Comment Set D1 – Will McGuire

Email: Panoche Valley Solar Project Supplemental EIR

From: Will McGuire <w_v_mcguire@sbcglobal.net>
Sent: Monday, January 26, 2015 9:50 AM
To: Panoche Solar Project
Subject: Panoche Solar Farm Question

Greetings: I have a question concerning the maintenance processes of the proposed project: Knowing the solar panels will have to be cleaned (washed) occasionally it stands to reason that some sort of detergents will be used, The lifetime of the project is estimated to be 30 years, my question is after those thirty years of detergent runoff, will the soil underneath be sterile? Or if it is planned to use a biodegradable detergent that wouldn't pose a long term hazard to the environment? D1-1

Thanks: Will McGuire

Comment Set D2 – Kim Williams

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February 10, 2015

Michael Krausie
Associate Planner
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Subject: Panoche Valley Solar Project Draft Supplemental Environmental Impact Report (SCH#2010031008)

Dear Mr. Krausie,

Please accept my comments on the Draft Supplement Environmental Impact Report (DSEIR) for the Panoche Valley Solar Project (Project), showing changes to the Project since the approval of the Final EIR in 2010.

1. Project Figures

a. Construction pond placement and size should be shown in relation to biological survey results. D2-1

b. Floodplain modeling should be shown to see if the proposed placement of structures, roadways and bridges interfere. D2-2

c. PG&E upgrade modeling and revised project design modeling should be shown, reflecting the height of each component in relation to the others, including water storage tanks, the substation, switchyard, the 25' poles used to mount overhead 34.5 kV collection wires 1,000 feet or more from the collection breakers in the switchyard and outside the PV field, and each of the three new 300'cell towers and 100' microwave tower. The figure should provide an accurate simulation of all these components within the surrounding landscape. D2-3

d. Nighttime illumination during construction and during operation has not been modeled so the public can get a sense of what the valley will look like at night, nor is it modeled in order for the CA Dept. of Fish & Wildlife and the US Dept. of Fish & Wildlife to accurately determine the scope of nighttime illumination, where it will overlap with sensitive nocturnal species habitat ranges and how this may increase or decrease predation due to the increase in visibility. D2-4

e. Some of the figures should be overlaid to clearly show the locations of sensitive species from the biological surveys with all structures, including solar panels, substation, switchyard, water storage tanks, roadways, bridges, etc. D2-5

Comment Set D2 – Kim Williams (cont.)

f. The existing Vasquez Creek Road and proposed 'New Vasquez Creek Road are not clearly shown and labeled on any figures for comparison sake. D2-6

g. All access points during construction for the construction team are not shown on any figures. D2-7

2. <u>Mitigation for upland species</u> D2-8

a. Proposed on-site mitigation areas and Silver Creek Ranch are existing habitat and should be assumed to be at maximum carrying capacity and not capable of handling an increase in species numbers.

b. Biological surveys confirm that GKR, SJKF and BNLL are not present in sufficient quantities on the proposed Valadeao Ranch Conservation Lands and parts of the Silver Creek Ranch Conservation Lands to be considered adequate mitigation for impacts to these animals, or to aid in their recovery. Therefore the Valadeao Ranch Conservation Lands and the areas of Silver Creek Ranch Conservation Lands where these animals were not found to be present should be removed from the mitigation/conservation land totals cited in the DSEIR. Specifically, surveys show the Valadeao Ranch Conservation Lands are too steep to be of any use for the species cited above. D2-9

c. Measure BR-G.6. does not identify specific acreage of mitigation lands, on-site or off, nor does it show how many acres have a slope greater than 11%. Merely citing a percentage of mitigation land with slopes greater than/less than 11% is not adequate noticing of the public or the CA Dept. of Fish & Wildlife and the US Dept. of Fish and Wildlife. D2-10

d. Silver Creek encumbrance issues must be revealed. D2-11

e. Mitigation measures are vague and defer details until a later plan is developed or because actions may require permits from state and federal agencies during the NEPA process. The DSEIR must include greater detail in these areas. D2-12

f. I understand there have been new studies completed since the FEIR was adopted. Specifically for the Blunt-nosed leopard lizard (BNLL) and giant kangaroo rat (GKR) population in the various parts of Panoche Valley which show how important the valley is for these species recovery. These must be included in the SEIR. D2-13

g. Buffers for all areas the BNLL are known to, or may, inhabit should be no less than 395 acres as per CA Fish & Wildlife Service. D2-14

h. Pre-construction surveys for BNLL are useless as mitigation unless done during the season when they are active above ground. They must occur immediately prior to construction activities and cannot happen during the evening. D2-15

i. Biological monitoring must be full-time for the BNLL in order to adequately monitor for take and potential take. D2-16

j. Since almost all of the sensitive upland species found throughout the project site are nocturnal, nighttime driving, construction and construction support activities should be limited to daytime hours only, as mitigation, to prevent avoidable take of protected and fully-protected species during nighttime construction and operational activities. D2-17

