

20 RESPONSE TO COMMENTS

INTRODUCTION

The Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (the project) was circulated on March 5, 2025 (State Clearinghouse Number 2022010271) for a public review period that ended on May 5, 2025. A total of 74 individual letters were received during the comment period and one additional letter was received after the close of the public review period. This Final EIR (FEIR) provides responses to comments received on the DEIR. Each letter has been assigned a number, as indicated below.

For ease of reference, individual comments addressing separate subjects within each letter are labeled based on the letter's numeric designation and comment number (e.g., the first comment in the first letter is Comment 1-1). The comment letters are further organized by the type of commenter – “A” for agency, “I” for individual, “O” for organization, and “T” for Native American tribal representative. The same level of detailed and thorough response is provided for each comment, regardless of the type of commenter.

The verbatim text of the comments has been provided, followed by a response. Note that the preface language of the letters is often excluded (where the text consists of salutations, numbering of comments, and other non-substantive features). Comment letters are included in their entirety in FEIR Appendix C.

Note that some of the comments offer suggestions or express preferences related to the proposed development and do not address environmental issues or the adequacy of the EIR for addressing environmental impacts of the proposed project. All comment letters, including those that address environmental issues and those that address other issues, are forwarded to the Board of Supervisors for consideration via this EIR. In conformance with Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines, written responses were prepared addressing comments on environmental issues raised in comments on the EIR.

Many of the comments address the same issues or topics. For convenience of the commenters and for the most comprehensive set of responses, the County has provided a series of Master Responses that appear in this chapter ahead of the responses to each comment. The responses provided later in this chapter include cross references back to the pertinent Master Response.

LIST OF COMMENTERS

Comments on the Coyote Creek Agrivoltaic Ranch Project DEIR:

WRITTEN COMMENTS: AGENCIES

1. Central Valley Regional Water Quality Control Board (Letter A1)
2. California Department of Fish and Wildlife (Letter A2)
3. Sacramento Metropolitan Air Quality Management District (Letter A3)
4. Central Valley Regional Water Quality Control Board (Letter A4)
5. California Department of Parks and Recreation (Letter A5)
6. Department of Toxic Substances Control (Letter A6)

WRITTEN COMMENTS: INDIVIDUALS

1. Karen Benson (Letter I1)
2. Paul Davis (Letter I2)
3. Paul Davis (Letter I3)
4. Steve Schweigerdt (Letter I4)
5. Steve Schweigerdt Attachments (Letter I5)
6. Lisa Westwood (Letter I6)
7. Stan Van Vleck (Letter I7)
8. Form Letters (Letter I8)
9. Justin (Letter I9)
10. Alan Cook (Letter I10)
11. Bert Buttinelli (Letter I11)
12. Blair Swallow (Letter I12)
13. Bryan Potter (Letter I13)
14. Chris Thompson (Letter I14)
15. Dan Ortega (Letter I15)

16. Dan Powers (Letter I16)
17. Erik Forberg (Letter I17)
18. Gary Egan (Letter I18)
19. Howard Phelps (Letter I19)
20. Jerri Heiser (Letter I20)
21. John Begin (Letter I21)
22. Johnnie Smith (Letter I22)
23. Larry Henle (Letter I23)
24. Mark Booker (Letter I24)
25. Ted Cabral (Letter I25)
26. Nicholas Mertes (Letter I26)
27. Paul Paniagua (Letter I27)
28. Peter Levinson (Letter I28)
29. Richard Capp (Letter I29)
30. Roni Gray (Letter I30)
31. Scott Gray (Letter I31)
32. Steve Behar (Letter I32)
33. Steve Sullivan (Letter I33)
34. Ole Stortroen (Letter I34)
35. Stuart Wik (Letter I35)
36. Trevor Sawyer (Letter I36)
37. William Willis (Letter I37)
38. Barbara Dugal (Letter I38)
39. Chris Silveira (Letter I39)
40. Rose Winn (Letter I40)

41. Don Amador (Letter I41)
42. Amy Granat (Letter I42)
43. Diane Ross-Leech (Letter I43)
44. Richard Hutchens (Letter I44)
45. Don Durbin, Sr. (Letter I45)
46. Nick Haris (Letter I46)
47. Arick Van Den Oudenaller (Letter I47)
48. Dan Child (Letter I48)
49. Dane Locke (Letter I49)
50. Heather Parker (Letter I50)
51. J. Howard (Letter I51)
52. Karen Suty (Letter I52)
53. Philip Schwab (Letter I53)
54. Sherry Stortroen (Letter I54)
55. Thomas Addis (Letter I55)
56. Barbara Walter (Letter I56)
57. James Hovagimian (Letter I57)
58. Richard Oldham (Letter I58)
59. Todd Johnson (Letter I59)

WRITTEN COMMENTS: ORGANIZATION

1. Environmental Organizations Letter to the Planning Commission (Letter O1)
2. White Rock Road Properties, subsidiary of Teichert, Inc. (Letter O2)
3. Joint Conservation Organizations (Letter O3)
4. Sacramento Running Association (Letter O4)
5. Sacramento Area Bicycle Advocates (Letter O5)

6. Friends of Folsom Parkways (Letter O6)
7. South Sacramento Conservation Agency (Letter O7)
8. Friends of the Swainson's Hawk (Letter O8)

WRITTEN COMMENTS: TRIBAL

1. United Auburn Indian Community of the Auburn Rancheria (Letter T1)
2. Wilton Rancheria (Letter T2)

MASTER RESPONSES

The following master responses provide clarification on topics raised in multiple comments.

MASTER RESPONSE A: BLASTING EFFECTS ON GROUNDWATER RESOURCES, THE AEROJET PLUME, AEROJET MONITORING WELLS, AND GROUNDWATER DEPENDENT ECOSYSTEMS

Several comments claimed that the DEIR is deficient because it did not include potential effects from the use of blasting to break up large rocks during grading operations as related to impacts on groundwater resources. Some commenters posed questions regarding the potential effects of blasting on (1) groundwater sources and supply, (2) groundwater contamination; (3) groundwater dependent ecosystems, and (4) remediation of groundwater contamination at the Aerojet Superfund site. Each of these issues are addressed separately below.

The County notes that the commenters included a “Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report” prepared by Luhdorff & Scalmanini Consulting Engineers. The material contained in this Technical Review is coded as Comments O3-233 through O3-285. Luhdorff & Scalmanini stated, on page 11 of its Technical Review (coded as comment O3-276), “...it may be unlikely that any blasting for the Project would result in any substantial changes to groundwater conditions or flow in the vicinity of the Project.” The commenters’ hydrologic engineering consultant has reached the conclusion that blasting would not adversely affect groundwater conditions or flow, providing additional evidence that adverse impacts would not occur. Adverse impacts to groundwater from blasting would not occur. The comments have provided no substantial evidence that blasting would adversely affect groundwater conditions or flow, groundwater contamination, groundwater dependent ecosystems, or remediation of groundwater contamination at the Aerojet Superfund site.

As described in DEIR Chapter 2, “Project Description” (pages 2-23 and 2-24) and shown on DEIR Plate PD-7 (page 2-25), the project applicant proposes to use small explosive charges to break up large rocks, as required to grade the project site. Blasting is a common construction method used in areas with large rock and other very hard geological features that cannot be graded to the required depth of cut using grading equipment. The project would result in grading modifications as described in the grading plan and in the DEIR (Kimley Horn 2023b). Terrain tracking technology is proposed for the array racking system to reduce the need for grading and would follow existing natural grades to reduce the need for landform modifications, as described in the DEIR (see pages 17-18 and 17-51 in Chapter 17, “Summary of Impacts and Their Disposition”). Explosive charges would be set at levels to limit the blast as necessary to break up the targeted rock features.

The potential environmental impacts from blasting, which are related to biological resources and noise, are comprehensively addressed in DEIR including in Chapter 6

(“Biological Resources”) and Chapter 12 (“Noise”). As described in DEIR Chapter 2, “Project Description,” the methods include up to one blast per day for a total of 35 blasts. Each blasting event would use 8 tons of charge of no more than 2.8 kilograms (kg) on any day. Potential blasting locations are shown in DEIR Plate PD-7 (page 2-25). Each blast, with energy up to “8 tons” would displace between 10,000 and 12,000 cubic yards of soil. The average depth per blast is 12 feet. The estimated cubic yards of material displaced by blasting is incorporated into the overall cut/fill quantities in Table PD-5 (page 2-26) of the DEIR. The blasting locations would be restored and revegetated following the completion of blasting and grading activities.

1. Potential for Blasting to Reduce Groundwater Supply

Blasting would not have any impact on groundwater supply. Blasting would not occur near existing on-site or off-site production well locations, and thus there would be no impact. The groundwater study prepared for the EIR (Dudek 2024b) indicates that the existing on-site groundwater wells do not have sufficient production capability of water needed for project construction and decommissioning (DEIR, Chapter 10, Impact HYD-2.) The project proposes water for construction and de-commissioning to be obtained from off-site sources (Sacramento County Water Agency or wells at the Sloughhouse Solar Project). Alternatively, should construction water be sourced from on-site sources via new wells, the project applicant will be required to implement Mitigation Measure HYD-2 to ensure adequate groundwater resources and no impact to existing wells. The project site wells are adequate for the project’s estimated operational needs (i.e., 10.5 acre feet per year over a 35-year period).

The areas of proposed blasting are topographically high areas of bedrock with limited permeability and limited groundwater. Four existing groundwater wells are located in the southwestern part of the project site, located west and north of proposed areas of blasting (Dudek 2021). None of the wells are located in an area of proposed blasting. Further, three of the four wells are not operational. The project site includes one active well with a water level reported at about 10 feet. This well is screened in valley alluvium (i.e. not in bedrock). This well is not located within an area of proposed blasting.

The areas where blasting is proposed, shown on DEIR Plate PD-7 (DEIR page 2-25), contain very limited amounts of groundwater held in fractured bedrock, as discussed in DEIR Chapter 10, “Hydrology and Water Quality” (page 10-6) and in the Groundwater Resources Analysis (Dudek 2024b), which was used in preparation of the hydrology analysis contained in the DEIR. California Department of Water Resources data indicates depth to high groundwater to be 170 to 180 feet below ground surface in the vicinity of the blasting –below proposed blasting average depths of 12 feet (Terracon 2021). Depth to shallow perched groundwater in the vicinity of proposed blasting ranges from 11 to 47 feet at depth to groundwater (Sespe Consulting 2020). As noted on DEIR page 10-22 and in the proposed project’s Water Supply Analysis (Dudek 2024a), there are additional exploratory borings located within the solar development area that were associated with past exploratory mine activities. These boreholes provide another potential source of on-site groundwater east of Scott Road in older Mesozoic Bedrock (Dudek 2024a). One of the two borings with relatively shallow groundwater (11 to 12 feet) is located in an area of

proposed blasting. No springs were identified in areas of proposed blasting. Seven additional boreholes were drilled in the eastern project area in the vicinity of proposed blasting. A well-bore assessment calculated depth to groundwater at 28 feet in one location and 40 feet in another location (Dudek 2024c) to downstream drainages and creeks, such as Little Deer Creek and Deer Creek.

2. Potential for Groundwater Contamination from Blasting

Blasting is designed to cause direct fractures in the vicinity of the blast so that the rock subject to the blast can be displaced so as to accommodate grades necessary to accommodate the solar array. As a result of the blast, blasting could cause some fracturing of the adjacent bedrock within the blast impact area. New bedrock fractures resulting from blasting would not be materially different from existing naturally occurring fractures. Following the completion of all construction activities, including blasting and grading activities, the surface would be restored and revegetated beneath the solar array in a way that is similar to existing on-site conditions, as required by DEIR Mitigation Measure BR-1a. Any new bedrock fractures caused by blasting would not result in significant groundwater contamination because the solar project would not introduce surface contaminants that could percolate into groundwater. Therefore, blasting would have no impact on groundwater contamination.

As disclosed in the Hazards and Hazardous Materials section of the EIR, Chapter 9, Impact HAZ-1, project-related construction and decommissioning activities would involve the use, temporary storage, and transport of small amounts of hazardous substances such as fuels, lubricants, oils, and paint. All materials will be required to be used and stored in compliance with federal, state, and local ordinances, laws, regulations and policies related to hazardous materials as presented in detail in the “Regulatory Setting” section, including the County’s requirements for handling and transport of hazardous materials. Handlers of hazardous materials (including construction contractors) are required to follow the manufacturer’s labelling instructions for use and disposal. None of the substances used at the project site would be acutely hazardous. The project applicant will be required to implement a stormwater pollution prevention plan to comply with the State Water Resources General Construction Permit, including best management practices to avoid and minimize water quality effects of construction, such as secondary containment of hazardous substances containers; vehicle and equipment fueling/maintenance areas not in proximity to drainages/creeks; spill containment kits, such as absorbent pads, and spill containment booms; and provisions for notification and proper cleanup of spills if they do occur.

Comments identified potential concerns with blasting residue that would be generated during blasting activities. Blasting residue is typically associated with dust and localized debris. The construction contractor would be required to mitigate dust generation from blasting in accordance with Mitigation Measure AQ-2a (see DEIR Chapter 2, “Air Quality”) and applicable SMAQMD regulatory standards. In addition, all blasting activities would be required to comply with SWRCB standards for potential runoff and the project applicant would be required to prepare a Storm Water Pollution Prevention Plan that would address any residue generated during blasting activities. In summary, adherence to existing

regulations, along with DEIR mitigation measures, would avoid any significant adverse residue impact from blasting.

3. Blasting Effects on Groundwater Dependent Ecosystems

The DEIR evaluated potential effects of the use of groundwater on Groundwater Dependent Ecosystems (GDEs) identified by the Department of Water Resources Groundwater Dataset and the South American Subbasin Groundwater Sustainability Plan (GSP). The GSP reviewed interconnected surface water and groundwater and potential GDEs in the vicinity of the project site. There are no GDEs, or potential GDEs, mapped in the vicinity of the project site. Creeks from the project site discharge to Deer Creek and may potentially support GDEs on the lower end of the Cosumnes River, approximately 4.4 miles from the project site. The available studies supporting the GSP found that the reach of the Cosumnes River that flows approximately between Deer Creek and Twin Cities Road is disconnected on a seasonal basis. These conditions are described in DEIR Chapter 10, “Hydrology and Water Quality,” Impact HYD-2 on pages 10-24 and 10-25, and the project’s Groundwater Resources Analysis (Dudek 2024b) which was used as the basis of the hydrology analyses contained in the DEIR.

Beyond the blasting effects, the DEIR further addressed any potential surface water impacts and their associated ecosystems (i.e., riparian habitat) within the project area. Surface waters within the project area are limited to Coyote, Carson, and Little Deer Creeks. These surface waters will largely be avoided during project construction, but for limited locations of access roads and collection line crossings to accommodate site access and transport of electricity. See Master Response B for detail on riparian habitat mitigation. Also refer to Mitigation Measures BR-2a, BR-2b, and BR-3 which would require the proposed project to avoid, minimize, and mitigate for impacts to riparian habitat and other habitat that depends on aquatic input. Also, refer to responses to Comments O3-255 through O3-271 for more detail on potential project impacts to GDEs.

Groundwater in the area of proposed blasting primarily occurs at depths below maximum anticipated blasting depths of 12 feet. Blasting could potentially expose areas of localized, perched groundwater, which could potentially result in short-term surface springs. Exposure of these small, localized areas of perched groundwater would not result in an appreciable decrease in groundwater, and would have no associated impact on groundwater-dependent ecosystems (which are 4.4 miles downstream from the project site).

Localized blasting-induced springs could potentially result in a very minor, localized, seasonal increase in short-term surface runoff in downstream drainages and creeks, such as Little Deer Creek, which traverses the southeast project area, and Deer Creek, located southeast of the project site. However, any such minor increase would not be sufficient to result in secondary impacts such as substantial increases in flood flows.

4. Blasting Impacts on Aerojet Superfund Site Groundwater Remediation

The project proposes installation of a gen-tie and switchyard in the northwestern portion of the project site located on land owned by the State of California and operated as the

Prairie City State Vehicular Recreation Area (SVRA). This land is in the vicinity of the contaminated groundwater on plume associated with the Aerojet Superfund Site. As noted in DEIR Chapter 9, “Hazards and Hazardous Materials,” Impact HAZ-2 (page 9-28), the shallow perched groundwater in this portion of the project site is not contaminated (EIR, Ch. 9; HAZ-3). The nearest project-related blasting would be 4,000 feet southeast of the edge of the Aerojet contamination plume. Thus, there is no potential for adverse impacts from blasting on the Aerojet plume or on Aerojet remediation activities (see Plate PD-7 in DEIR Chapter 2, “Project Description,” page 2-25).

