-generator set greater than 50 horsepower or heater greater than 2 million British thermal units per hour) |
| San Joaquin Valley Air Pollution Control District | District Policy SSP 2150 | <ul style="list-style-type: none"> • Register diesel equipment |

A.6 Reader’s Guide to the Supplemental EIR

A.6.1 Incorporation by Reference

As permitted in Section 15150 of the State CEQA Guidelines, an EIR may reference all or portions of another document that is a matter of public record or is generally available to the public. If information from these documents has been incorporated by reference, the SEIR briefly summarizes this information in the appropriate sections of this SEIR, describes the relationship between the incorporated information and the SEIR, and identifies how the public may obtain and review these documents.

Some of the information provided in this SEIR is based on the following documents:

- Project Application materials, technical reports and data
- County of San Benito General Plan
- County of San Benito County Code
- County of Fresno General Plan
- County of Fresno Ordinance Code

Copies of project-related documents are available on the County’s website at:

<http://www.cosb.us/>

The County's General Plan documents are available on the County's website at:

<http://www.sanbenitogpu.com/docs.html>

The County of San Benito ordinances are available at the website of the American Legal Publishing Corporation:

[http://www.amlegal.com/nxt/gateway.dll/California/sanbenitocounty_ca/?fn=altmain-nf.htm\\$f=\\$3.0\\$vid=amlegal:sanbenitocounty_ca](http://www.amlegal.com/nxt/gateway.dll/California/sanbenitocounty_ca/?fn=altmain-nf.htm$f=$3.0$vid=amlegal:sanbenitocounty_ca)

Copies can also be viewed, upon request, at the San Benito County Department of Planning and Building Inspection Services (2301 Technology Parkway, Hollister, CA 95023-2513).

The County of Fresno's General Plan documents are available at:

<http://www.co.fresno.ca.us/ViewDocument.aspx?id=60071>

The County of Fresno's code of ordinances is available on the MuniCode website at:

https://www.municode.com/library/ca/fresno_county/codes/code_of_ordinances

Copies can also be viewed, upon request, at the Fresno County Department of Public Works and Planning (2220 Tulare Street, 6th floor, Fresno, CA 93721).

A.6.2 EIR Organization

Pursuant to State CEQA Guidelines, Section 15120(c), this SEIR contains the information and analysis required by Sections 15122 through 15131. Each of the required elements is covered in one of the EIR chapters and appendices, organized as follows:

- **Executive Summary.** A summary description of the Revised Project, the alternatives, their respective environmental impacts and the Environmentally Superior Alternative.
- **Section A (Introduction).** A discussion of the background, purpose and need for the project, briefly describing the Revised Project, and outlining the public agency use of the SEIR.
- **Section B (Project Description).** Detailed description of the changes to the originally proposed project and of the PG&E Upgrades.
- **Section C (Environmental Analysis).** An assessment of impacts and mitigation measures for the Revised Project, and discussion of the changes since the 2010 EIR analysis. This section is divided into main sections for each of 14 environmental issue areas (e.g., Air Quality, Biological Resources, etc.) that describe relevant changes to the environmental setting since 2010, and discussion of the impacts of the Revised Project in comparison with those of the Approved Project.
- **Section D (Cumulative Project Scenario).** A description of the cumulative project scenario, updated with current information. Cumulative impacts analysis is presented in Section C for the Revised Project.
- **Section E (Alternatives).** A summary of the alternatives evaluation process completed in 2010, as well as a list of alternatives considered but eliminated from further analysis. This section also summarizes the descriptions of alternatives and their impacts, including the No Project Alternative.
- **Section F (Other CEQA Considerations).** An updated discussion of growth-inducing effects, long-term implications of the Revised Project, and significant environmental effects which cannot be avoided if the Revised Project is implemented.

- Section G (Glossary, Acronyms, and Abbreviations)
- Section H (EIR Preparers)
- Section I (Mitigation Monitoring and Reporting Program)
- [In Final SEIR only] Comments on the Draft SEIR and Responses to Comments

Appendices:

- Appendix 1 Notice of Preparation (NOP) for SEIR and Scoping Comment Letters
- Appendix 2 Traffic Impact Study, November 2014
- Appendix 3 Mitigation Measures and Applicant Proposed Measures Unchanged Since 2010
- Appendix 4 Technical Documents Supporting the Final SEIR

A.7 References

PVS (Panoche Valley Solar LLC). 2014. Proposed Modification to Use Permit #1023-09 (Panoche Valley Solar Project) Letter. August 11.2014.