Comment Set D2 – Kim Williams (cont.)

k. An additional roadway to be called 'New Vasquez Creek Road' is proposed in the DSEIR to replace the existing and well-established Vasquez Creek Road. The DSEIR does not specify how close to the southern edge of Las Aguilas Creek it would be, whether it is within the flood-plain, how far from the existing Vasquez Creek Road it would be located. The proposed location of the new roadway appears to be within the on-site mitigation land, directly over where the biological survey figure reveals a natal/pupping den for the San Joaquin Kit Fox (SJKF), several BNLL and the presence of GKR. The DSEIR shows the roadway will be constructed by grading and graveling and would connect Little Panoche Road to the western Project perimeter fence. 'New Vasquez Creek Road' is proposed to provide access for landowners who own land and either recreate, ranch or live full-time beyond the western Project perimeter, (including 3 brothers and their families who are full-time residents and are growing crops in that area). The continued use of the existing Vasquez Creek Road for landowners is preferable as there is no presence of sensitive species according to the biological figure provided in the DSEIR. The construction and use of the proposed roadway 'New Vasquez Creek Road' would eliminate all value for the on-site mitigation land along the Las Aguilas Creek and would result in take of BNLL, SJKF and GKR. D2-18

l. Part of the onsite mitigation/conservation areas will be compromised by being located adjacent to the Project switchyard, where all traffic will enter the site once installation is complete and the site is fully operational. D2-19

m. APM BIO-16 incorrectly states that mitigation lands provide 10,331 acres of land that on average support equivalent density of burrow clusters for GKR that the Project site does not. APM BIO-19 states the mitigation lands provide for 10,036 acres of suitable habitat for the SJKF. However, both of these mitigation measures reflect existing habitats and do NOT replace the permanent loss of critical habitat the construction and operation of this Project represent. In order for successful recovery of these species to occur, additional valley floor habitat above and beyond what already exists must be acquired for mitigation. D2-20

3. <u>Construction Ponds</u> D2-21

a. Potential hazard to sensitive upland species and birds for drowning is not revealed or mitigated for.

b. Construction of the 4.4 million gallon ponds should be avoided and alternate means of enclosed water storage should be used if take of threatened, endangered and fully-protected species is to be avoided.

4. <u>Ground Disturbance</u> D2-22

a. What has caused the overall graded area of the Revised Project to increase from 200 acres to 392 acres, despite an overall smaller project footprint?

b. What will be the total area of graded/excavated areas, active unpaved roadways, unpaved staging areas, and unpaved parking areas?

Comment Set D2 – Kim Williams (cont.)

5. Fire Protection

a. The SEIR states permanent employees will be trained as volunteer firefighters and first responders, but does not show 1) how many employees trained as first responders will be on site at all times, 2) whether these employee/volunteer firefighters will respond outside Project perimeters if fire spreads beyond that boundary onto adjacent landowner properties or Panoche Elementary, 3) what equipment they will have at their disposal and whether that is adequate for a potential large-scale fire, 4) the purpose for classifying the first responders as volunteer. Is fire protection not going to be part of their job description? Is fire protection voluntary only? How will their firefighting duties be specified? And 5) whether volunteer firefighters will meet Hollister Fire Department requirements for first responders. D2-23

b. The SEIR does not show what the Hollister Fire Department response time will be in the event of a fire, and whether the Hollister Fire Department possesses the resources to respond to a large-scale fire in the Panoche Valley. Have Hollister Fire Department personnel been trained to properly respond to a fire within an industrial solar facility and avoid electrocution during daylight hours when the facility is 'live', especially with reduced access between the PV blocks as the Revised Project design reflects? Does Hollister Fire Department currently posses the necessary equipment to adequately respond to a fire at a large-scale industrial solar facility in Panoche Valley? How much damage could occur and how far could a fire spread for every additional ½ hour Hollister Fire Department takes to respond to a fire at the Project site, including during various levels of high winds? D2-24