The Aerojet remediation activities are conducted in accordance with the Aerojet remediation plans overseen by the Central Valley Regional Water Quality Control Board and U.S. Environmental Protection Agency. The remediation actions include pumping groundwater at the outer edge of the Aerojet plume to prevent further spread of contaminated groundwater and ensure ongoing effective treatment of the plume by remediation facilities (e.g., groundwater extraction and treatment). Monitoring wells are operated to confirm that the groundwater plume is contained and is being remediated in accordance with the remediation plan.

In 2024, the U.S. Environmental Protection Agency and the Central Valley Regional Water Quality Control Board approved the project applicant’s request for approval of project facilities in the portion of the project subject to the Covenant Restricting Land Uses for the Perimeter Operable Unit of the Aerojet Remediation Plan (Central Valley Regional Water Quality Control Board 2024, U.S. Environmental Protection Agency 2024).

MASTER RESPONSE B: IMPACTS TO BIOLOGICAL RESOURCES, WILDLIFE CORRIDORS, AND OAK TREES

Comments received regarding biological resources outlined several key themes. This included questions regarding overall survey methodology and adequacy of site surveys, assessment of permanent and temporary impacts, adequacy of mitigation measures for biological resources, concerns regarding loss of oak canopy cover and associated mitigation, and species-specific questions for state and federally listed species.

Generally, as described in more detail in the subheadings below, the mitigation measures proposed in the DEIR, as well as survey methodologies to inform those measures, were determined to be adequate to ensure no net loss of sensitive biological resources. These measures were developed in coordination with state and federal wildlife agencies (i.e., California Department of Fish and Wildlife [CDFW] and United States Fish and Wildlife Service [USFWS]). The FEIR includes modifications to the DEIR based on direct coordination with CDFW per agency comment on the DEIR (Refer to Agency Responses A2) and ensuing consultation. Additionally, in response to public comments noted on the DEIR, the applicant reviewed potential modifications to the project to determine whether they could reduce impacts to biological resources, including oak woodlands and special-status wildlife species while feasibly accomplishing the project objectives. In coordination with Sacramento County, the applicant proposes to reduce the project solar development area and provide additional protection of oak woodlands and special-status wildlife species habitat as follows:

- Modification 1: Remove 55 acres from the solar development area in the southern portion of the project site to increase preservation of oak woodlands and habitat for special-status wildlife species. The area to be removed from the solar development area is shown in Plate PF-1 in the Preface to the Final EIR.
- Modification 2: Preserve at least 1,150 acres of oak woodlands, wildlife corridors and habitat for special-status wildlife species in perpetuity through grants of conservation easements approved by CDFW, as required by Mitigation Measure BR-2b in Chapter 6 of the FEIR.

The primary topics outlined above have been incorporated into the responses below along with additional information regarding Modification 1 and Modification 2, as applicable to the comments received.

1a - Biological Resources Survey Methodology

Surveys for both sensitive plants and wildlife species were completed in 2021, 2022, 2023, and 2024. These surveys were completed in consultation with, and in accordance with published guidance from regulatory agencies, industry best practice, and academic literature. All survey results have been submitted to CDFW, and CDFW confirmed to the applicant that survey reports meet their requirements and expectations (California Department of Fish and Wildlife 2025). Survey results are outlined in Chapter 6 of the DEIR, as well as in the Biological Resources Technical Report included in Appendix BR-1 to the DEIR. Survey reports prepared subsequent to the preparation of the Biological Resources Technical Reports in the DEIR have been submitted and are cited as part of the FEIR.

For rare plants, surveys followed standards in *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants* (USFWS 2000), the *Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018), and the *Botanical Survey Guidelines* (CNPS 2001). As a result, the surveys were conducted by qualified botanists during the appropriate floristic bloom period for special-status plants with the potential to occur, and reference populations were checked prior to each of the surveys. While precipitation was lower than average during 2021, precipitation in 2022 was slightly above average for the region, and exceptionally above average for the region in 2023 and 2024. The survey years having variable climatic conditions further corroborates the results of the surveys such that rare plant surveys conducted in 2022, 2023, and 2024 were considered sufficient to expect germination and detection of special-status plant species if they occurred within the project site. Furthermore, in follow-up correspondence with CDFW regarding CDFW's comment letter on the DEIR, CDFW confirmed that Dudek's survey methodologies met CDFW protocol-level rare plant survey expectations for the project (California Department of Fish and Wildlife 2025). Therefore, as no Bogg's Lake hedge-hyssop (*Gratiola heterosepala*), slender Orcutt grass (*Orcuttia tenuis*), or Sacramento Orcutt grass (*Orcuttia viscida*) was found during surveys over multiple survey years, it is unlikely that the project would impact the persistence of these species within the local or broader landscape level. Additionally, the project has been sited to avoid

habitats (i.e., vernal pools, riparian corridors) where sensitive plant resources are most likely to be present.

The wildlife surveys followed best practices and protocols from wildlife agencies, along with reference literature, and correspondence with agencies to confirm survey protocols and best practices. Surveys were completed by qualified biologists, and biologists obtained the necessary certifications from CDFW prior to mobilization. In summary, Dudek conducted western spadefoot (*Spea hammondi*) focused surveys within the project study area in accordance with the most recent published literature and recommendations from CDFW and under the guidance of Dudek species experts. Dudek conducted protocol-level and focused burrowing owl (*Athene cunicularia*) surveys in the project study area in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), and the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium 1993).

Dudek conducted protocol-level Swainson's hawk (*Buteo swainsoni*) breeding season surveys within the project study area in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (SHTAC 2000).

Dudek conducted tricolored blackbird (*Agelaius tricolor*) focused surveys within the project study area in accordance with the *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields* (CDFW 2015), with modifications for the more natural and naturalized habitat present within the project study area.

Dudek conducted Crotch's bumble bee (*Bombus crotchii*) focused surveys within the project study area in accordance with CDFW guidance.

Dudek conducted focused valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) surveys within the project study area using the *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)* (USFWS 2017), and the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (USFWS 1999).

Reconnaissance-level biological resource surveys in the project study area were conducted in conjunction with all the 2021, 2022, and 2023 resource-specific surveys listed above. Reconnaissance-level biological resource survey observations focused on assessing and identifying non-listed plant species to the lowest taxonomic group possible, all wildlife observations, the presence of or potential for other special-status plant and wildlife species, and vegetation communities and land cover types. To conclude, wildlife surveys were completed following agency best practices and protocols, and in direct coordination with agencies between 2021 and 2024. Surveys completed by Dudek have been provided to CDFW, USFWS, and Sacramento County for review and feedback, and agencies have confirmed to the applicant that surveys completed to date meet their expectations.

1b - Calculation of Permanent and Temporary Impacts

The DEIR adequately discloses both temporary and permanent impacts to state and federally listed species, and for SSHCP covered species, as well as impacts related to SSHCP land cover. Table BR-3 and BR-4 note the listing status for special status-plants and special-status wildlife, respectively, with potential to occur in the solar development area. The DEIR discloses the temporary and permanent impact acreages for each habitat type and associated wildlife species (see Tables BR-15, BR-16, BR-17, and BR-18). Tables BR-15 and BR-16 provide the temporary and permanent impacts by land cover type, and Tables BR-17 and BR-18 include the estimated impacts by land cover type and wildlife species.

Some commenters noted confusion as to how permanent, temporary, direct, and indirect impacts were assessed. As described in the Methodology section in Chapter 6, Biological Resources, direct impacts are caused by the project and occur at the same time and place. Direct permanent impacts refer to the long-term permanent physical loss of a biological resource typically due to clearing and grading associated with project implementation (e.g., permanent loss of vegetation/wildlife habitat, injury/mortality of individual plants or wildlife, permanent interference with wildlife movement or habitat connectivity). Temporary impacts refer to a temporary loss of biological resources that would generally occur for a short period (e.g., up to approximately one year) and would normally be reversible (e.g., temporary removal of vegetation during construction after which revegetation would occur). Indirect impacts are reasonably foreseeable project effects on adjacent biological resources outside the direct disturbance zone that may occur typically during construction, such as from dust, noise, vibration, increased human activity, and pollutants. Indirect impacts also include project-related effects that could occur later in time, such as changes to hydrology, introduction of invasive species, operations-related dust and noise that persist after construction is complete. The FEIR adequately discloses both temporary and permanent impacts to state and federally listed species, and for SSHCP covered species, as well as impacts related to SSHCP land cover.

To further clarify how impacts were assessed, species-specific evaluations of permanent, temporary, direct, and indirect impacts in some cases differed from the evaluation of overall land cover summarized in DEIR Table BR-5. Table BR-5 solely considered whether site restoration would occur to a condition similar to the existing land cover type. For each species evaluated in the DEIR, the County took a more granular approach, considering potential use by the species of the available land cover based on the long-term use as a solar energy facility. Permanent, temporary, direct, and indirect impacts were evaluated and considered for each species. For each species evaluated, the EIR includes a footnote in the species-specific table denoting what facility component was considered permanent, temporary, and (when applicable) indirect based on species-specific considerations. For example, in the case of Swainson's hawk, for which County Ordinance has specific mitigation requirements, the County conservatively evaluated permanent effects based on known literature regarding the suitability of the solar development area for foraging habitat for Swainson's hawk. While some literature does point to continued use beneath the solar array by Swainson's hawk for foraging habitat,

the county still conservatively assumed that this area was unsuitable foraging habitat, requiring 911.1 acres of compensatory mitigation for permanent impacts to Swainson's hawk foraging habitat in this area (DEIR, page 6-66 and 6-67).

Commenters expressed concerns regarding the success of on-site restoration leading to higher than reported direct impacts from the project. Site restoration is a key component to ensuring that on-site impacts that are considered temporary do not have a more significant direct permanent effect. Mitigation measures require that restoration occurs beneath the solar array, creating long-term grazing and pollinator habitat during operations. As noted in Chapter 10 of the DEIR, a grading and erosion control plan will be submitted to the County to reduce potential off-site runoff and to maintain soil resources to ensure revegetation following construction. Mitigation Measure AG-1 requires development and implementation of the Agricultural Management Plan (AMP; Appendix AG-1 to the DEIR). The AMP requires monitoring and achievement of performance standards to conserve existing wildlife habitat values on the site consistent with current ranching operations. Provisions include establishment of site preparation/soil treatment with seasonal requirements for plantings and creation of a seeding plan that assesses on-site conditions. The AMP requires maintenance of the site's long-term agricultural productivity while also maintaining the site's existing habitat value through implementation of pollinator habitat and grazing management to enhance wildlife habitat. The measures in the AMP are structured to achieve an increase in the amount of nectar resources, including but not limited to Crotch's bumblebee habitat. The AMP describes in detail the elements required to achieve the following performance standards and objectives:

- Promote continued agricultural use of the project site and integrate compatible agricultural activities such as grazing and conservation of pollinator habitat into solar operations to ensure that effects on current agricultural use and resources are not affected throughout the Project operations and after decommissioning of the proposed Project.
- Ensure the solar farm will not compromise the long-term productive agricultural capability of the site.
- Promote native grassland vegetation and control invasive weeds.
- Maintain soil characteristics and minimize (agricultural) water use.
- Manage the fuel load of on-site vegetation.
- Maintain existing wildlife habitat values on the site.

The AMP requires monitoring and achievement of performance standards to conserve existing wildlife habitat values on the site consistent with current ranching operations. The AMP also requires maintenance of the site's long-term agricultural productivity and habitat value.

1c - Mitigation for Impacts to Biological Resources, Mitigation Performance Standards

Comments were raised as to the adequacy of mitigation measures for biological resources, including wildlife. Commenters questioned the feasibility of acquisition of land resources to carry out the necessary land preservation for wildlife habitat and oak communities. Regarding adequacy of mitigation measures, the EIR includes species-specific avoidance and minimization measures to reduce impacts to sensitive species and their habitats. These measures include methodologies for pre-construction surveys to confirm presence/absence, utilization of best management practices such as installation of fencing to preclude sensitive species from entering the site, use of species-specific time of year restriction based on species' seasonal presence, implementation of site restoration methods to ensure revegetation and continued grazing and biological viability during operations, and worker environmental awareness training to help workers understand onsite constraints or to report any noted species present within the project work area. CDFW biological resource experts reviewed the EIR mitigation measures, and their comments were incorporated in the FEIR to further improve mitigation measures and reduce potential impacts to biological resources (Refer to Comment Letter A2 responses). Consultation and comment with CDFW resulted in updates to mitigation measures for burrowing owl, tricolored blackbird, American badger, ringtail, nesting raptors, Crotch's bumble bee, and western spadefoot (California Department of Fish and Wildlife 2025).

While the EIR includes measures in compliance with CEQA standards to reduce effects on biological resources, the applicant proposed two project modifications as a result of public comments received in order to provide additional enforceable commitments and to ensure preservation of on-site and adjacent lands. This approach will further reduce impacts to wildlife and oak woodland resources:

- Modification 1: Remove 55 acres from the solar development area in the southern portion of the project site to increase preservation of oak woodlands and habitat for special-status wildlife. The area to be removed from the solar development area is shown in Plate PF-1 in the Preface to this FEIR. Modification 1 avoids project effects on 1,294 individual trees and 13.25 acres of oak canopy cover. Modification 1 would result in a further reduction of project effects by 27 percent on individual trees by and a 24 percent reduction on effects on canopy cover. These reductions in impacts would subsequently increase the width of on-site wildlife corridors and habitat areas. Reductions in land cover impacts would also reduce overall impacts to special-status wildlife.
- Modification 2: Preserve at least 1,150 acres of oak woodlands, wildlife corridors, and habitat for special-status wildlife in perpetuity through grants of conservation easements approved by CDFW. The proposed conservation easement areas are described in Mitigation Measure BR-2b in Chapter 6 of the FEIR. This conservation approach, paired in some cases with habitat enhancement, should provide adequate mitigation to exceed a 1:1 permanent impact to preservation ratio for habitat for state and federally listed species.

Because Modification 1 and Modification 2 were not finalized at the time of DEIR publication, Chapter 6 of the FEIR has been updated to include Mitigation Measure BR-2b to account for Modification 2. Additionally, the Preface to this FEIR details the 55 acres for removal and denoting these locations as Adjacent Other Lands to account for Modification 1. Mitigation Measure BR-2b requires the applicant to preserve at least 1,150 acres of land area on-site or directly adjacent to the project site. The applicant is currently identifying mitigation areas on and off-site consistent with recommended mitigation measures and CDFW qualifications. This land will be required to be preserved in conservation easement or similar mechanism and will undergo the three-step CDFW permittee-responsible mitigation approval process. These preserves will require a preserve management plan that is reviewed and approved by CDFW to ensure their long-term success and enhancement.

The project has been designed to avoid and minimize effects on sensitive biological resources (e.g., vernal pools and streams), restore habitat in the solar arrays, and preserve high-quality resources (e.g., oak woodlands) on-site and on land immediately adjacent to the project site. The implementation of on-site preservation paired with species-specific avoidance and minimization measures aligns with SSHCP and agency goals and objectives to reduce impacts to sensitive resources and preserve and enhance wildlife habitat and corridors across the landscape. The approach includes enforceable commitments to long-term preservation of high-quality habitat areas and permanent wildlife corridors for special-status species. Additionally, site restoration techniques in the FEIR mitigation measures (i.e., implementation of the AMP) include enforceable requirements to ensure that temporary impacts to sensitive resources are restored to allow for their continued ecological function during project operations. Modification 2 also incorporates a mitigation approach that in most cases exceeds a 1:1 preservation standard that, when combined with measures such as restoration and oak tree plantings, will comply with applicable mitigation performance standards identified in the mitigation measures. In the case of oak trees, both conservation and replanting are proposed, exceeding County mitigation policies in the General Plan for effects on oak woodland resources. Further, this habitat could serve as long-term conservation easement areas for species noted by conservation organizations, including Swainson's hawk, tricolored blackbird, loggerhead shrike, spiked western rosinweed, western spadefoot, northwestern pond turtle, white-tailed kite, ferruginous hawk, Lewis's woodpecker, and American badger. Should final consultation with CDFW determine that there are any shortfalls in the on-site mitigation, the additional off-site mitigation measures in the FEIR will apply, but would only be required on a very limited basis that is not anticipated to significantly reduce mitigation acreage elsewhere for other projects. Mitigation measures required for the proposed project to address biological resources impacts identify the specific actions required, the specific outcomes required, applicable protocols which must be implemented where appropriate, specific buffers to avoid impacts, pre-construction survey methods, mitigation ratios, required permits and consultation requirements where appropriate, and adaptive management actions that must be implemented where necessary to achieve the specific biological resource performance standards outlined in the required mitigation (see FEIR, Mitigation Measures BR-1a through BR-5).