c. There are no emergency/egress roads within the Project site, as requested by Chief O'Connor of the Hollister Fire Department, in order for the Hollister Fire Department personnel to be able to access all areas of the Project during a fire to 1) stop the spread of the fire to a greater area, 2) put out the fire and 3) assist/rescue any Project personnel as needed. This may unnecessarily cause greater damage and loss of human and wildlife life in the event of a fire, as well as damaging wildlife habitat and the surrounding community, (including Panoche Elementary School and the students) by inhibiting fire containment and suppression. D2-25

d. Who will provide EMT services in the event of a fire or industrial accident? Are enough EMT personnel available at any given time should all 550 construction crew members require medical attention due to a large-scale fire at the industrial solar Project? How will the diversion of those EMT personnel, and Hollister Fire Department personnel, affect response times in other parts of San Benito County? D2-26

e. The access for Hollister Fire Department to homes, recreational lodgings and agricultural operational structures beyond the western boundary of the Project site will be severely limited by the elimination of Vasquez Creek Road. 'New Vasquez Creek Road' will not serve the same purpose due to the proposed location within the on-site mitigation land along the southern edge of Las Aquilas Creek. 'New Vasquez Creek Road' cannot be used at the proposed location without jeopardizing threatened & endangered species, including the fully-protected BNLL, not to mention the inability to create a 30 foot wide cleared buffer zone/fuel break with pullouts every 2,000 – 5,000 feet and a turning radius D2-27

Comment Set D2 – Kim Williams (cont.)

to allow a fire truck with a length of 31 feet to make a turn within the on-site mitigation land where 'New Vasquez Creek Road' will be located. D2-27

f. Perimeter roads are proposed to be only 20 feet wide with no mention of a 30 foot wide buffer zone/fuel break and a turning radius to allow a fire truck with a length of 31 feet to safely make a turn as recommended by the Hollister Fire Department. D2-28

g. The DSEIR states livestock grazing will occur throughout the project site to reduce vegetation and subsequent fire hazards associated with excessive vegetative growth. Temporary fencing is proposed to be used but no further details are provided about the type of fencing, etc. Given that grazing may occur from January through May, nearly half the year, this should be explained further. In addition, changes in language on page C.6-65 (MM BR-G.2) make it unclear whether project plans still include the use of sheep or goats to control vegetation on the Project site. In any case, the change allows the use of dogs within the site for livestock management. Livestock dogs may not be trained to avoid chasing, harassing or killing wildlife, and their scent markings may impact movements and activities of SJKF and other upland species. This would introduce a new, potentially significant impact and should be thoroughly analyzed. D2-29

6. <u>PG&E Upgrades</u> D2-30

a. What other communication system options were considered, (and shown as preferred by PG&E) as options to avoid the impact of adding 300' microwave towers to the visual landscape?

b. Will the cell towers be illuminated at night per FAA regulations? How will that affect the night skies of the valley? D2-31

c. What is the height of the towers compared to the two towers on Panoche Mountain? D2-32

d. Because some of the upgrades will occur in Fresno County, that county should be the co-lead permitting agency under the DSEIR process. D2-33

7. <u>Construction</u> D2-34

a. What constitutes 'construction'? This is not described in the DSEIR.

b. The DSEIR states construction will occur in one phase during the reduced 18 month construction period but does not clearly show how many acres will be impacted and what activities will be occurring at any given time during construction. This information must be provided in order for informed decision making regarding impacts and mitigation proposals can take place. This is especially important since activities during the 18 month construction phase are scheduled to occur 24 hours per day, 7 days per week. At what time of day will panel components be delivered to the Project site, when will panel assembly occur, when will steel rack assemblies be constructed and installed, when will there be driving activity within the site, etc. D2-35

c. Table B-8. shows 20 hours per day for the frequency of use for 4 drill rigtrucks, and 16-24 hours per day for 4 forklifts. This contradicts the DSEIR's assertion that construction activities will only occur during daylight hours and no ground disturbing activities would take place at night. The use of drill rigtrucks and forklifts are not D2-36

Comment Set D2 – Kim Williams (cont.)

reflected in the list of approved nighttime construction activities. These activities have a high potential to increase mortality in the upland nocturnal species, including sensitive threatened, endangered and fully-protected species. This information is not reflected in the DSEIR, nor has it been reviewed by the CA Dept. of Fish & Wildlife and the US Dept. of Fish & Wildlife. D2-36 cont.

d. The opinion of the CA Dept. of Fish & Wildlife and the US Dept. of Fish & Wildlife has not been considered before deciding to use construction ponds, which are known to be harmful/fatal to wildlife and birds. All construction ponds should be eliminated and replaced with water storage tanks unless the state and federal wildlife agencies clearly state construction ponds will not negatively affect or cause incidental take of any upland species, specifically the threatened, endangered and fully-protected endangered species. D2-37

e. The proximity of laydown yards to the on-site and valley floor mitigation lands has not been analyzed for biological impacts. The opinion of the CA Dept. of Fish & Wildlife and the US Dept. of Fish & Wildlife regarding biological impacts must be considered in regards to laydown area impacts as well. D2-38

8. <u>Noise</u> D2-39

a. The Panoche Elementary School teacher lives on school grounds, within ¾ mile of the project site and roughly 1 mile from proposed construction areas. Specific noise impacts to this site during the day and evening should be clearly stated.

b. Mitigation NS-1.3 "Provide advanced notice of construction" does not show how it will adequately mitigate Noise impacts to the surrounding Panoche Valley, nor does it show what the response time will be. D2-40

c. 18 months of 24 hours per day, 7 days per week construction is not short enough to qualify as 'temporary' under local Noise Ordinance, which the Revised Project will violate during construction and operation. D2-41

d. The Applicant has proposed eliminating the enclosures that were meant to reduce noise from the PV inverters and transformers but the DSEIR does not state why and does not show how noise levels will increase with the elimination of inverter/transformer enclosures. D2-42

9. <u>Traffic</u> D2-43

a. The DSEIR suggest the CA Highway Patrol will monitor and respond to roadway hazards created by the shortened construction time and increased work force. However, no analysis was done and the CA Highway Patrol was not consulted to determine how often they patrol the Panoche Valley area, whether they can meet the new potential for traffic enforcement under the Revised Project, and how that will affect other service areas within their jurisdiction.

b. The above statement applies to the San Benito Sheriffs Department and must be answered in regards to them as well. D2-44

c. Construction and permanent employees should be prohibited from drinking alcoholic beverages at the Panoche Inn before, during and after work to mitigate for the potential threat from 550 drivers under the influence on Panoche Road, Little Panoche Road and I-5. D2-45

Comment Set D2 – Kim Williams (cont.)

d. Mirrors should be installed at blind corners on the Wiggle-tail Pass of Panoche Road to mitigate for dangerous conditions due to low or absent visibility and an increase of traffic during construction and operation. Employees must be trained on proper right-of-way laws for mountain passes, bridges and roadways where only one vehicle may pass at a time. D2-46

e. How will Panoche Valley Solar carpooling be encouraged? Where will carpoolers park their cars in Hollister and in other areas of origin in order to allow carpooling or shuttle bus activity to occur? D2-47

f. Under what circumstances will roadways be closed or partially closed because of activities associated with construction? How long will these closures or partial closures last during each event? How often will they occur? D2-48

g. How was it determined that only 40% of personal vehicle traffic would enter the Project site from the north via Little Panoche Road? How can the direction personal vehicle traffic associated with construction and operation will enter the Project site from be accurately predicted when it is unknown from what location the majority of construction and operational personnel will be hired? D2-49

h. What will the impact to Panoche Road be if the remaining 60% of personal vehicle traffic is allowed to travel to the Project site via that roadway as shown in the DSEIR? What will the cost of maintenance be and will the county or Applicant absorb that cost? How often will road maintenance occur in response to unsafe roadway conditions due to the increase in traffic? D2-50

i. During what hours of the day will truck traffic and deliveries occur? D2-51

j. The DSEIR predicts total daily trips for the Revised Project will be 1,150 vs. the 298 shown in the 2010 Final EIR yet Table B.6. is obviously inaccurate. For instance, that Table shows a reduction in one-way trips for PV panel delivery despite an equivalent square footage of PV panels for both the Approved and Revised Projects. The Table also shows a reduction in water trucks and dust control vehicles despite an increase in area to be graded for the Revised Project as well as an increase in construction activity within a shorter period of time that will result in greater dust impacts and a suggested mitigation of applying more water for dust control. Table B.6. obviously needs to be revised to accurately portray the impacts before any assumptions about overall traffic numbers, net decreases in air emissions and any decrease in the cumulative total of traffic trips during construction associated with each project component can be made. D2-52