The incorporation of on-site mitigation (Modification 2), species-specific mitigation measures, and mitigation measures (including implementation of AMP) for restoration of temporary construction impacts ensure that impacts to threatened and endangered species result in no net loss of biological resource functions and values.

2. Oak Tree Impacts and Mitigation

Comments address the removal of thousands of mature blue oak trees and hundreds of acres of oak woodland habitat for numerous valuable species. Table BR-5 of the EIR includes the acreages of vegetation communities/land cover types that would be impacted by the proposed project. Comments also noted that the oak woodlands removed as part of this project would be significant, potentially exceeding 30 percent of oak woodland in the entire county. As seen in Table BR-5, based on land cover mapping completed for the proposed project, 287.28 acres of blue oak woodland would be permanently impacted. When evaluating canopy cover specifically via detailed land cover GIS analysis, this equates to a loss of approximately 54.61 acres of canopy cover as a result of the proposed project. According to the South Sacramento Habitat Conservation Plan, the total acreage of blue oak woodland in the Plan Area is 9,132 acres, which represents 2.9 percent of the total Plan Area, which is 317,655 acres (South Sacramento Conservation Agency 2018, Table 3-1, page 3-2). The proposed project would affect approximately 3 percent of the total acreage of blue oak woodland in the South Sacramento Habitat Conservation Plan Area. Based on the California Department of Forestry and Fire Protection's (CALFIRE's) Fire and Resource Assessment Program (FRAP) land cover mapping data, there are an estimated 8,094 acres of blue oak woodland in Sacramento County. Using FRAP data, the proposed project's solar development area includes approximately 91.5 acres of blue oak woodland, which would be approximately 1 percent of the total blue oak woodland in the county according to this data (CALFIRE 2022). A depiction of the spatial distribution of habitat types within California is required for a variety of legislatively mandated government functions. Through the CALFIRE FRAP, in cooperation with California Department of Fish and Wildlife VegCamp program and use of U.S. Forest Service Region 5 Remote Sensing Laboratory data, has compiled the "best available" land cover data available for California into a single comprehensive statewide data set. The data span a period from approximately 1990 to 2014 (CALFIRE 2020, 2022).

The EIR includes mitigation measures for project impacts to oak woodlands. Mitigation Measure BR-2a includes provisions for both the preservation of oak woodland resources, and for the replanting of oak trees lost (oak regeneration). For every acre of canopy cover lost, the applicant will be required to preserve an acre of existing canopy cover. Based on the proposed conservation easement approach described in Master Response B1 and required by Mitigation Measure BR-2b, the proposed project would be expected to exceed this preservation ratio. Additionally, Mitigation Measure BR-2a requires that, for every oak tree removed, an oak tree will be planted, and specific success criteria will ensure survival over a 7-year monitoring period. This two-pronged approach exceeds the County General Plan policy requirements for oak resources and reduces the biological impact to oak resources to less than significant. However, due to continued oak woodland loss across Sacramento County and surrounding communities, the cumulative impact to oak

woodlands is significant and unavoidable, primarily due to the temporal aspect of oak-reestablishment taking multiple years. Due to the multi-year establishment period for the planted oaks to reach full maturity, the impact is significant and unavoidable. Since publication of the DEIR, the applicant has refined and developed additional details regarding implementation of the oak woodlands mitigation measures (BR-2a and BR-2b).

Project modifications proposed by the applicant and described in the Preface to this FEIR include the preservation of no less than 1,150 acres of lands. The approach will include preservation of key habitat corridors to connect larger blocks of core habitat areas.

Commenters further note that oak replanting efforts could impact grassland species and sensitive species within the mitigation areas during those restoration efforts. Mitigation Measure BR-2a includes provisions to establish a Tree Resource Management Plan. This includes criteria to ensure the area is well-suited for establishment, does not require removal of existing habitat, and does not create unnatural canopy closure that reduces wildlife value or increases fire hazard. Additionally, as with natural oak regeneration, the landscape change would occur over a long period, allowing sensitive species to adapt or migrate to suitable adjacent habitats as the oak canopy is established. Biological resources and natural ecological processes are variable over time, and oak regeneration over a long period is likely to benefit multiple species but may result in shifting patterns for other biological resources as is expected in any natural system.

The applicant has disclosed to the County that they have entered into a partnership with Sacramento Tree Foundation, a local non-profit in Sacramento with experience in site restoration and creation of oak tree canopy throughout the region, to support replanting efforts. If oak tree planting mitigation is not able to be completed on-site, Sacramento Tree Foundation has partnerships within the community that can be leveraged to support off-site oak tree mitigation efforts.

3. Spiked Western Rosinweed and Special-Status Plants

Comments note that spiked western rosinweed occurrences are exaggerated across California. Because spiked western rosinweed was assigned a California Rare Plant Rank of 1B.3 relatively recently, CNDDDB occurrence data were not available in the DEIR. The FEIR has been updated to include current CNDDDB occurrence data. The EIR used standard species collection and reporting protocols which report a noted plant population as an occurrence. The number of individuals at each location within a noted occurrence may vary.

Comments suggest that Mitigation Measure BR-1b is inadequate in achieving no net loss for the species. This measure includes the salvage of topsoil from occupied areas prior to ground disturbances for re-establishment once construction is complete. This topsoil salvage and redistribution will allow for the redistribution of the seed bank held within the soil following construction activities. Monitoring of survivorship will be performed periodically by a qualified botanist throughout the operational life of the project (including the first year post-construction and approximately every five years on average thereafter, with the goal of targeting years with sufficient rainfall for successful germination of this species). The intent of monitoring is to confirm the re-establishment and continued

occupancy of spiked western rosinweed within each recorded occurrence where temporal avoidance is implemented and to ensure no net loss of occurrences of this species. Section 21081.6 of the Public Resources Code and Section 15097 of the State CEQA Guidelines require a lead agency that approves or carries out a project, where a CEQA document has identified significant environmental effects, to adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment.” Mitigation Measure BR-1b has been revised to note that adaptive management strategies are required if surveys fail to note the re-establishment of spiked western rosinweed following topsoil redistribution.

The EIR includes various measures to minimize and mitigate impacts to the spiked western rosinweed, including implementation of specific grazing management techniques, installation of avoidance fencing between construction activities and noted populations outside the work area, and implementation of Mitigation Measure BR-1a to train construction personnel regarding the species and to reduce the potential for invasive species occurrences in the construction area including where spiked western rosinweed is present. Implementation of Mitigation Measure AG-1, with submittal and review by the County, requires suitable mowing techniques and grazing practices for the AMP. No further modifications to the implementation of the AMP are necessary to ensure that proper management techniques are incorporated.

Implementation of Mitigation Measure BR-2b, preserving 1,150 acres of habitat on-site and adjacent to the project site, further ensures the long-term viability of the local populations of spiked western rosinweed, and these areas provide potential refugia for the species in the long term. Reference to this condition has been incorporated into Mitigation Measure BR-1b in the FEIR.

The redistribution of topsoil paired with long-term monitoring, operational measures to reduce impacts to existing spiked western rosinweed populations, and the incorporation of Mitigation Measure BR-2b resulting in on-site preservation of habitat expected to host populations of the species will ensure adequate mitigation and no net loss of spiked western rosinweed.

4. Northwestern Pond Turtle

Commenters expressed concern regarding northwestern pond turtle mortality resulting from construction activities and the listing status of the species. Table BR-4 notes the northwestern pond turtle as federally listed as proposed and a state species of special concern. The EIR assumes presence and potentially significant impacts to the species prior to mitigation. Mitigation Measure BR-1d has been incorporated specifically to reduce the potential for project-related mortality of northwestern pond turtles and reduce impacts to less than significant; furthermore, Mitigation Measure BR-1c has been revised, in coordination with CDFW, so that project fencing will allow passage of northwestern pond turtles. Mitigation Measure BR-1d includes timing restrictions on project-related activities within 300 feet of suitable habitat, implementation of BMPs to preclude the species from entering active construction workspace, preconstruction surveys to ensure the species is not present in the work area, biological monitoring during construction, and stop-work

provisions if northwestern pond turtle is observed within active construction zone. These measures will collectively minimize the potential for northwestern pond turtle mortality during operations.

Commenters suggested that previous conditions of pond turtle habitat should be evaluated due to losses of habitat from development that occurred prior to the proposed project. The EIR evaluates regional habitat and conditions as they are at the time of EIR preparation and issuance of the notice of preparation. The analysis in the EIR is reflective of current conditions to allow for a thorough and consistent evaluation of the project. Current conditions should be evaluated to determine the project's effects on current populations of northwestern pond turtle to ensure that impact evaluations are consistent and defensible.

Commenters raised concerns regarding northwestern pond turtle burrows in the construction workspace. The EIR addresses potential impacts to northwestern pond turtle burrows. Mitigation Measure BR-1d requires, concurrent with the pre-construction survey, assessments for nesting pits and/or wintering sites (e.g., burrows) and that identified sites shall be delineated with high-visibility flagging or fencing and avoided during construction activities. If a northwestern pond turtle, nesting pits, and/or wintering sites are encountered during the pre-construction survey, a qualified biologist shall be present during grubbing and clearing activities in suitable habitat to monitor for northwestern pond turtle. If a northwestern pond turtle is observed in the active construction zone, project activities shall be suspended within a 100-foot radius of the animal until the animal moves out of the work area on its own volition. If necessary, the qualified biologist shall notify CDFW to determine the appropriate procedures related to relocation to nearby suitable habitat. If the animal is handled, a report shall be submitted within one business day to CDFW that includes the date, location, habitat description, circumstances requiring the animal to be handled, and any additional measures taken to further protect northwestern pond turtle. Any worker who inadvertently injures or kills a northwestern pond turtle or who finds one dead, injured, or entrapped must immediately report the incident to the qualified biologist.

In consultation with CDFW, fencing specifications in Mitigation Measure BR-1c were modified to include a 6-inch gap at the base of the agricultural woven wire fencing to allow travel of northwestern pond turtle during solar operations. This will allow northwestern pond turtle to travel across the site and move to potential nesting locations. Furthermore, impacts to suitable northwestern pond turtle habitat will be mitigated by preserving similarly suitable habitat both within and adjacent to the project site. The mitigation approach prioritizes riparian habitat that is generally more suitable for northwestern pond turtle relative to habitat in areas developed for the solar array.

5. Tricolored Blackbird

Chapter 6 of the FEIR evaluates potential project effects on tricolored blackbird and documents that “[t]hree previously documented occurrences of this species overlap or are immediately adjacent to the solar development area.” The EIR cites tricolored blackbird occurrence data from the California Natural Diversity Database (CNDDB), which refer to observations of tricolored blackbird nesting. No tricolored blackbird nesting

colonies or breeding ponds have been observed within the project site during extensive biological surveys conducted from 2021 to 2024. No colonies were documented as being present at the project site. The survey data reflect recent conditions at the project site relative to occurrences in 2016 and 2019.

The likelihood of tricolored blackbirds nesting within the project site is low given the limited suitable nesting habitat. Tricolored blackbirds nest in large marshes with dense emergent vegetation in large, continuous blocks (Meese 2015); this habitat is not present within the project site. Furthermore, in the Sacramento Valley, the largest nesting colonies of tricolored blackbirds occur in areas with extensive Himalayan blackberry, emergent vegetation, and flooded willows (Meese 2010), all of which are minimally present within the project site. Individual tricolored blackbirds may forage up to 9 kilometers from their colonies, foraging extensively in sparse scrub habitats (Hamilton 2006).

Although tricolored blackbird breeding was not noted during 2021–2024 surveys and nesting habitat for the species is limited within the project site, Mitigation Measure BR-1g is included in the EIR to avoid and minimize potential impacts to nesting tricolored blackbird. Mitigation Measure BR-1g includes surveys for nesting tricolored blackbirds prior to construction. Additionally, modifications to mitigation measures for tricolored blackbird were incorporated into the EIR based on a CDFW comment to further reduce potential effects on the species

Ponds within the project site would be avoided by construction activities. No construction over pond locations and no surface water extraction are included in the proposed project. The project would maintain large areas of grasslands within and adjacent to the project area that provide suitable foraging habitat for tricolored blackbird. The EIR documents that the project site includes 1,764.73 acres of valley and foothill grassland, of which 676.31 acres within the Adjacent Other Lands will be avoided and 1,088.42 acres are within the solar development area. Mitigation Measure BR-2b has been added to the FEIR and requires preservation of approximately 1,150 acres of habitat which may support tricolored blackbirds.

Comments note that hydrology at noted pond locations could be altered to provide suitable conditions for tricolored blackbird in all years. Refer to the Hydrology and Water quality section of the EIR for additional information. Significant alterations to site hydrology are not proposed, and grading is proposed to be limited to the extent feasible. Alteration of hydrology to foster improved tricolored blackbird habitat was not considered in the EIR.

Commenters suggested that the previous conditions of tricolored blackbird habitat should be evaluated due to losses of habitat from development that occurred prior to the proposed project. In compliance with CEQA Guidelines Section 15125, the EIR identifies the regional habitat conditions at the time of EIR preparation and issuance of the notice of preparation, and evaluates the impact of the proposed project compared to this baseline. This analytical approach complies with the CEQA requirement to evaluate project effects against an environmental baseline.

Approximately 1,029.02 acres (94 percent) of the solar development area will be restored and managed as potential foraging habitat in accordance with the AMP (see DEIR, Table BR-11 for temporary impacts to tricolored blackbird foraging habitat within the solar development area). Once revegetation has occurred following construction, the valley grassland would provide suitable foraging habitat for tricolored blackbirds. While there is no literature to date studying tricolored blackbird foraging within solar arrays, implementation of the AMP would restore areas of temporary impact to grasslands that would be expected to retain foraging habitat value for this species throughout operations. In water-limited ecosystems such as those at the project site, evidence suggests that photovoltaic arrays may alleviate water stress, potentially mitigating the loss of key ecosystem services such as forage production (Sturchio and Knapp 2025), and land used by solar arrays provides an opportunity to restore grassland ecosystems (Lambert et al. 2024).

Project construction could also impact tricolored blackbird nesting if active nests become established in suitable nesting habitat in the solar development area or in close proximity. CDFW recommendations, including an expanded survey area for pre-construction surveys, have been incorporated into revised Mitigation Measure BR-1g for the project to further protect this species. Collectively, the actions in this mitigation measure avoid, minimize, and mitigate for impacts on tricolored blackbird to reduce the project's impacts to tricolored blackbird to less than significant.

6. White-Tailed Kite, Bald Eagle, Golden Eagle, and Raptors

Commenters assert that woodland loss will significantly impact raptors, including white-tailed kites. The EIR discloses that occurrences of white-tailed kites were noted during project surveys, but no nests were identified during any of the survey years. While not specifically noted as mitigation for white-tailed kite, Mitigation Measure BR-1k is designed to avoid and minimize potential impacts to all nesting raptors, including white-tailed kites.

Golden eagle effects were analyzed and are included in the Biological Resources Technical Report in Appendix BR-1 to the EIR. Golden eagles were noted as flying overhead during biological surveys, and foraging habitat for golden eagles was noted. No nesting golden eagles were observed during surveys. As with white-tailed kites, Mitigation Measure BR-1k would minimize and mitigate impacts to nesting golden eagles. Mitigation Measure BR-1k provides similar protections to other raptor species nesting in or near the project site and identified during pre-construction surveys.

Mitigation Measure BR-1k includes provisions to conduct preconstruction surveys for nesting raptors and protect any noted nests through the establishment of an appropriate avoidance buffer. If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be suspended as needed until the project biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the nest has fledged and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest.

Mitigation Measure BR-2b further notes the on-site and adjacent preservation of 1,150 acres of habitat, including woodlands and grassland suitable for foraging and nesting of white-tailed kites and other raptor species. These areas will contribute to the long-term preservation of suitable habitat of the species over the long term. Additionally, as noted in Master Response B2, the woodland loss associated with the project in Sacramento County is relatively small (i.e., approximately 3 percent of the total acreage of blue oak woodland in the South Sacramento Habitat Conservation Plan Area).

Commenters note that the white-tailed kite is a California Fully Protected species, which has, until recently, precluded the issuance of a permit authorizing incidental take. Senate Bill 147 (SB 147) amended the Fish and Game Code to authorize incidental "take" of California Fully Protected Species by renewable energy development and infrastructure projects under certain conditions (see Fish and Game Code Section 2081.15.) Mitigation measures, including Mitigation Measure BR-1k, include provisions that avoid and minimize the risk of take of white-tailed kite. While no comments were received from CDFW regarding additional mitigation measures for this species, the applicant may choose to consult with CDFW to determine if an application for an incidental take permit under section 2081.15 is warranted.