k. Los Banos is closer to the Project site than Hollister and Santa Clara County yet is omitted from the origin and travel distance for workers. D2-53

l. The DSEIR inaccurately assumes the majority of the workforce will travel into the valley via Panoche Road when in reality it will travel into the valley via Little Panoche Road, directly through the primary locations where sensitive upland species are found. Most at risk of traffic mortality is the SJKF because they have the greatest range and regularly cross Little Panoche Road. The risk of traffic mortality on Little Panoche Road for the SJKF has not been analyzed and presented to the CA Dept. of Fish & Wildlife and the US Dept. of Fish & Wildlife for proper review. A land bridge should be considered D2-54

Comment Set D2 – Kim Williams (cont.)

across Little Panoche Road, within the proposed on-site mitigation area, to mitigate for take of this species due to substantially increased traffic through the middle of their habitat range and the subsequent risk of traffic mortality. D2-54 cont.

10. Dust D2-55

a. There are no established limits for the use of well water to control dust during the 18 month construction period, or during the subsequent 20+ year operational period. If any valley well drops more than 5 feet during the construction period, or during the subsequent 20+ year operational period, a back-up dust control method must be available. If the back-up mitigation is to use a chemical dust suppressant, maximum baseline levels must be established and another back-up dust control method must be available for implementation in the event chemical dust suppressant use meets maximum recommended environmental levels. The applicant should not rely solely on manufacturer information but rather should rely on recommendations from CA Dept. of Fish & Wildlife and US Dept. of Fish & Wildlife based on what is safe, (if there are safe) exposure levels for upland species found throughout Panoche Valley.

b. Panoche Valley has experienced an extreme drought during the past 4 years which has steadily reduced the vegetative groundcover and increased the risk of top soil exposure if groundcover is damaged or absent. This will increase dust generation, especially with the shorter construction period/increased construction impacts. This threat to air quality is not thoroughly reviewed, disclosed to the public or mitigated. Table B-8 shows construction vehicles and equipment to be used and for how many hours of the day, including on-road and off-road. The amount of off-road equipment usage indicates a greater potential for dust generation than the current proposed dust mitigations would indicate. D2-56

c. MM AQ – 1.2 fails to show how designating a dust complaint monitor will reduce the effects of dust due to the change in construction period/impacts. It also does not show what amount of acreage will be watered down 3 times per day, and whether there is a limit on that amount in order to reduce water usage. 48 hours is an extreme response time for the monitor to respond to complaints and serves no purpose in terms of mitigation. Monitor response should be the same day a complaint is made, with immediate action taken to reduce dust levels or, in the event dust levels cannot be reduced due to winds greater than 15 mph, halt construction until safe conditions resume. The exact response measures the monitor will take should be available for public review in the SEIR. D2-57

d. The supposedly non-toxic chemical soil stabilization material to be used should be included in the SEIR, along with the proposed means for regular monitor analysis to be done during construction to detect maximum allowable soil saturation and any affect on the aquifer as it occurs. Limits must be set for maximum soil saturation and aquifer taint based on input from the appropriate state water regulation agencies and input from CA Dept. of Fish & Wildlife and the US Dept. of Fish & Wildlife. D2-58

e. Impact AQ-1 falsely states the Revised Project would emit fugitive dust like the Approved Project, despite the shortened construction period requiring a greater number of workforce and dramatically increased traffic and construction activities. The DSEIR should show the difference in fugitive dust emissions between the Revised and Approved D2-59

Comment Set D2 – Kim Williams (cont.)

Project and should not be amortized to give the impression of reducing negative impacts when in fact there is an increase. Specific reasons for increased fugitive dust must be included, such as the reason for the change to the overall graded area of the Revised Project from 200 acres to 392 acres despite the Project footprint shrinking. And what are "inactive storage piles"? What is being stored? How many gallons will be drawn daily from the aquifer to accommodate daily construction needs such as watering areas where dust can be generated 3 times per day? A maximum allowable daily water usage level by the gallon must be established to prevent the Applicant from drawing down well levels more than 5 feet total due to any predictable and unforeseen daily watering events. D2-59 cont.

f. How will ground cover grow in disturbed areas unless it is irrigated, including under the solar panels? The estimated daily water usage as well as the total estimated water usage during construction and subsequent operational period for watering all necessary Project areas of responsibility should be analyzed and included in the SEIR. D2-60

g. APM AQ-2. 1,000 feet is 1/5 of a mile and is an inadequate distance for avoiding excessive noise & dust at Panoche Elementary. A minimum buffer of 1 mile should be established around Panoche Elementary and all noise generation, dust generation and air pollution generation should be prohibited within that buffer zone in order to protect the health and learning/work ability of the students and staff. D2-61

11. <u>Water</u> D2-62

a. Panoche Valley wells have dropped 5' in the past fifteen years, an average of 0.027 feet per month. The DSEIR predicts a drop of 5' within the proposed 18 month construction period, an average of 0.27 feet per month. If water usage were to continue at this level throughout the established 20 year operational period due in order to deal with unforeseen increases in predicted dust events, well water levels could drop 64.8 feet or more in 20 years. This in itself would mean the end of all agricultural production in Panoche Valley, not to mention the devastation that would occur of water usage was actually higher. To mitigate, the DSEIR must show maximum use limits for well water per month to prevent wells from dropping more than 5 feet. In the event that a well does drop below 5 feet, or stops producing water even though less than a 5 foot drop in water has occurred, the Applicant should be responsible for providing immediate water relief to cover all needs to all affected landowners and/or Panoche Valley business operators, to be provided until such time that the affected well water levels return to the pre-construction baseline.

b. Water will be applied to graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas for a minimum of three times daily, based on the type of operations, soil and wind exposure yet no maximum water usage has been established and there seems to be no limit to the amount of water the Applicant can use during construction and operation, nor is there a limit to how much impact to adjacent landowner well levels will be allowed. Clear limits need to be established to prevent creating conditions under which the surrounding agricultural businesses can no longer continue to successfully operate. D2-63

Comment Set D2 – Kim Williams (cont.)

b. Mitigation is inadequate. Well-water depth monitoring should be done every month during construction to ensure well-water does not drop more than 5' during the 18 month period, every month for 6 months following the start of operation to monitor water levels and ensure usage does not exceed predicted operational use levels, and every year thereafter to ensure levels are regenerated to pre-construction baseline conditions. A time frame for well regeneration must be established. In addition, a plan to restrict use should be instituted and means of enforcement should be clear to prepare for the possibility of well levels not regenerating to pre-construction baseline levels within 6 months post construction and every year thereafter. D2-64

c. MM AQ-1.1 has not been reviewed for biological impacts by the CA Dept. of Fish & Wildlife or the US Dept. of Fish & Wildlife, nor have potential impacts been studied by the Applicant. MM AQ-1.1 does not ensure impacts from fugitive dust from the Revised Project and PG&E upgrades will not be significant for the upland species and surrounding agricultural businesses and all such assurances should be removed if not verifiable. Mitigation measures are vague, such as water usage in the event that more than 3 watering events are needed, and do not demonstrate guaranteed effectiveness. A definition is not provided to show what period of time would qualify as a "sustained" period of high wind of 15 mph or greater in order to determine when construction activities would be halted until winds fall before the 15 mph threshold, nor does it specify for what period of time winds need to be sustained at less than 15 mph in order for construction activities to begin or occur each day. There is no mention of who will be responsible for monitoring daily wind levels during grading and other construction or maintenance activities. Roadway maintenance is not discussed and we have no information about the frequency in which roadways will be graded during construction and operation in order to keep them in a usable condition throughout both periods, nor what kind of dust that activity will generate. This mitigation measure states, "unpaved road travel shall be limited to the extent possible" but does not reveal that no limitation has been established for adjacent landowner use of 'New Vasquez Road', including the use of that road by permanent residents who live and farm crops to the west of the Project and will use the road regularly for frequent access to their homes and business. D2-65

d. The solar panel surface area will be the same for the Revised Project as it is for the Approved project (24 million sq. ft. from 3 million 2x3 solar panels for the Revised Project, 24 million sq. ft. from 1 million 4x6 solar panels for the Approved Project) yet the DSEIR incorrectly states there will be a reduction of water usage for the cleaning of solar panels once the Project becomes operational. Since there will be no reduction in the total solar panel surface area to be washed, there will be no reduction in water usage for cleaning to offset the significant increase in water usage during construction. The DSEIR must be changed to reflect this. D2-66

e. Estimated PV panel cleaning is two times per year yet there is no analysis of this potentially increasing due to prolonged drought and/or lack of vegetation during a drought which will contribute to additional dust creation. Off-site water deliveries used for dust suppression or site stabilization may not be anticipated but must be thoroughly analyzed to prepare for a possible need during periods of prolonged drought. D2-67

Comment Set D2 – Kim Williams (cont.)