Some comments address the evaluation of bald eagle in the DEIR. Table BR-4 notes that bald eagles are known to occur at the project site. Surveys confirmed that bald eagle nesting habitat within the project site is generally absent to limited, but bald eagles may forage within the project site. During reconnaissance-level biological resource surveys, approximately five individual bald eagles were observed foraging along Carson Creek within the project site. The project will not significantly reduce the quality of foraging habitat for bald eagle, which primarily occurs within creeks within the project site. Mitigation Measure BR-1k, as described above, also applies to bald eagles in the unlikely event they are found nesting within the project site. The applicant's proposed Modification 2 to the proposed project (see Master Response B) will require preservation in perpetuity at least 1,150 acres, including bald eagle foraging habitat along Carson Creek and other aquatic areas.

7. Burrowing owl

Focused and protocol-level surveys for burrowing owl were conducted within the project site and a 500-foot buffer in 2021, 2022, and 2024 to assess for breeding sites/burrowing, foraging activity, and potentially suitable habitat. Suitable burrowing owl habitat was mapped using the land cover associations used for the SSHCP, which was one reference source for the DEIR, along with other sources, including information provided by wildlife agencies. Refer to Master Responses B and C. The project would result in the permanent and temporary loss of suitable burrowing owl foraging and nesting habitat and may impact burrowing owl individuals. The loss of approximately 58 acres of habitat constitutes a small loss compared to the approximately 900 acres of suitable burrowing owl habitat that would still be available for the species in the project site (899.79 acres, to be more precise). The project would compensate for this loss through habitat mitigation as described above in Master Response B1c. In addition, upon project completion, construction areas, staging areas, and any temporary access areas subject to temporary

disturbance will be seeded with an appropriate seed mix to promote native habitat reestablishment and minimize soil erosion. Following restoration, this area will continue to provide foraging resources to the burrowing owl and other wildlife species. Further, the proposed project will avoid directly impacting approximately 900 acres of suitable habitat for burrowing owl in the project site, that would be available, and that could provide a link to SSHCP modeled habitat for burrowing owl adjacent to the project site.

Commenters noted that mitigation measures should incorporate current guidance and not just the SSHCP. See responses to comment letter A2, noting that specific recommendations from CDFW were incorporated into Mitigation Measure BR-1e for burrowing owl. Mitigation Measure BR-1e includes recommendations for adaptive management, including adjustments to grazing activities, opportunities for creation of habitat enhancements, and monitoring. Additionally, commenters note that mitigation land should provide similar habitat quality for burrowing owls as the impacted areas and that occupation should be noted. Proposed mitigation areas are on-site and adjacent to the project site, thereby preserving similar habitat to impacted areas; evidence of occasional occupation by burrowing owl has been noted in the vicinity of the project site and during on-site surveys. Proposed mitigation areas for burrowing owl, as well as the potential for these areas to provide mitigation for impacts to habitat for other wildlife species, will be subject to approval by CDFW.

8. Swainson's hawk

Commenters generally noted Swainson's hawk occurrences near the project. The solar development area and vicinity is potentially suitable as foraging habitat for locally nesting Swainson's hawk. Occurrences of suspected nesting have been recorded within 1 mile southeast of the project site. Surveys did not document Swainson's hawk nesting on the project site, but identified Swainson's hawk use of the site. The EIR assumed likely presence and potential for nesting Swainson's hawk and conservatively estimated permanent effects on 291.45 acres of potential nesting habitat and 911.10 acres of foraging habitat within the project site (Chapter 6, Table BR-10). Mitigation Measure BR-1f requires the applicant to provide compensation for permanent loss of foraging habitat to achieve no net loss of habitat acreage, function, and values, and to comply with the County Swainson's Hawk Mitigation Ordinance.

Project Modification 2 (see Master Response B above and Mitigation Measure BR-2b in the FEIR) compensates for project effects on Swainson's hawk habitat. Modification 2 requires the applicant to preserve at least 1,150 acres of land in perpetuity in conservation easements, or a similar preservation mechanism approved by CDFW. Much of this land may support Swainson's hawk nesting or foraging habitat.

Comments noted the potential for noise and blasting to impact Swainson's hawk. They also noted the potential for noxious weeds and dust to impact the species. Blasting impacts and noise are addressed comprehensively in the DEIR. Implementation of mitigation measures, including implementation of a blasting plan, reduce impacts to wildlife species to less than significant. The DEIR notes that many wildlife species, including Swainson's hawk, are mobile and may temporarily relocate after blasting. However, blasting is limited to a very limited duration in any single day and thus would

not be anticipated to significantly impact Swainson hawk nesting. Additionally, Chapter 2 of the DEIR notes the project will obtain a CESA Incidental Take Permit for the proposed project, and comply with the CESA fully mitigate permitting standard. The mitigation measure also ensures watering during construction to reduce impacts from construction on surrounding wildlife habitats. Mitigation Measure BR-1a includes provisions for noxious weeds, including annual surveys in spring, incorporation of invasive species prevention techniques, and cleaning of equipment prior to entering the site to reduce potential for impacts of weeds of foraging habitat in the project site.

Comments note that impacts to other common wildlife species should be analyzed to understand impacts on those populations on Swainson's hawk. Chapter 6 of the EIR discloses potential impacts on wildlife species and Swainson's hawk. Mitigation measures, including preservation of habitat for these species as well as Swainson's hawk, are included in the EIR. Species' populations naturally fluctuate over time; thus, direct impacts to common avian species as it relates to Swainson's hawk would be difficult to discern. The mitigation measures already proposed ensure adequate avoidance and minimization measures to wildlife species and Swainson's hawk. Preservation of on-site habitat would benefit both Swainson's hawk, as well as other avian species.

A comment suggested that the EIR should evaluate whether modification of foraging habitat will result in abandonment of nest territories. Mitigation Measure BR-1f, requiring the 911.1 acres of Swainson's hawk foraging habitat, adequately addresses potential foraging habitat loss for Swainson's hawk associated with the project. Further, the application of on-site mitigation assures preservation near the impacted area, ensuring foraging resources for any nesting pairs. Comments noted concerns over impacts to raptor nests on the site. If an active nest is noted, specific protocols including avoidance buffers have been incorporated into Mitigation Measure BR-1f while the nest is active. This ensures that no impacts occur until juveniles have fledged. This, paired with an approach to preserve woodlands and grassland adjacent and on-site, will provide nesting and foraging habitat for Swainson's hawk in the area of the project for the long term. The preservation of conservation easement lands, combined with the restoration of potential foraging habitat as required by Mitigation Measure BR-1f ensures that the project will achieve the no-net-loss performance standard of Mitigation Measure BR-1f and the project will be required to fully mitigate any authorized take according to the standards of the California Endangered Species Act.

Comments for Swainson's hawk noted that the EIR should disclose if there were difference in vegetation cover between the Estep study and proposed vegetation on the project site. The County did not make determinations based on the Estep study, but disclosed that early studies showed the likelihood of continued foraging use by Swainson's hawk (DEIR, pages 6-66 and 6-67). Because the project will be vegetated with grazing and pollinator habitat similar to grasslands already present, the potential for continued foraging is possible. However, the EIR states that it is not definitively known whether Swainson's hawk would use vegetated areas beneath solar panels or between solar array rows or blocks, and consistent with the requirements of the Sacramento County Swainson's Hawk Ordinance, it has been conservatively assumed that all

potential foraging habitat within the solar array field would be permanently converted to non-habitat and would result in a permanent loss of Swainson's hawk foraging habitat.

Comments raised concerns regarding the 1:1 ratio ensuring no-net loss to Swainson's hawk. Additionally, comments note that the loss of nesting trees is a significant impact. No nesting Swainson's hawks were noted during biological surveys. Habitat preservation is just one aspect of no net loss for the species. The additional provisions in Mitigation Measure BR-1f, including restoration of the array area and replacement of nest trees, along with the on-site and adjacent preservation collectively contribute to no net loss for the species. Monitoring of any active nests to ensure no disruptions to nesting activities will further reduce impacts. The array area will potentially provide foraging habitat during operations.

9. Vernal Pools, Vernal Pool Fairy Shrimp, and Vernal Pool Tadpole Shrimp

Comments noted concerns regarding impacts to vernal pools and disclosure of vernal pools. Vernal pools are noted in the DEIR as being largely avoided, with 0.17 acre within the solar development area and 3.4 acres within the project site, but outside of the solar development area where there would be impacts from grading, excavation, etc. A description of vernal pools and impacts to vernal pools and related aquatic resources is included throughout Chapter 6 of the DEIR. The occurrences of *Navarretia myersii* ssp. *myersii* and *Juncus leiospermus* var. *ahartii*, which primarily occur in vernal pools, are noted outside of the project site, and many occurrences are contained within the on-site areas proposed for preservation. The aquatic resource delineation report was reviewed and determined to have all maps included noting aquatic resources on-site.

Through consultation with USFWS and project biological surveys, presence of vernal pool fairy shrimp and vernal pool tadpole shrimp is assumed within suitable habitat in the project site. California fairy shrimp was observed during project surveys, and vernal pool fairy shrimp are known to be found in the same habitats as California fairy shrimp (USFWS 2005). Suitable aquatic habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp within the project site totals approximately 69.26 acres. The solar development area, where there would be direct impacts attributable to the proposed project, includes 10.33 acres of suitable habitat, or 15 percent of the total suitable habitat within the project site. To mitigate impacts to vernal pool fairy shrimp and vernal pool tadpole shrimp habitat, the DEIR assumes presence/occupancy of vernal pool fairy shrimp and vernal pool tadpole shrimp.

10. Lewis's Woodpecker

Lewis's woodpecker was not included in project analysis because it was not identified by wildlife database searches conducted for the project to identify species with potential to occur at the project site. Lewis's woodpecker is not considered a special-status species by the definition included in Chapter 6 of the EIR; therefore, it is not included in CEQA analysis of project impacts to biological resources. The biological resource chapter includes evaluation of wildlife corridors and habitat linkages generally for wildlife species and an evaluation of impacts to common wildlife species. Mitigation measures for wildlife species and sensitive species will contribute to less than significant impacts on non-

special-status wildlife species such as Lewis’s woodpecker. Thus, no specific updates to the EIR are necessary for Lewis’s woodpecker.

Regarding the reliance of the species on oak trees, the mitigation approach will include significant preservation and avoidance of oak resources on the site (see Master Response B2). These areas will be available for continued use by Lewis’s woodpecker. Additionally, oak replanting will contribute to long-term generation of oak woodlands for future use by the woodpecker. Additionally, the applicant has committed to additional avoidance of oak resources (see Modification 1 in Master Response B) to further reduce impacts to oak resources and ensure continued available habitat on the project site.

11. Loggerhead Shrike

Loggerhead Shrike is an SSHCP covered species. Loggerhead shrikes occur in dry, open habitats, including grasslands, pastures with fence rows, agricultural fields, open woodlands (savannas), scrub, and riparian areas. They inhabit open areas with clear visibility for hunting, perches for scanning, and scattered small trees and large shrubs for nesting. Loggerhead shrikes typically avoid completely treeless and shrubless areas, as well as urbanized and densely wooded areas. Winter foraging habitat is similar to summer breeding and foraging habitat; however, loggerhead shrikes also use idle pastures and hayfields during the winter. The Biological Resources Technical Report in Appendix BR-1 to the EIR noted observation of three individuals perched on a snag vocalizing in the southeastern portion of the project site, between Scott Road and Carson Creek, in May 2024. Based on the wide array of habitats the species may occupy and occurrences noted by Dudek, the loggerhead shrike has a moderate potential to occur within the solar development area. Table BR-4 in the FEIR has been updated to indicate loggerhead shrike has the potential to occur within the project site.

Mitigation Measure BR-1k includes necessary measures to avoid and minimize impacts on nesting loggerhead shrikes during construction. The measure ensures that a qualified biologist shall conduct a survey prior to ground-disturbing activities. The survey shall cover the limits of construction and accessible suitable nesting habitat within 0.25 mile of project activities. If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than seven days elapse between the survey and vegetation removal activities.

Additionally, as with other bird species, the incorporation of the AMP and site restoration activities is likely to provide foraging opportunities for the species during solar operations. The preservation areas will provide long-term habitat for the species for foraging and nesting. These will collectively minimize and mitigate for impacts to the loggerhead shrike.

MASTER RESPONSE C - SSHCP CONSISTENCY

The comments received regarding the SSHCP pertain to overarching topics, including the adequacy of the evaluation of project consistency with the SSHCP, including Appendix J of the SSHCP relating to voluntary conservation programs, and the overall conservation strategy; the extent of the SSHCP Plan Area including the Urban Development Area (UDA) and Preserve Planning Units (PPUs) and how they relate to the project site and

proposed conservation easements; project mitigation relative to the SSHCP; wildlife and preserve corridors and/or linkages; maintaining vegetation community and landcover values, and concerns regarding the proposed project's interference with SSHCP conservation goals by limiting or increasing the price of available conservation lands.

Section 6, Biological Resources, of the DEIR provides an analysis of project impacts to biological resource including thresholds of significance, methods of analysis, and avoidance, minimization, and mitigation measures (AMMs). The relationship between the SSHCP and the project are addressed in the Section 6 of the DEIR. As discussed in Chapter 6, Environmental Setting, the project site is in the northeastern portion of the SSHCP Plan Area. Urban solar energy projects within the UDA may be Covered Activities, provided they meet all criteria in Section 5.1. SSHCP Plan Area is divided into two components: inside and outside of the UDA. From the SSCHP: "Inside the UDA is where all proposed urbanization will occur and there will also be some limited amount of habitat preservation focused mainly on the protection of vernal pools and streams... The area outside of the UDA is largely composed of rural communities and agricultural lands" (South Sacramento Conservation Agency 2018, page ES-2). The proposed project is mostly outside of the UDA and does not meet the criteria described in Section 5.1 of the SSHCP and therefore is not a Covered Activity under the SSHCP. Therefore, the proposed project is not eligible to receive protected species incidental take permit coverage under the SSHCP and is also not subject to the SSHCP conservation or other provisions. As is disclosed in Chapter 6, Environmental Setting of the DEIR, the project site is considered highly valuable for vernal pool ecosystems and encompasses the majority of blue oak woodland and forest present in the Plan Area. As is further described in the SSHCP, the SSHCP identifies the Carson Creek linkage (i.e. Linkage Preserve L-1) as a targeted linear preserve within Preserve Planning Unit 1 (PPU 1) intended to connect a proposed core preserve area southwest of the project site near Glory Lane (i.e. referred to as Core Preserve C-1 in the SSHCP) to undeveloped areas to the east that are outside of the Sacramento County UDA, where Carson Creek occurs within the project site. The SSHCP anticipates that the Carson Creek linkage area (L-1) will be bordered by urban development with full buildout of the UDA; therefore, the Carson Creek linkage corridor is anticipated to be important for maintaining habitat connectivity to areas outside the UDA in the future buildout scenario. Please refer to DEIR Plate BR-3 for a map of the SSHCP planning areas, including the PPUs, and conceptual wildlife movement corridors in relation to the project site. The DEIR Appendix BR-1 includes a SSHCP Consistency Analysis and supplemental document that provides an in-depth evaluation of the project's consistency with the SSHCP (for the purposes of CEQA Guidelines section 15125 [d]) (see DEIR, pages 6-107 through 6-113).

1. SSHCP Conservation Strategy

The DEIR concluded that the impact related to potential conflict of project development with provisions of the SSHCP would be less than significant. The project would be required to implement a comprehensive suite of avoidance and minimization measure (AMMs) and best management practices (BMPs) that are consistent with those described in the SSHCP, including all relevant general and Covered Species AMMs from the SSHCP. DEIR Impact BR-6: Conflict with the Provisions of an Adopted HCP, Natural

Community Conservation Plan, or other approved Local, Regional, or State HCP includes a discussion of the project's potential consistencies and inconsistencies with provisions of the SSHCP. The development of the proposed project would not substantially affect the ability to implement the Conservation Strategy, as the project would not preclude the plan permittees from meeting the obligations of the SSHCP preserve system; the proposed project would allow sufficient habitat acreages to remain regionally to meet the preserve planning needs of the SSHCP; the proposed project would be required to mitigate species-specific mitigation measures (see Mitigation Measures BR-1b through BR-1l) that are also consistent with AMMs for Covered Species described in the SSHCP; the proposed project will be required to preserve at least 1,150 acres of oak woodlands and/or habitat for the Swainson's hawk and/or other special status wildlife species on-site or adjacent to the project site; and the solar development area would be decommissioned after the project's 35-year lifespan and will be required to return to existing conditions within the 50-year permit term of the SSHCP.

The majority of the proposed project would be constructed outside of these PPUs (DEIR, pages 6-43, 6-107, 6-108, Table BR-15, Table BR-16, Table BR-17, Table BR-18, and Plate BR-4). Second, a very small portion of the habitat types would be impacted within the context of the Plan as well as within 5 miles of the project site, which means there is a lot of this habitat, and the project would only impact a small amount of habitat. The DEIR presents a comprehensive analysis of the project's consistency with the SSCHP that extends beyond minimal effects of the project within PPU 1 and PPU 5. The SSHCP conservation strategy is based on a set of biological goals and objectives to be accomplished through implementation of a comprehensive suite of avoidance and minimization measures (AMMs), as well as the creation of an integrated preserve system. The project incorporates the AMMs for covered species and associated habitat to the extent practicable; and mitigates through providing additional conservation easements (i.e., preserved lands) that lend to further enhancing the preserve system and linkages between. Refer to DEIR Impact BR-6 and Appendix BR-4-4. As required by Mitigation Measure BR-2a, conservation easements are required to be on-site and adjacent to the project site.

The proposed project would not significantly affect the northeast portion of the SSHCP Plan Area. The solar development area of the project study area comprises 159.80 acres of PPU 1 and 147.96 acres of PPU 5. The remainder of the project study area, including the solar development area is outside any of the SSHCP PPUs. Rather, the proposed project would be required to provide additional conservation land via conservation easement to mitigate for impacts, that otherwise may not be available. The project's solar development footprint would have an operational life of 35 years, after which the site would then be decommissioned, and land would be available to optionally supplement the SSHCP goals. As such, through the project's operational plan and mitigation through conservation easements, the project would mitigate project effects and would not preclude permittees from meeting the obligations of the SSHCP conservation strategy. Commenters have provided no evidence that the project would make conservation infeasible merely by occupying lands that may be potentially suitable for compensatory mitigation. Regarding the project 'driving up cost of conservation in the area', there is not a basis or explanation for why the project would do so. Further, the proposed project

would not be purchasing conservation credits to mitigate impacts to species' habitat, therefore it would not be driving up costs for mitigation credits. The proposed project would allow sufficient habitat acreages to remain regionally to meet the preserve planning needs of the SSHCP (see DEIR, page 6-113).

2. SSHCP Wildlife Linkages and Preserves

Some commenters question whether the proposed project is consistent with the wildlife linkage goals of SSHCP. The project will conserve lands outside the UDA, as well as create wildlife corridors and linkages to other preserve systems in the north of the Consumes River. Refer to DEIR Appendix BR-1, Appendix 4, Section 3.2.3 of the SSHCP Consistency Analysis, which demonstrates how the project will be consistent and meet the goals in Appendix J of the SSHCP (further described in Master Response C4 below). The County has required mitigation to avoid, minimize and mitigate for burrowing owl and tricolored blackbird, including associated nesting and foraging habitat. Refer to DEIR Impacts BR-1e and BR-1g. Refer to Chapter 6 of the EIR, and discussion regarding wildlife linkages. Through clustering the solar development areas in the lower habitat value areas of the site and avoiding the major drainage features, north-south and east-west wildlife movement corridors will be maintained through the site providing habitat linkages to surrounding open spaces. Additionally, refer to Master Response B1 regarding the incorporation of on-site and adjacent conservation easement corridors, and the description in Chapter 6 of the EIR regarding wildlife linkages.

3. SSHCP Vegetation Communities and Land Cover Types

The DEIR addresses both the regional and project-specific context of vegetation communities and land cover types. In addition, sensitive natural community cover types and their context regionally and within the SSHCP Plan Area are recognized and discussed in the DEIR (DEIR, pages 6-107 through 6-113). The evaluation of consistency with the SSCHP considers all landcover and vegetation community types, as well as their known original and current extents.

Table BR-1 in Chapter 6 itemizes specific acreages for each SSHCP vegetation and land cover type within the project site, the solar development area, and the adjacent other lands to quantify project effects on land use types. Chapter 6 of the DEIR includes a species-by-species evaluation of the effects of the project on the habitat for all special-status species, and the mitigation of those effects. Chapter 6 provides two summary tables to provide context for evaluating biological resources impacts of the proposed project. Table BR-1 identifies acreage by Vegetation Community/Land Cover Type within the project site – both areas within the solar development area, where there would be project impacts – and also areas within the project site, but outside of the solar development area. Table BR-5 presents a summary of permanent and temporary impacts within the solar development area.

The DEIR evaluates both the impacts to blue oak woodland/blue oak savannah under Impacts BR-2 and BR-5, as well as the impact related to consistency with the SSHCP under Impact BR-6. The proposed project site is within a relatively small portion of land that the SSHCP designated as a PPU. The proposed project would impact less than one

acre of blue oak woodland/blue oak savannah within PPU 1 and less than one acre of blue oak woodland/blue oak savannah within PPU 5. Refer to DEIR Appendix BR-1, Appendix 4, Table 2 and 3 of the SSHCP Consistency Analysis. Further, the proposed project would be required to achieve no net loss of blue oak woodland/savannah through on-site preservation via conservation easements, and additional oak tree plantings strategically done to increase oak habitat and regeneration. The project conservation of blue oak woodland/blue oak savannah would supplement, complement, and link together existing preserves within the Plan Area (see DEIR, page 6-113).

4. SSCHP and Project Mitigation

A majority of the project site is located outside SSHCP PPUs where no preserve system or linkage preserves were planned under the SSHCP. However, commenters noted that the conservation strategy in Appendix J of the SSCHP should be included and evaluated in the EIR. Commenters further noted that a mitigation strategy including dedication of open space should be considered. Appendix J of the SSHCP discusses voluntary mitigation programs that the SSHCP states would not conflict with the SSHCP conservation strategy. Reference to Appendix J has been incorporated into the description of the SSHCP of the EIR in Chapter 6, identifying an objective for supplemental conservation of as much as 8,000 acres in the general area of Sacramento County hosting the proposed project. The proposed project is consistent with the voluntary conservation program, which has been incorporated into Mitigation Measure BR-2b of the FEIR; note that a minimum of 1,150 acres will be preserved on-site or adjacent to the proposed project site. This preservation strategy prevents a reduction of available banks or credits for other users in the plan area. Commenters further note that significant off-site acquisition of mitigation acreage or wetland mitigation credits may remove acreage from SSHCP plan goals or reduce acreages for other project. Refer to Master Response B1 for more information regarding the habitat preserved directly on-site or adjacent to the project, including oak woodland, riparian habitat, wetlands, and other environmentally sensitive resources in the proposed conservation easement areas. The 1,150 acres are anticipated to cover the mitigation needs for most, if not all, threatened and endangered wildlife species and habitat, subject to CDFW review and approval. The project will not be pursuing significant acreage via purchase of credits or via off-site acquisition. For burrowing owl, the species-specific mitigation measures have been revised in coordination with CDFW to accommodate the use of artificial burrow creation paired with habitat preservation to ensure the adequacy of habitat mitigation.

5. Blue Oak Woodlands Mitigation and SSHCP Consistency

Comments noted a concern for the lack of protections extended in blue oak woodlands in SSHCP making it difficult to fund preservation efforts for blue oak woodlands. Regardless of any funding issue related to blue oak woodlands more broadly, for the proposed project, Mitigation Measure BR-2a requires the preservation of oak canopy cover at a 1:1 ratio for project impacts. Additionally, Mitigation Measure BR-2b requires at least 1,150 acres of mitigation land that is anticipated to preserve oak woodlands in excess of what would minimally be required by County General Plan policy. Refer to Master Response B1c and B2 for additional information on preservation and oak replanting requirements for the proposed project.

Additionally, the preservation and mitigation measures associated with specific species and their habitat that relies on oak woodlands ensure that a robust set of avoidance and minimization measures for the species utilizing this habitat type. Refer to Master Responses B1b and B1c and individual species descriptions for specific avoidance and minimization measures implemented for species that may utilize oak woodland habitat.

MASTER RESPONSE D - ALTERNATIVES

Project Objectives

CEQA Guidelines §15124(b) provides that the project description shall contain “a statement of the objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project. The project objectives inform the identification of a potentially feasible alternatives to a project, and aid the decision makers in preparing findings or a statement of overriding considerations, if necessary (CEQA Guidelines §15124[b]).

The lead agency need not consider every potential alternative to a project, but should consider “a range of reasonable alternatives to the project,” which would avoid or substantially lessen a project's significant environmental impacts, “accomplish most of the basic objectives of the project,” and be feasible (CEQA Guidelines, 3§ 15126.6, subds. [a]–[c]). The CEQA doctrine of feasibility guides local agencies in determining the nature and scope of alternatives to consider.

DEIR Chapter 2, “Project Description,” identifies six basic project objectives related to the delivery of a new source of utility-scale solar energy to the Sacramento County region to meet regional and state renewable energy and greenhouse gas emissions reduction requirements. The underlying purpose of the project is to provide a local source of utility-scale solar energy to support attainment of the SMUD 2030 Zero Carbon Plan targets and the SMUD Integrated Resource Plan targets. The County of Sacramento General Plan and Climate Action Plan policies, in turn, support this underlying purpose (see Climate Action Plan Measure GHG-03 Support the SMUD Zero Carbon Plan).

The proposed project objectives are appropriately broad, and can accommodate a range of potentially feasible alternatives, as comprehensively addressed in Chapter 16 of the DEIR. Comments that raise the concern that the project objectives are “narrowly defined” misconstrue the purpose of the project objectives described above, and the way the objectives relate to each of the alternatives to the proposed project. As an example, one objective is: “Provide a local supply of solar energy for the Sacramento County region to implement the County of Sacramento General Plan policies applicable to renewable energy.” The cited objective is one of six project objectives identified in the EIR. The objective is broad in that it contemplates solar power generation anywhere within the county. Other project objectives are similarly broad enough to guide the development of an appropriate range of potentially feasible alternatives. Objectives call for a local, cost-effective, utility-scale supply of solar energy, support for SMUD and State of California renewable energy targets, use of existing transmission infrastructure, and local employment and training opportunities. None of the project objectives impeded the

County's development of a range of potentially feasible alternatives. The project objectives do not identify a specific capacity for generation, a specific number of acres required to accommodate a solar project, or a specific area within the county, other than a location that would be able to make use of existing transmission facilities.

The CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed project, "even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly." The CEQA Guidelines further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed. The project objectives were appropriately stated in DEIR Chapter 2, "Project Description," in accordance with CEQA Guidelines §15124(b). The alternatives analyzed in DEIR Chapter 16, "Alternatives," were appropriately selected and analyzed in accordance with CEQA Guidelines §15126.6(e)(3)(B) and CEQA Guidelines §15126.6(c).

As described on DEIR page 16-8, a key objective of the project is to optimize use of existing electrical distribution infrastructure. In addition, alternative locations for the project would require purchasing or leasing multiple large parcels from a willing landowner totaling at least 1,300 acres. The location must be close to existing SMUD transmission lines, on parcels that do not contain prime farmland, and that where a utility-scale solar facility with battery storage is an allowable use under the applicable general plan and use regulations. Large parcels of land identified within the USB are not readily available for purchase due to their location or existing uses (e.g., Sacramento International Airport, Folsom State Prison, golf courses, etc.). Large parcels of land identified within Sacramento County but outside of the USB that would satisfy the above criteria are not readily available for purchase due to their location or existing uses.

Please refer to the discussion of the project site's suitability for utility-scale solar development on page 11-10, in DEIR Chapter 11, "Land Use". The technical chapters of the DEIR provide a detailed analysis of relevant physical environmental effects that could result from implementation of the proposed project and identify feasible mitigation measures, as necessary, to reduce impacts. While the proposed project would result in significant and unavoidable impacts to visual resources, TCRs, and cumulative tree impacts, the County's General Plan allows in Policy PF-66 the Board of Supervisors and County Planning Commission to approve energy projects that are contrary to any of the policies of the Public Facilities Element when justification is provided through findings. In accordance with Policy PF-66, findings would be considered by the Planning Commission and Board of Supervisors as part of the deliberation on the proposed project.

Off-Site Alternatives

Several comments note that the alternatives analysis in an EIR can include on-site and off-site alternatives, and assert that the DEIR's conclusion that identification of suitable alternative sites were infeasible is flawed because there have been numerous large utility-scale projects that have requested interconnection with SMUD, including two projects at the same point of interconnection as the proposed project. The rationale presented by the

comments does not reveal any flaws in the DEIR's analysis of the feasibility of alternative sites. First, the commenters have provided no evidence that any of the referenced projects would result in fewer environmental impacts than the proposed project. Second, the fact that projects are sharing a point of interconnection with the proposed project is evidence that the project is sited to optimize the use of existing electrical transmission.

The interconnection queue and study process is complex. For example, when reviewing the SMUD interconnection queue, sites that share a point of interconnection with the location of Coyote Creek assume that the system upgrades identified in Coyote Creek's Large Generation Interconnection Agreement are carried out, including construction of the new switchyard associated with the proposed project at the Prairie City SVRA (Energy Systems Integration Group 2025, SMUD 2025a). Thus, all projects queued behind Coyote Creek assume the switchyard is constructed for them to interconnect into the grid at the same location. If Coyote Creek were to be removed from the interconnection queue, these projects would need to be re-evaluated, and system upgrades and switchyard construction reassigned to a later queue position, increasing needed system upgrades and project costs.

Third, the mere fact that a project is shown in the interconnection queue is not evidence of project viability. When evaluating all projects that have been in the SMUD interconnection queue, 50 percent of the projects that initially applied for the queue have been withdrawn (SMUD 2025b). This shows that the interconnection queue by no means assures that a project in the queue is feasible or attainable without significant additional site development and study.

Methodology for Alternative Site Selection

Commenters assert that the criterion requiring the gen-tie length to not exceed 1,000 feet from existing transmission facilities is inconsistent with industry standards and inappropriately limited the identification of viable alternative sites. The commenter also asserts that the project itself does not meet this criterion because the project's proposed gen-tie is 1.3 miles in length. Several comments requested that the alternatives analysis be revised to consider other sites within 10 miles of a transmission line, including sites in adjoining counties.

As discussed on DEIR page 16-8, a key objective of the project is to optimize use of existing electrical infrastructure. Alternative sites within 75 feet of existing Sacramento Municipal Utility District (SMUD) transmission lines were assessed. Yielding few potential sites, the County ultimately expanded its search to properties within 1,000 feet of existing transmission facilities. In response to comments received, the County conducted a review of potential project locations within 1.3 miles of SMUD electrical infrastructure to align with the length of the project's proposed gen-tie line was performed. The results of the expanded search did not change the conclusions of the DEIR regarding off-site alternatives, because as noted in the DEIR, there is a limited supply of land available for utility scale solar projects near SMUD's transmission system, which is limited further since many of these areas are already developed, entitled for development, or subject to ongoing land use planning for residential, commercial, and industrial uses. In addition,

expanding the search for properties 1.3 miles from existing SMUD transmission lines introduces multiple properties that would require negotiation and property acquisition and/or establishment of easements in order to facilitate the required gen-tie infrastructure.

Regarding review of sites up to 10 miles from transmission lines and in other counties, more distant sites were not reviewed in detail because these sites would increase project costs and would likely increase potential environmental impacts due to the need for a new transmission line route and because the project objectives include a local supply of solar energy to implement the County's General Plan, to optimize use of existing electrical distribution infrastructure, and to provide local employment and training opportunities. The feasibility of developing an off-site alternative is further discussed below.

The EIR Analyzed a Reasonable Range of Alternatives/Alternative to Feasibly Achieve Most of the Project Objectives

The solar and BESS development process includes navigating the SMUD interconnection queue (study) process that confirms grid upgrades that must be carried forward in order for the project to interconnect to (plug into) the grid. Additionally, project alternatives would need to acquire all land rights necessary for the project, implement an offtake contract (i.e., Power Purchase Agreement), obtain all environmental permits and permissions, and have the financial ability to construct a utility scale solar project by 2030.