12. Williamson Act

In 2010 the San Benito Board of Supervisors (Board) approved the immediate cancellation of Williamson Act contracts in Panoche Valley on the basis that the Panoche Valley Solar Project was needed in order for the state to meet the 33% renewable energy by 2020 mandate. However, the Panoche Valley Williamson Act lands remain encumbered by contracts 6 years later and the state has declared, (before the PPA between the Project and Southern California Edison was approved) that the Project was not needed in order for California to meet it's renewable energy mandate goals. This information should be verified and if correct, the reason the Board gave for approving the immediate cancellation of Williamson Act contracts in Panoche Valley is no longer valid and the cancellation approval should be rescinded or expired. D2-68

13. Revised Project Description

a. The Revised Project would include installation of 1 million 4x6 PV panels, compared to the 3 million 2x4 PV panels under the Approved Project. However, the area covered will be the same, (24 million sq. ft. for the Revised Project, 24 million sq. ft. for the Approved Project) yet the DSEIR does not say this and instead gives the impression a smaller surface area will be covered with panels. This is misleading and is not conducive to informed decision making. D2-69

b. Impacts expand beyond actual buildings, solar panel coverage and facilities so it is improper and misleading to state the Revised Project will impact 700 fewer acres, especially when a grading plan has yet to be developed. The impact area should include all direct and indirect impact areas. The same holds true of the permanently disturbed areas, which the DSEIR states will be reduced from the Approved Project, completely omitting the construction of 'New Vasquez Creek Road' within the on-site biological mitigation area along Las Aquilas Creek, and the other roadways to be located throughout the Project site and around the perimeter. D2-70

c. On-site mitigation/conservation area is compromised by the inclusion of 'New Vasquez Creek Road' within those areas, making the actual on-site mitigation area much smaller than the DSEIR reflects. D2-71

d. Changing the description of permanent on-site access roads to "interstitial space" and describing them as dirt 'paths' between the rows of PV panels does not change the fact that these are roadways that will be in use throughout construction and operation of the Project. Eliminating the area these roadways cover from the total disturbance area is misleading and false and should be corrected. D2-72

e. There are no figures showing where temporary silt fencing will be placed, nor is there any biological review to determine what impact this impermeable fencing will have on the upland species, including the threatened, endangered and fully-protected species. D2-73

f. There is no discussion regarding the switch from stationary PV panels to tracking PV panels and exactly what the change means to how the panels will be mounted. Tracking panels typically have a concrete base for support whereas stationary panels can be mounted solely using pole frames. This significant change must be thoroughly reviewed D2-74

Comment Set D2 – Kim Williams (cont.)

for potential biological impacts and direct ground impacts and made available for public review. D2-74 cont.

g. Table B-2. shows no specific impact summary for the Approved Project in order to verify whether the total permanent disturbance area is accurate. Access roads, perimeter fencing and Vasquez Creek County Road are not included in the analysis used to determine whether the site disturbance area will actually be reduced. Until this analysis is made complete, any assertions regarding overall reduction in site disturbance areas or increases in on-site mitigation areas are grossly misleading and false. D2-75

h. Grading will be required on slopes greater than 3% for installation of the PV power blocks. The area of the project site with 3% or greater slope has not been analyzed, nor has a grading plan been finalized for biological review. Therefore, figure B.4 cannot accurately portray grading areas. The grading plan should be completed for inclusion in the SEIR and figure B.4 should be revised to accurately portray all grading areas. D2-76

i. Impacts to the on-site mitigation area around Las Aquilas Creek from the Las Aguilas Switchyard have not been analyzed for biological review by CA Dept. of Fish & Wildlife and US Dept. of Fish & Wildlife. D2-77

j. It is unclear how the entire Project site will be accessed, including both sides of Little Panoche Road, once the switchyard location is established as the sole entrance for all traffic entering the entire Project site post installation when the site is fully operational. Please explain. D2-78