SMUD's Zero Carbon Plan identified the need to deliver, by 2030, 3,000 MW of new renewable energy and storage – equivalent to the energy needs of 600,000 homes. (Zero Carbon Plan (ZCP), p. 14.) The Plan established the specific need to deliver 1,100 to 1,500 MW from utility scale solar facilities, and 700 to 1,100 MW of local battery storage. The ZCP's objectives can only be achieved with timely action to approve, construct, and deliver large amounts of new carbon-free generation capacity and storage in the SMUD region by 2030. SMUD's current generation portfolio only includes approximately 340 MWs of solar energy at this time, enough to power 90,000 homes (only approximately 15 percent of SMUD's goals). SMUD's September 2024 Progress Report on the status of implementation of the Zero Carbon Plan identifies the Coyote Creek Project as one of two high-priority solar/battery projects under development and under contract with SMUD. The proposed project is still under a power purchase agreement with SMUD today. The proposed project is one of only three projects in the SMUD interconnection queue that has implemented an offtake agreement (Power Purchase Agreement) with SMUD. A power purchase agreement is a key component to investing the necessary financial resources for a project to invest in detailed engineering, site evaluations and studies, and the environmental permitting process, which often takes multiple years to complete.

All of the above factors would delay future projects from proceeding on a timeline to feasibly meet most of the objectives of the proposed project, including supporting attainment of the SMUD's 2030 Zero Carbon Plan targets.

Several comments suggested that alternative site locations should be considered including near Rancho Seco, south of Elk Grove, or behind the Sacramento County landfill, as well as other potential alternative sites such as near the Sacramento

International Airport. CEQA does not require the lead agency to study every conceivable project alternative or site. Only feasible alternatives that are capable of meeting the majority of the project objectives and of reducing one or more of the project's potentially significant environmental impacts need be considered, and furthermore the number of such alternatives is governed by the “rule of reason” such that only those alternatives necessary to permit a reasoned choice are addressed. The methodology used to evaluate possible alternative sites in the DEIR was rigorous and the rationale for dismissing alternative sites from more detailed consideration is supported by substantial evidence (DEIR, pages 16-8 and 16-9). The alternative sites suggested by the commenters would have additional environmental impacts, are too distant from existing transmission lines, are not of an adequate size to accommodate utility-scale solar development similar to the proposed project in capacity, and/or are not controlled by the project applicant. In addition, sites more distant from existing SMUD transmission lines that, unlike the proposed project, would involve multiple properties and property owners would introduce feasibility issues related to acquisition of property and/or acquisition of required easements required to facilitate gen-tie infrastructure.

DEIR Chapter 16, “Alternatives,” discusses alternative site locations that were explored. Namely, alternative locations within the Sacramento County Urban Services Boundary were considered that had been previously developed, and sites that have minimal land use and environmental resource constraints – with the added requirement that alternative locations, as with the project site, must be located adjacent to existing SMUD transmission facilities with capacity for interconnection. To achieve most of the project objectives, alternative locations for the project require certain specific characteristics, including purchasing or leasing multiple large parcels from a willing landowner. In addition, acquisition, also from willing sellers, of additional land would be anticipated adjacent or in close proximity to the project site to be used for avoidance and mitigation of impact on natural resources to comply with state and federal environmental mitigation and permitting standards. Additionally, the location must be close to existing SMUD transmission lines, on parcels that do not contain prime farmland, and in an area where a utility-scale solar facility with battery storage is an allowable or conditionally allowable use under the applicable general plan and use regulations. Large parcels of land identified within the Urban Services Boundary to meet these criteria are not readily available for purchase due to their location or existing uses (e.g., Sacramento International Airport, Folsom State Prison, golf courses, etc.). Large parcels of land identified within Sacramento County but outside of the urban services boundary that would satisfy the above criteria also were not available in a time frame to accomplish most of the project objectives. Development of multiple facilities on smaller parcels would involve all of the same land use and interconnection constraints.

Distributed generation facilities are defined as non-centralized electric power production facilities less than 20 MW interconnected at the distribution side of the electricity system. Existing distributed generation programs sponsored by the state include generation on both the customer-side of the meter (serving a specific electricity user at the point of generation) and on the utility-side of the meter (providing a source of generation for utility use). While distributed generation, including rooftop solar, could result in a significant net reduction in project impacts as compared with the proposed project, it is outside of the

control of, and could not be implemented by, the project applicant. This is one of the many factors that may be taken into account when addressing the feasibility of alternatives. (CEQA Guidelines §15126.6[f][1].) It is also outside the control of the County to approve the acquisition of energy from distributed generation sources by utilities, such as SMUD. Instead, the authority to direct utilities to procure additional utility-side distributed generation and to determine how customer-side distribution generation is compensated with the CPUC. The County can, however, implement policies to remove administrative hurdles to taking advantage of programs already established by the CPUC. The ZCP identified that there is a need for large increase in solar generation and storage capacity from utility-scale solar facilities in addition to the Zero Carbon Plan's measures to increase distributed generation and other forms of distributed energy resources. In other words, the 1,100 to 1,500 MW from utility scale solar facilities and 700 to 1,100 MW of battery storage called for in the ZCP is in addition to SMUD's planned increases in distributed energy resources. Further, numerous practical and regulatory limitations would inhibit using small rooftop solar and other small, distributed generation to achieve the ZCP 2030 solar energy target (California Energy Commission 2017). These limitations include the delay in planning, designing, permitting multiple dozens of distributed generation sites and related transmission infrastructure, and the higher cost of distributed generation compared to the project. In order to use the renewable energy credits from distributed generation solar energy systems, those systems must report generation to the Western Renewable Energy Generation Information System and must use a meter that has an independently verified accuracy rating of 2 percent or higher, before any renewable energy credits associated with the distributed generation can count toward a utility's renewable portfolio standard. Therefore, it is not feasible to implement distributed generation contributing to SMUD goals in the same manner as the proposed project. As a consequence, the lack of a market for tradable renewable energy credits means that no agreed upon mechanism currently exists to allow developers to purchase or trade small-scale distributed generation that could displace the development of utility-scale solar facilities, which contribute to SMUD goals. Therefore, any market and consequently any rooftop solar distributed generation solution as an alternative to the proposed project would be speculative.

When considering the above factors and siting criteria, it is clear that the DEIR appropriately evaluated a reasonable range of alternatives in accordance with Section 15126.6 of the CEQA Guidelines. The alternatives analysis in the DEIR is adequate.

Alternative 1 and Alternative 2.

Several comments claim that Alternative 1 and Alternative 2 do not provide a meaningful variation on the proposed project. In addition to consideration of off-site locations, which were determined to be infeasible, Alternative 1: Biological Resources Alternative, and Alternative 2: Scott Road Alternative were also contemplated. These alternatives leveraged the same point of intertie, but sited a portion of the solar development area of the proposed project on an adjacent parcel. These alternatives increased certain impacts, and decreased others, with many impacts remaining similar. The proposed project, Alternative 1, and Alternative 2 would meet the project objectives defined for the project. The proposed project and Alternative 2 would be environmentally superior to Alternative

1 because of the reduced impacts in the environmental topics listed above, particularly the reduced impacts on Aesthetics and Biological Resources, while still meeting all of the project objectives. The focus of Alternative 1 was to reduce impacts to trees (including oak species) and the impact to oak woodlands while accomplishing the basic project objectives. The focus of Alternative 2 was reducing impacts to the viewshed along Scott Road. Under Alternative 2, a 500-foot buffer would be applied from the centerline of Scott Road in each direction. Alternative 2 would not include any portion of the solar development area within 500 feet of the centerline of Scott Road, with the intent to reduce visual effects from this viewing location. This would result in the removal of approximately 181 acres of solar development area that, under the proposed project, would be within 500 feet of the centerline of Scott Road. While the level of variation of Alternatives 1 and 2 may not seem satisfactory to the commenter, the alternatives were designed to reduce potentially significant impacts of the proposed project in general alignment with the project objectives, and the degree of variance does not represent any deficiency in the DEIR.

After weighing all options and following discussions with the County, the project applicant has decided to pursue a use permit to implement a project that is similar to Alternative 1: Biological Resources Alternative (described in detail on DEIR pages 16-9 through 16-11) rather than the proposed project. The same environmental analysis performed in the DEIR for the proposed project also applies to Alternative 1. Alternative 1 would reduce the size of the solar development area in the southern portion of the project site by approximately 55 acres, which would preserve additional oak trees and oak woodland within this area. Alternative 1 contemplated replacing the lost 55 acres with additional solar development area in a parcel adjacent and southwest of the proposed project site, but the applicant is proposing to pursue a Reduced Footprint Project that does not require additional solar development area on this adjacent parcel. Please refer to the description of Modification 1 under Master Response B.

MASTER RESPONSE E: HYDROLOGY AND WATER QUALITY

Several comments suggest that the DEIR was deficient because it failed to adequately characterize certain hydrologic and water quality impacts related to (1) stormwater runoff and alteration of drainages, (2) groundwater supply, (3) groundwater dependent ecosystems, and (4) the Aerojet contaminated groundwater plume. Each of these issues is discussed in further detail below.

As discussed in DEIR Chapter 9, “Hazards and Hazardous Materials,” the northern portion of the project site contains groundwater monitoring wells within Perimeter Groundwater Operable Unit (OU-5) of the Aerojet Superfund Remediation Plan approved by the U.S. Environmental Protection Agency and the State Water Resources Control Board (attached Figure 1, Figure 3, and Figure 6, Aerojet Superfund Site and Operable Units). The Hazards and Hazardous Materials section of the EIR, Impact HAZ-2, DEIR pages 9-3 through 9-8 describes the ongoing groundwater remediation activities in the northwest project area (Figures 3 and 6) in the project area, including the presence of groundwater monitoring wells. The Aerojet remediation activities are conducted in accordance with the Aerojet remediation plans overseen by the Central Valley Regional Water Quality Control Board and U.S. Environmental Protection Agency. The remediation

actions include pumping groundwater at the outer edge of the Aerojet plume to prevent further spread of contaminated groundwater and ensure ongoing effective treatment of the plume by remediation facilities (e.g., groundwater extraction and treatment). Monitoring wells are operated to confirm that the groundwater plume is contained and is being remediated in accordance with the remediation plan.

As discussed in Chapter 10, “Hydrology and Water Quality” section of the EIR (Chapter 10), the area where blasting is proposed (southeast half of the project site) is underlain by a different groundwater regime (and groundwater basin) than the northwest half, which includes where the Aerojet groundwater contamination plume is located (EIR Plate HAZ-3 and Plate HYD-1; attached Figure 3 and Figure 7). Groundwater in the northwest half occurs within younger Cenozoic alluvial units of the South American Groundwater Subbasin of the Sacramento Valley Groundwater Basin, whereas groundwater in the southeast half occurs in the older Mesozoic bedrock units of the Sierra foothills, within bedrock fractures and poorly permeable units. The nearest project-related blasting would be 4,000 feet southeast of the edge of the Aerojet contamination plume. Thus, there is no potential for adverse effects from blasting on the Aerojet plume or on Aerojet remediation activities.

1. Stormwater Runoff, Sediment Transport, and Alteration of Drainages

Several comments suggest that the DEIR was deficient because it failed to adequately characterize stormwater runoff from lack of site stabilization. As stated in DEIR Chapter 2, “Project Description,” (page 2-1) the proposed project includes approximately 1,412 acres of disturbance. The remaining approximately 1,292 acres would not be developed as part of the project. As discussed in detail in DEIR Impact HYD-1 (Chapter 10, “Hydrology and Water Quality,” pages 10-20 through 10-22), prior to receiving a building permit, a grading and erosion control plan must be submitted to County Engineering and Water Resources Departments that must incorporate stormwater pollution control, as well as storm drainage design features to control increased runoff from the project site. A Preliminary Grading Plan has been prepared for the proposed project (Kimley Horn 2023b). The County’s Land Grading and Erosion Control Ordinance requires implementation of erosion and sediment control BMPs to protect receiving water quality, which includes both surface water and groundwater. In addition, the project is required by law to comply with the State Water Resources Control Board’s (SWRCB) Construction General Plan, which requires preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of site-specific BMPs that are specifically designed to control sediment and reduce erosion. Long-term water quality impacts from project operation must be reduced using site design and source control measures to help keep pollutants out of stormwater as required by the SWRCB. In addition, the proposed project would obtain appropriate National Pollutant Discharge and Elimination System (NPDES) permits/Waste Discharge Requirements, and implementation of BMPs consistent with the California Stormwater Quality Association’s *Industrial/Commercial BMP Handbook* or its equivalent, including annual reporting of any structural control measures and treatment systems.

With regard to operational erosion and stormwater quality, several comments allege that the DEIR is deficient because it fails to adequately characterize runoff that could lead to channel degradation in streams through the project site. However, as shown in the project's grading plan (Kimley Horn 2023b) and discussed in DEIR Impact HYD-3 (page 10-27), since the solar panels would be pole mounted and the ground would be re-seeded with vegetation after construction, the Level 3 Drainage Study properly assumed the existing pre-project grassland land use type would be maintained during project operation. Thus, most of the operational stormwater drainage would continue to percolate into the ground for recharge and to sheet flow overland to existing watercourses, similar to existing conditions. Installation of the pole-mounted solar panels would not require substantial grading; instead, the panels would be installed following the existing land contours (Kimley Horn 2023a, 2023b). Furthermore, as shown in the project's grading plan (Kimley Horn 2023b), the proposed project would not include grading or other work within or adjacent to the watercourses within the project site. Therefore, adverse stormwater runoff impacts such as channel degradation suggested by the commenter would not occur (Kimley Horn 2023a). The results of hydrologic modeling performed for the Drainage Study confirmed that construction of the proposed solar array with proposed native surface/gravel roads and creek crossings, and the proposed substation, BESS, and maintenance yard, would not alter the existing drainage patterns. Stormwater runoff for the 100-year design storm within each subshed at the project site would be substantially the same as existing conditions; either no increase in flow rates at all, or minor increases of 1 to 4 cubic feet per second (Kimley Horn 2023a) which would only occur 1 percent of the time in any given year. Four cubic feet per second is equivalent to only approximately 30 gallons per minute. This increase is inconsequential and would not be enough of a flow increase to result in adverse impacts to downstream creek channels or flooding.

Several comments stated that a hydrological and sediment transport study should be prepared due to the potential for erosion based on the size and scale of the proposed project, and because the Best Management Practices (BMPs) listed in the DEIR are allegedly "vague and do not provide a detailed assurance of compliance or mitigation during high-volume runoff events." A project-specific sediment transport study is not necessary for the reasons explained above and on the preceding page: project-related grading has been designed to follow the land contours, and no grading or other work would occur within or near the on-site watercourses; these factors would substantially reduce the potential for erosion and sediment transport. When combined with the implementation of a SWPPP and BMPs during construction (as required by law) to reduce erosion and sediment transport, and implementation of BMPs consistent with the California Stormwater Quality Association's *Industrial/Commercial BMP Handbook* or its equivalent during operation as required by the County, including annual reporting of any structural control measures and treatment systems, the DEIR properly concluded the project's water quality impacts and impacts from erosion and sedimentation would be less than significant (DEIR Impact HYD-1, Chapter 10, "Hydrology and Water Quality.")

Several comments also alleged that the project's downstream sediment transport could adversely affect species and habitats. In addition to the legally required compliance with and implementation of the construction and operational regulations enforced by the

SWRCB and Sacramento County discussed above, DEIR Mitigation Measure BR-1a (Chapter 6, “Biological Resources”) requires implementation of suite of additional detailed construction-related BMPs presented in 18 detailed bullet points (DEIR, pages 6-49 through 6-52) to avoid and minimize the potential for construction-related impacts on special-status plants and wildlife, including erosion and sediment transport.

Therefore, the DEIR properly concluded that impacts related to erosion, sedimentation, stormwater runoff, alteration of drainages, degradation of water quality, and flooding would be less than significant. Furthermore, implementation of DEIR Mitigation Measure HYD-3 would require that the modeling performed for the Level 3 Drainage Study be confirmed for County approval in a Level 4 Drainage Study prior to issuance of permits.

Several comments also alleged that the DEIR is deficient because it failed to evaluate the project’s cumulative impacts from increased stormwater runoff in local drainages. Potential cumulative impacts from project implementation were evaluated in DEIR Chapter 17, “Summary of Impacts and Their Disposition.” The project’s potential cumulative impacts related to hydrology and water quality, including stormwater runoff from all project facilities and potential flows into local watercourses, were specifically evaluated on pages 17-55 through 17-57.

2. Groundwater Supply

The DEIR’s approach to groundwater impacts analysis was analytically sound and adequately detailed to disclose the project’s potentially significant impacts on groundwater resources. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. The analysis contained in DEIR Chapter 10, “Hydrology and Water Quality,” relied on a site-specific groundwater resources study prepared by Dudek (2024b) and the scientific studies and empirical modeling contained in the regional South American Groundwater Subbasin GSP (Sacramento Central Groundwater Authority et al. 2021). The State Department of Water Resources reviewed the South American Subbasin GSP, and concluded that the GSP complies with the Sustainable Groundwater Management Act. Among other findings by the State Department of Water Resources to support its determination, the state found that the GSP’s projects and management actions “appear capable of preventing undesirable results and insuring that the Subbasin is managed within its sustainable yield within twenty years. (DWR South American Subbasin Statement of Findings; Finding No. 5 [July 27, 2023]).

With regard to groundwater supply, DEIR Impact HYD-2 (page 10-23) discusses the potential impact on groundwater from the project’s potable water demands during the construction, operation, and decommissioning phases. As discussed in Impact HYD-2, based on the results of a groundwater study performed by Dudek (2024b), it is unlikely that the existing on-site groundwater wells have sufficient production capability for the 253 acre-feet (AF) of water needed for project construction and decommissioning. The current on-site well only supplies the existing ranch house needs and has a history of going dry. The groundwater study also concluded that the potential for obtaining additional groundwater from new wells drilled in either the younger Cenozoic units (northwest half of the site) or the older Mesozoic units (southeast half of the site) to serve

as the principal water source for project construction and decommissioning appears infeasible due to the measured potential well yields. On-site groundwater in older Mesozoic bedrock that could be used to supply the project's 10.5 AFY operational water demand would not result in land subsidence, would not result in adverse effects on groundwater dependent ecosystems, and would not result in substantial depletion of groundwater storage or groundwater level drawdown at nearby wells. Therefore, the project's operational groundwater needs (10.5 AFY over a 35-year period) can be met by on-site groundwater without adverse effects to the sustainable yield of the South American Subbasin or neighboring wells in the Mesozoic bedrock units (DEIR, pages 10-25 and 10-26). The project proposes to meet the project's demands for construction and decommissioning from off-site sources – either groundwater obtained from Sloughhouse Solar Project wells or the Sacramento County Water Agency (SCWA), or a combination of the two sources (DEIR, page 2-22). Alternatively, should construction water be sourced from on-site sources via new wells, the project applicant will be required to implement Mitigation Measure HYD-2 to ensure adequate groundwater resources and no impact to existing wells.

Impact HYD-2 of the DEIR indicates that Dudek's Groundwater Resources Study (Dudek 2024b) evaluated the feasibility of using groundwater wells to satisfy the water demands of the proposed project, including potential well yields, subsidence, groundwater drawdown in neighboring wells, GDEs, and depletion of groundwater storage. Impact HYD-2 indicates that previous well yield studies included borehole testing in the older Mesozoic bedrock units at the project site. The results indicated that although initial groundwater level depths were generally shallow (groundwater was obtained relatively near the surface), the drawdowns for the given pumping rates indicated relatively low specific capacities (meaning the well yields were low). The project's annual operational demand of 10.5 AFY equates to approximately 6.6 gallons per minute, and therefore the groundwater study (Dudek 2024b) concluded that one or more of the sample boreholes that were previously drilled on the project site in the Mesozoic bedrock units would be able to support the project's yearly operational demand, but would not support the project's construction and decommissioning demand (i.e., 253 AF each).

Section 3 of the groundwater study by Dudek (2024b) indicates that potential project groundwater pumping was reviewed for potential impacts to the lowering of groundwater levels and reduction of groundwater in storage. The study indicates that assuming all project water demands are met solely from groundwater (on-site or off-site), the project is unlikely to have any significant impact to the South American Groundwater Subbasin storage because of the short period of pumping (350 AF over 12-months), the large volumes of recharge (298,900 AFY), and pumping (305,100 AFY) estimated for future climate conditions in the groundwater basin. Currently, there is a surplus of 2,200 AF annually in the South American Groundwater Subbasin. The amortized per-acre groundwater use for the project would be approximately 0.009 AFY per acre, which is significantly less than the 1.21 AFY per acre limit under sustainable conditions. The groundwater study further determined that construction water needs would only temporarily increase pumping by 0.08 percent during the 18-month construction period.

While it was determined the underlying aquifer has adequate supply for project operations, further mitigation measures were included in the EIR with respect to groundwater drawdown. As indicated on page 10-26 of the DEIR, Mitigation Measure HYD-2 requires preparation of a groundwater hydrologic study to investigate whether the potential location of the proposed or existing groundwater well(s) and the amount of groundwater withdrawal that would be necessary to serve the proposed project would cause significant drawdown of the existing groundwater table such that existing groundwater wells would be adversely affected. Mitigation Measure HYD-2 further requires the applicant to demonstrate that appropriate permits have been obtained for a permanent source of on-site or off-site water supply that would not result in a localized drawdown of the groundwater table such that other existing nearby wells would be affected (including the potable water supply well at the Prairie City SVRA). Implementation of Mitigation Measure HYD-2 would reduce the impact from groundwater drawdown on neighboring wells by requiring that hydrologic modeling be performed to demonstrate that such drawdown would not occur before issuance of project permits. Therefore, no change to the DEIR is required. Additionally, DEIR Impact HYD-2 (page 10-26) discussed that there are adequate off-site groundwater resources to meet the project's construction and decommissioning water needs.

3. Aerojet Superfund Site Contaminated Groundwater Plume

Several comments expressed concern that pumping of groundwater to supply the project's water demand could result in movement of the Aerojet contaminated groundwater plume. This issue is addressed in DEIR Chapter 9, "Hazards and Hazardous Materials" Impact HAZ-2, and DEIR Chapter 10, "Hydrology and Water Quality," Impact HYD-2. DEIR Chapter 9 discusses the Aerojet contaminated groundwater plume (pages 9-4 through 9-10) and explains that Aerojet is conducting ongoing groundwater remediation activities in the northwest project area and also operates groundwater monitoring wells, with oversight from the Central Valley Regional Water Quality Control Board and U.S. Environmental Protection Agency. Based on the results of a groundwater study performed by Dudek (2024b), it is unlikely that the existing on-site groundwater wells have sufficient production capability for the 253 AF of water needed for project construction and decommissioning. The current on-site well only supplies the existing ranch house needs and has a history of going dry. The groundwater study (Dudek 2024b) also concluded that the potential for obtaining additional groundwater from new wells drilled in either the younger Cenozoic units or the older Mesozoic units to serve as the principal water source for project construction and decommissioning appears infeasible due to the measured potential well yields. On-site groundwater in older Mesozoic bedrock that could be used to supply the project's 10.5 AFY operational water demand would not result in land subsidence, would not result in adverse effects on groundwater dependent ecosystems, and would not result in substantial depletion of groundwater storage or groundwater level drawdown at nearby wells. Therefore, the project's operational groundwater needs (10.5 AFY over a 35-year period) can be met by on-site groundwater without adverse effects to the sustainable yield of the South American Subbasin or neighboring wells in the Mesozoic bedrock units (DEIR, pages 10-25 and 10-26). The project proposes to meet the project's demands for construction and decommissioning from off-site sources – either groundwater obtained from Sloughhouse Solar Project wells

or the Sacramento County Water Agency (SCWA), or a combination of the two sources (DEIR, page 2-22). Alternatively, should construction water be sourced from on-site sources via new wells, the project applicant will be required to implement Mitigation Measure HYD-2 to ensure adequate groundwater resources and no impact to existing wells.

Impact HAZ-2 concluded, along with the project's Groundwater Study (Dudek 2024b), that depending on the location of the project's groundwater well(s), groundwater withdrawal to supply the proposed project has the potential to cause migration of the Aerojet plume. However, as explained on DEIR page 9-31, Mitigation Measure HAZ-2a would prohibit any new groundwater wells from being installed within the 2,000-foot buffer zone that was established by the regulatory agencies specifically to prevent potential contact with and migration of the contaminant plume. The second five-year review report for the Aerojet Superfund Site prepared by the U.S. Army Corps of Engineers for the U.S. Environmental Protection Agency (USEPA) notes the 2,000-foot consultation zone (which encompasses an area nearly 0.5 mile wide around the edge of the contaminated groundwater plume) established by the USEPA in addition to the other Superfund Remedies. The five-year update states, "The remedy for the Perimeter Groundwater Operable Unit [2,000-foot buffer zone] currently protects human health and the environment in the short term through the implementation of institutional controls, general containment of contamination in groundwater, contingency plans to protect public drinking water wells, and vapor mitigation measures." Long-term protection consists of land use restrictions in areas where soil is contaminated. (U.S. Army Corps of Engineers 2021). Furthermore, Mitigation Measure HAZ-2a requires that any existing groundwater wells within the project site that are within the 2,000-foot buffer zone may not be used for project-related water supply. Finally, the Dudek (2024b) groundwater study determined that pumping groundwater solely for project operations from the older Mesozoic bedrock in the southeast portions of the project site (the area that is not situated within the South American Groundwater Subbasin as shown on DEIR Plate HYD-1 [page 10-2]) is unlikely to affect the location of the Aerojet contamination plume due to the low pumping amounts and the impermeable nature of the geologic units, in addition to the 2,000-foot buffer requirements that was designed to avoid public health effects.

In 2024, the U.S. Environmental Protection Agency and the Central Valley Regional Water Quality Control Board approved the project applicant's request for approval of project facilities in the portion of the project subject to the Covenant Restricting Land Uses for the Perimeter Operable Unit of the Aerojet Remediation Plan (Central Valley Regional Water Quality Control Board 2024, U.S. Environmental Protection Agency 2024).

Mitigation Measure HYD-2 requires that an additional groundwater study must be completed utilizing hydrologic modeling to investigate whether the potential location of the proposed or existing groundwater well(s) and the amount of groundwater withdrawal that would be necessary to serve the proposed project would (cause significant drawdown of the existing groundwater table such that existing groundwater wells would be adversely affected. The supplemental groundwater hydrologic study must be submitted to the Sacramento County Department of Water Resources for review prior to issuance of

construction permits. Implementation of these mitigation measures would reduce the project's potentially significant impacts to less than significant.

With respect to a comment indicating the DEIR does not include information on recent results from groundwater quality analysis of existing wells or boreholes on the property to ensure the boundaries of the groundwater contamination plumes defined by others are accurate, DEIR Chapter 9, "Hazards and Hazardous Materials" and Chapter 10, "Hydrology and Water Quality," include up to date information from DWR (2024), DTSC (2024), SWRCB (2024), USEPA (2024), and the Central Valley RWQCB (2023). As explained above, the 2,000-foot buffer zone was established as a protective remedy by the USEPA. CEQA Guidelines Section 15151 – Standards for Adequacy of an EIR, states: An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. The Environmental Setting section of DEIR Chapter 9, "Hazards and Hazardous Materials" fulfills the requirements of CEQA with respect to inclusion of up-to-date, adequate information to inform the impact analysis and conclusions of the DEIR.

Impact HAZ-2 (DEIR Chapter 9, "Hazards and Hazardous Materials") also indicates that project-related facilities have the potential to interfere with remediation activities by damaging or destroying existing remediation and/or monitoring wells during the construction process, and during project operation if proposed facilities are not properly sited. Implementation of Mitigation Measure HAZ-2c requires that the project applicant situate project facilities to avoid remediation systems and monitoring wells by consulting with Aerojet with oversight by Sacramento County to ensure that project-related facilities are placed far enough away from existing remediation and monitoring wells to avoid damage or destruction and to ensure that Aerojet retains appropriate access to the wells. If construction activities would occur within 100 feet of any existing remediation or monitoring wells, exclusionary fencing must be placed around the wells prior to the start of construction activities. If avoidance of remediation or monitoring wells is infeasible, the applicant would coordinate with Aerojet for the closure, relocation, or replacement of wells and would be required to comply with Aerojet remediation and monitoring plans. The locations of existing remediation and monitoring wells at the project site, and wells that are off-site but within 100 feet, must be shown on the construction drawings and the construction contractor must be informed of the locations of the wells with instructions to avoid them. If any remediation or monitoring wells are damaged during construction, the project applicant would be responsible for paying for repairs, at the discretion of Aerojet. Therefore, the DEIR properly concludes that implementation of these mitigation measures would reduce the project's potentially significant impacts to less than significant.

4. Groundwater-Surface Water Interconnectivity and Groundwater Dependent Ecosystems

Several comments raised concerns regarding the project's impacts on groundwater resources and, specifically the project's impact on sustainable yield and impacts on GDEs that commenters stated may be present at the project site or in the vicinity of the project site because of the potential interconnectivity of groundwater and surface resources at the project site (as alleged by the commenters), along with comments that the DEIR's analysis of these impacts inappropriately focused on regional-level effects. Commenters also state that a Level 3 Drainage Study was not made available with the DEIR and that the results of a Level 4 Drainage Study should be included in a revised EIR (see item 4, below, "Groundwater Dependent Ecosystems"). The comments provided no substantial evidence that groundwater at the project site is connected to surface water, merely statements of opinion and speculation.

Comments asserted that the South American Groundwater Subbasin GSP, which was used to inform the DEIR's analysis of project impacts to groundwater resources (DEIR Impact HYD-2), used an inappropriate methodology and/or contained inaccurate conclusions related to the lack of GDEs at the project site. These statements are purely speculative in nature and are not supported by substantial evidence. The GSP was prepared by a consortium of six groundwater sustainability agencies, with assistance from five expert scientific and hydrologic engineering consulting firms, whose work was peer reviewed and approved by the scientists and hydrologic engineers at the California Department of Water Resources. The comments claim that solely because areas of the project site contain some locations where shallow perched groundwater is present, it then must follow that GDEs must be present at the project site. However, as explained on pages 2-158 and 2-159 of the GSP, "The maximum reported rooting depths of the plant species found in the SASb [South American Groundwater Subbasin] range from nearsurface for grasses like creeping wildrye (3.8 feet) to deep-rooted trees like the Valley Oak (24.3 feet). Rooting depths of species within the SASb were evaluated, and the Valley Oak (*Quercus lobata*) was found to exhibit the largest rooting depth. Because plants can extract moisture from pore spaces away from the roots themselves, a threshold depth of 30 feet was used as a cutoff for the maximum depth of groundwater that could reasonably be accessed by a GDE within the SASb. Areas within the SASb where depth to groundwater is consistently greater than 30 feet are therefore assumed incapable of supporting non-wetland GDE communities and by extension, any GDEs. In the context of identifying GDEs, this 30-foot depth threshold is very conservative and overly inclusive as shallower groundwater is likely required to support a broader array of healthy GDEs in most circumstances" (South Central Groundwater Authority 2021).

The DEIR properly relied on the GSP for its evaluation of potential project impacts of groundwater use on GDEs (DEIR Chapter 10, Impact HYD-2.) The GSP reviewed interconnected surface water and groundwater and potential GDEs in the vicinity of the project. As discussed and mapped in the GSP and summarized in DEIR Impact HYD-2, there are no GDEs, or potential GDEs, mapped in the vicinity of the project site. Streams from the project site flow to Deer Creek and may potentially support GDEs on the lower end of the Cosumnes River – 4.4 miles from the project site. Furthermore, the GSP found that the reach of the Cosumnes River that flows approximately between Deer Creek and Twin Cities Road is disconnected on a seasonal basis.

A series of geospatial datasets were used to identify potential GDEs in the 2022 Groundwater Sustainability Plan Submitted for the Sacramento Valley – South American Subbasin. Applying legal standards defined by statutes (The Sustainable Groundwater Management Act of 2014), GDEs are ecosystems that meet the scientific framework for classification based on data available, including depth to groundwater (depth to groundwater ≤ 30 feet is assumed for GDEs) or the presence or absence of an associated mapped vegetation community. Determination of Groundwater dependent ecosystems (GDEs) within a groundwater basin is the responsibility of the Groundwater Sustainability Agency, GSAs. The aquatic resources on the project site are not considered groundwater dependent ecosystems as defined by The South American Subbasin Sustainable Groundwater Management Act (SGMA) 2022 Groundwater Sustainability Plan. GDEs are defined in the GSP Regulations (California Department of Water Resources Sustainable Groundwater Management Program) as 'ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface.' Further, the South American Subbasin Groundwater Sustainability Plan's Figure 2.3-47: GDE likelihood classification of potential GDEs from 2005-2018, shows that the proposed project site does not contain GDEs. To summarize, none of the resources mapped on-site had both criteria to qualify as a GDE. They either lacked the vegetation community, did not have the groundwater at suitable depths, or both. The spring noted on-site does not meet both of the necessary criteria for a GDE. Therefore, DEIR Impact HYD-2 properly concluded that the project would have no impact on GDEs.