14. <u>Sensitive Receptor, Panoche Elementary</u>

a. The temporary and permanent workforce should be screened to verify none are on the child/sex offender's registry list in order to avoid creating any undue risk for the students and teacher of Panoche Elementary throughout the shortened construction period and extended operational periods. D2-79

b. The idling of diesel engines 1000' from the school is unacceptable. 1000' is not an adequate buffer area for the school for any construction activities. A 1 mile buffer zone around the school must be created to avoid subjecting the school to significant negative impacts from noise, dust and air pollution. D2-80

c. The stopping of employee vehicles, idling or walking within 1000' of the school grounds should be prohibited for the safety of the students and teacher. D2-81

15. <u>Alternatives Analysis</u>

a. The DSEIR incorrectly states there are no new significant impacts resulting form the changes incorporated in the Revised Project. The assumption is made that all levels of significant and unavoidable impacts are the same beyond a certain point, ignoring the fact that significance and unavoidability will increase exponentially with the new project features and condensed construction period. This in turn creates a situation where an Alternative may be even more beneficial for avoiding the increased significant, immitigable impacts. This must be thoroughly reviewed before an informed decision can be made regarding the appropriateness of an Alternative to the proposed Revised Project. At no time is the opinion of CA Dept. of Fish & Wildlife and US Dept. of Fish & Wildlife D2-82

Comment Set D2 – Kim Williams (cont.)

considered in the Alternatives analysis. Because some of the greatest significant, immitigable impacts involve listed species under the CA and Federal Endangered Species Act, these agencies must be given the opportunity to comment during the DSEIR process and obtaining their opinion should not be deferred until the results of the ongoing NEPA review are known. Without their opinions, San Benito County and Fresno County permitting agencies can not make informed decisions. D2-82 cont.

b. The circumstances which led to San Benito County (County) rejecting the Westlands CREZ Alternative as infeasible have changed. Since that time, several projects have been built and brought online at the Westlands CREZ, showing development, construction, employment and transmission capacity are all possible for this Project at that location. It is incorrect for the DSEIR to state construction and operation of the Panoche Valley Solar Project could not occur at the Westlands CREZ location, and therefore the Proposed Project would not contribute to meeting California's renewable generation goals at that location. In fact, it is incorrect to say any contribution towards meeting California's renewable generation goals is needed from the Panoche Valley Solar Project since California has deemed the goal will still be met even if the Panoche Valley Solar Project is never built. Therefore, the ability to contribute to meeting California's renewable generation goals should be removed from consideration when discussing the potential or need for this Project at ANY location. D2-83

c. It is incorrect to state other industrial solar projects similar to the proposed Panoche Valley Solar Project could be built in the future in the Panoche Valley, albeit on a smaller scale, based merely on transmission line capability. The reduction of the Proposed Project size, or that of any other potential industrial development in Panoche Valley, needs to be studied before an accurate assumption can be made as to how small any solar project would need to be in order to avoid all significant immitigable impacts to all areas of consideration in Panoche Valley. Any analysis must also include analysis by the CA Dept. of Fish & Wildlife and the US Dept. of Fish & Wildlife before any conclusions can be made. Thus far the opinion of the state and federal wildlife agencies has been completely and improperly ignored in all of the Alternative discussions. D2-84

d. It is incorrect and improper to assume Alternative A Revised and the Revised Project, (as somewhat-detailed in the SEIR) would result in less severe permanent impacts on most environmental resource areas, or that they successfully eliminate four of the 420 MW project's significant and unmitigable impacts on biological resources, without proper review and input from the CA Dept. of Fish & Wildlife and US Dept. of Fish & Wildlife agencies. Without detailed analysis from these agencies, these statements can not be corroborated and must be considered false. Detailed analysis cannot and should not be deferred in lieu of the ongoing NEPA process and must be thoroughly addressed in the DSEIR. D2-85

16. Decommissioning D2-86

a. The 2010 Final EIR states the Project will be in operation for at least 20 years. The DSEIR states 30 years yet states section B.9 has not been modified from the Approved Project to the Revised Project. This assertion is false.

b. The decommissioning bond the Applicant must post in order to cover anticipated decommissioning costs should be revised to reflect current costs.