5. Level 4 Drainage Study

Several comments claim the DEIR is deficient because a project-specific hydrological transport study or similar type of study, along with a Level 4 Drainage Study, have not been completed. However, a project-specific Level 3 Drainage Study was performed (Kimley Horn 2023a), and this study included modeling using Sacramento County drainage standards required by the Sacramento County Drainage Manual (Sacramento County Department of Water Resources 1996). The results of the Level 3 Drainage Study are presented and discussed in Impact HYD-3 (DEIR Chapter 10, "Hydrology and Water Quality," pages 10-27 through 10-29). Several comments also claimed that the Level 3 Drainage Study was not available for review. The Level 3 Drainage Study was available upon request from the County, during the DEIR review period, along with all other references cited in the DEIR as part of the project's Administrative Record. The Level 3 Drainage Study contains sufficient information to permit a reasoned analysis of the project's potential environmental impacts. Furthermore, implementation of Mitigation Measure HYD-3 ensures that a final Level 4 Drainage Study (which is already required by the County for all discretionary projects prior to permitting) would be required, subject to approval by the County prior to issuance of a construction permit, and meeting the most up to date County standards (Sacramento County 2023). Therefore, the DEIR properly concludes that impacts related to alteration of drainages would be less than significant after implementation of mitigation.

The Level 3 Drainage Study (Kimley Horn 2023a) includes adequate modeling and hydrologic and hydraulic analyses sufficient for environmental review. As related to impacts from the switchyard (specifically mentioned in several comments), which would

result in 8.25 acres of new impermeable surfaces, the proposed project includes a detention basin at the switchyard (as stated in DEIR Chapter 2, “Project Description,” page 2-17) as required by Sacramento County, based on preliminary modeling, to appropriately detain stormwater flows from this project component. The Level 4 Drainage Study is the detailed design analysis of the drainage system for a specific project site and forms the basis for the improvement plans. The Level 4 Drainage Study would confirm consistency with and a final refinement of major flood control, major trunk drainage, and compliance with NPDES requirements (stormwater quality facilities, Low-Impact Development [LID], and Hydromodification) that have already been described in the Level 3 Study. The Level 4 Study is standard practice to be submitted with improvement plans in order to obtain building and grading permits for all Sacramento County major development projects.

MASTER RESPONSE F1: IMPACTS TO TRIBAL CULTURAL RESOURCES

With respect to Tribal Cultural Resources (TCRs), the County conducted intergovernmental consultation in good faith regarding the proposed project for approximately three years. On December 23, 2021, staff sent letters to all interested parties to initiate the Assembly Bill (AB) 52 process. United Auburn Indian Community (UAIC), Wilton Rancheria, and the Lone Band of Miwok Indians requested consultation in response to the letters. Shingle Springs Band of Miwok Indians also requested consultation in response to the County’s January 19, 2022, Notice of Preparation of an Environmental Impact Report. Throughout the consultation process, the County provided and received written correspondence, held numerous meetings and site visits, and developed direct partnerships with tribal representatives. The County relied on the information gathered during consultation to inform the analysis presented in the EIR.

Consulting tribes identified Tribal Cultural Resources (TCRs) (as defined in Public Resources Code Section 21074) within and in the vicinity of the project site. The tribes also identified the importance of the Tosewin Region and its contribution to past tribal activities and history.

Shortly after opening consultation, the tribes requested a site visit. Due to the size of the project site, the tribes were given the Geographic Information System (GIS) shapefiles of the proposed disturbance areas to narrow down and focus the pedestrian survey to areas with higher resources probability (largely known burial sites and along the waterways). The site visit was completed over two days, June 1 and 2, 2022, with tribal, County, and applicant representatives in attendance.

Dudek, consultant to the applicant team, conducted records searches for the project site through the California Historical Resources Information System North Central Information Center and the Native American Heritage Commission Sacred Lands File. Dudek also reviewed available Sanborn Maps and historic aerials. On November 17, 2022, Dudek, along with County staff conducted an intensive pedestrian survey of the project area. The survey was limited to surface inspections at the request of tribes. Based on the information gathered, Dudek prepared an Archaeological Resource Inventory report, which identified 14 precontact or multicomponent archaeological sites (eight previously

recorded and identified through the records search, and six identified through the pedestrian field survey). The Archaeological Resource Inventory Report was peer reviewed by AECOM, the County's archaeologist and provided to the consulting tribes for review. The EIR treats all 14 sites as TCRs for the purposes of CEQA.

At the request of the consulting tribes, the Institute for Canine Forensics (ICF) conducted a canine field survey for the County to delineate the boundaries of potential burials in June 2023. The tribes were present during this work and conducted their own field survey where the canine forensics team surveyed. ICF is singularly dedicated to training, certifying, and providing Historic Human Remains Detection dog teams, and their dogs have unique and specialized training in locating historic and prehistoric human remains. Tribal representatives provided input on and were present for the canine surveys.

Given the overall acreage of the proposed project, the applicant provided LiDAR drone footage for the tribes to review and provide resource identifications, although the tribes did not provide any further information to the County after receiving the footage.

Through consultation, the tribes stressed the importance of evaluating the landscape holistically and without attention to tangible resource boundaries. At the tribes' request, Dr. Anthony Burris engaged with tribal elders and other representatives of the tribes to collect ethnographic data to clarify the significance of TCRs, and in particular Tosewin, throughout the project site. In the first phase of the ethnographic study, Dr. Burris gathered technical data through tribal elder testimony to define the general boundaries and significance of Tosewin. In the second phase of the ethnography, Dr. Burris will finalize his research and deliver the full findings to the tribe and the County.

Based on ethnographic information about the project site, the County acknowledged that the project site exists within a larger cultural landscape, referred to as the Tosewin District. The Tosewin District is a Tribal Cultural Landscape (TCL) related to a "landscape of survivance" for multiple tribal groups during the historic era, with associations to sacred burial locations, traditional origin stories and associated viewsheds, and traditional resource gathering areas. The EIR concludes that the known tangible resources are intrinsically tied to contemporary tribal descendants' intangible spiritual connections to the overall landscape. The viewshed holds important spiritual qualities and connections with oral tradition and burial dispositions, a spiritual connection associated with the mature oaks and the riverine system at the project site, and an emotional connection with the land's history. Because the proposed project would reduce the extent of native habitats and resources, including by removing heritage oak trees, within the solar development area, the EIR concludes that the impact to the Tosewin TCL is significant. Also, because known burial locations in the project vicinity, but outside the proposed solar development area, are oriented with the intention to connect the deceased with the viewshed of Coyote Creek, the movement of the sun, and Mount Diablo, the EIR concludes that the impact is significant to the degree that the project would impact this geographical affiliation and disrupt the natural setting of these burials.

The EIR includes Mitigation Measure TCR-1, which requires that the applicant prepare a Tribal Cultural Resources Avoidance and Minimization Plan (TCR AMP), to be reviewed

by the County and consulting tribes, and finalized and approved prior to construction. The TCR AMP must include measures to avoid and substantially lessen potentially significant effects on tribal cultural resources. The TCR AMP must provide for avoidance of all 14 pre-contact archaeological sites with a minimum 100-foot fenced buffer, pre-designation of a reburial location in consultation with culturally affiliated tribes, and development of a set of communication protocols to the satisfaction of the County and the tribes. During the construction period, the TCR AMP must provide for a construction trailer for exclusive use by tribal monitors, the Environmentally Sensitive Areas to be protected by temporary fencing installed under the direction of a tribal monitor and an archaeological monitor, and development of a worker awareness training program in coordination with the tribes and delivered to the contractor's equipment operators and field consultants. The TCR AMP also must require that a qualified tribal monitor from a consulting tribe on the project monitors all construction-related ground-disturbing activity, and provides procedures for a response to unanticipated discoveries of TCRs. The TCR AMP must establish post-construction reburial methods to ensure that reasonable measures are taken to prevent future disturbance. The applicant is also required to submit a report from the project archaeologist with the opportunity for tribal monitors to review and contribute at the conclusion of monitoring activities, and the TCR AMP must require an ethnography to be submitted to the County within 24 months of the completion of project construction.

The EIR also includes Mitigation Measures CR-2a (Cultural Resource Management Plan), CR-2b (Construction Monitoring), and CR-3a (Walltown Mining District Historic Study and Interpretive Plan). These measures would generally reduce the potential impacts to any unknown archaeological sites or buried human remains that could be determined to be TCRs.

Dudek prepared a Proposed Tribal Cultural Resources Avoidance and Minimization Plan ("Proposed TCR AMP"), which was created in consultation with the tribes and is included as Appendix A to the Draft Cultural Resources Management Plan. The Proposed TCR AMP, currently a draft that must be finalized and approved by Sacramento County staff prior to construction of the project, incorporates all of the requirements in Mitigation Measure TCR-1 (detailed above).

Based on findings from the pedestrian survey and the canine forensic survey, the project was redesigned from the original application submittal to avoid these known resources with a buffer to ensure that identified cultural and tribal cultural resources will be avoided and preserved in place. Even with implementation of Mitigation Measures TCR-1, CR-2a, CR-2b, and CR-3a, the project would result in the development of significant new infrastructure and visual impacts that would substantially alter the historic setting and feeling of contributing elements of the Tosewin TCL. The TCRs in the vicinity of Coyote Creek would be significantly impacted by changes in viewshed and the contemporary, spiritually associated ecology, and the proposed solar development area will impact the remaining oak woodland. The mitigation measures will ensure proper treatment of TCRs but will not fully reduce the holistic impacts to the landscape and its contributing resources to below a level of significance.

There are no other feasible measures that would avoid or further lessen effects on tribal cultural resources. The proposed project has been redesigned twice to fully avoid documented tribal cultural resources, and further redesigned after publication of the DEIR to remove an additional 55 acres from the disturbance footprint to reduce impacts on native trees. Further redesign with reduced ground disturbance is not feasible while still meeting the project objectives. Evidence has been provided by the tribes through consultation and preparation of the ethnography that the Tosewin landscape cannot be replaced. As such, other mitigation beyond what has already been proposed would not directly mitigate for the irreparable change to the Tosewin landscape. The impact to TCRs from the project would therefore be significant and unavoidable.

CEQA requires that, when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6). The County would adopt and implement a monitoring and reporting program in accordance with CEQA requirements to ensure all mitigation measures are implemented during project construction and operations.

MASTER RESPONSE F2: IMPACTS TO CULTURAL AND BUILT ENVIRONMENT RESOURCES

Chapter 8 of the DEIR identifies and analyzes impacts related to cultural and built environment resources and requires mitigation measures to reduce or eliminate significant impacts. To evaluate potential impacts to cultural and built environment resources, archival research, Native American consultation, and fieldwork were conducted to establish what cultural resources may be present within the project site and may be impacted as a result of the implementation of the proposed project. The impact analysis for archaeological, historical resources, and human remains is based on the findings and recommendations of the Archaeological Resources Inventory Report (Dudek 2024a) and the Built Environment Inventory and Evaluation Report (ECORP 2024) which include eligibility evaluations of identified resources. The analysis in the DEIR is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

Studies performed by qualified archeologists and built environment professionals identified 73 historic-era resources that intersect the solar development area, including mining sites and features, earthen berms and dams, rock alignments, and ditches. No complex historic-era resources, such as homesteads or other sites with evident potential for buried archaeological resources have been identified in solar development area. The vast majority of historic-era features are related to mining activities that occurred in the late 19th and early 20th centuries. These resources are largely functional and/or activity specific; no resources with substantial evident artifact or cultural deposits intersect the solar development area. The DEIR concluded that impacts to archeological resources and unanticipated archeological resource discoveries during construction require mitigation, including preparation of a Cultural Resources Management Plan, construction

monitoring, and performing a historic mining study and interpretative plan for the Walltown Mining District. The DEIR concludes that, with implementation of Mitigation Measures CR-2a, CR-2b, and CR-2c, potential impacts would be reduced to less than significant. In summary, the DEIR includes a thorough review of the potential impacts to cultural and built environment resources and proposes mitigation measures that would reduce potential impacts to less than significant.

MASTER RESPONSE G: IMPACTS FROM LANDFORM MODIFICATION

Some comments assert that project-related blasting, grading, and filling would substantially modify the existing landforms and “flatten” the landscape. As shown in DEIR Table PD-1 (Chapter 2, “Project Description” page 2-1), of the 2,704-acre project site, 1,292 acres would not be developed as part of the project, including the stream courses on the site. Areas subject to blasting would be limited to those areas indicated on DEIR Plate PD-7 (Chapter 2, “Project Description,” page 2-25). Furthermore, grading is not proposed across the entire solar development area, but instead is generally only necessary for locations where the slope exceeds 15 percent. At these locations, the grading would generally be used to reduce steeper slopes on the site, creating areas of cut, and then utilizing that cut material to create a more gradual slope up or downhill from the location of the cut, as necessary to meet solar array tolerances.

The project’s grading plan has been designed to minimize landform and topographic modifications by retaining natural land contours to the maximum extent practicable and by avoiding landform modifications in stream corridors (Kimley Horn 2023b). The grading plan (Kimley Horn 2023b) is briefly summarized on DEIR pages 2-24 and 2-26. Project-related grading would involve exporting approximately 7,500 cubic yards of cut off-site during construction, and the rest of the material would be reused on-site. Project grading would use any excess cut material to support other on-site construction backfill needs (e.g., filling of holes following root ball removal), distributing other larger swaths across the array area, or stockpiling and stabilizing the fill for distribution at decommissioning. See DEIR Table PD-5 (Chapter 2, “Project Description” on page 2-26) for an overview of the grading quantities anticipated for the various project components.

Effects of the project on the landscape are addressed in DEIR Chapter 3, “Aesthetics”, Chapter 6, “Biological Resources”, and Chapter 10, “Hydrology and Water Quality.” DEIR Chapter 3 provides visual simulations of the project, which show the appearance of the site post-construction from 24 Key Observation Points. DEIR Chapter 3 discusses the project’s visual impacts on the landscape and provides mitigation for those impacts, including landscape screening. As discussed in DEIR Chapter 3, Impacts AE-1, AE-2, and AE-3, the proposed project was determined to result in a significant and unavoidable impact to aesthetic resources. As detailed in Chapter 6, “Biological Resources,” the impact analysis in the DEIR includes all components of the proposed project, including areas affected by clearing and grading associated with project implementation (e.g., permanent loss of vegetation/wildlife habitat, injury/mortality of individual plants or wildlife, permanent interference with wildlife movement or habitat connectivity). Chapter 10 of the DEIR, “Hydrology and Water Quality” provides a comprehensive assessment of impacts

of the proposed project, including those related to excavation and grading that could disturb sediment and affect water quality.

MASTER RESPONSE H: EIR RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Section 15088.5 states “significant new information” requiring recirculation may include:

- A new significant environmental impact that had not previously been disclosed in the Draft EIR would result from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- The Draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

In response to comments from the public and public agencies on the DEIR, the County has incorporated minor revisions to the text of the DEIR into the FEIR. The revisions to the text of the DEIR present minor corrections, additions, and revisions initiated by Sacramento County based on comments received during the public review period by reviewing agencies and/or the public. None of the information added to the DEIR alters the significance conclusions. Rather, the new information amplifies and clarifies the information provided in the DEIR. None of the revisions or updates to the analyses contained in the DEIR represents “significant new information” as that term is defined by the CEQA Guidelines Section 15088.5. Thus, recirculation is not necessary because the changes do not constitute significant new information under CEQA.

As detailed in the Preface to this FEIR, the DEIR for the project addressed the environmental effects associated with the original proposed project. Since the circulation of the public review DEIR, the applicant has submitted for County staff review the Reduced Footprint Project, and the Reduced Footprint Project is the version of the proposed project that County staff recommends for consideration by the Planning Commission and Board of Supervisors. Both the original proposed project contemplated in the Draft EIR and the Reduced Footprint Project would build a 200-MW AC photovoltaic

solar energy-generating facility and associated BESS. The Reduced Footprint Project incorporates a solar development area that is reduced by 55 acres compared to the original proposed project, and preserves at least 1,150 acres of oak woodlands, wildlife corridors, and habitat of Special Status Wildlife Species in perpetuity through grants of conservation easements approved by the California Department of Fish and Wildlife. The Reduced Footprint Project would result in the same or a reduced level of impact for all impact topics when compared with the original proposed project (FEIR, chapters 3 through 17). The change in overall development footprint of the proposed project represented by the Reduced Footprint Project does not introduce any new impact, any more severe impact, nor any feasible alternative or mitigation measures that is not included in the FEIR.

Changes are limited to EIR Chapter 2, “Project Description”; Chapter 3, “Aesthetics”; Chapter 6, “Biological Resources”; Chapter 7, “Climate Change”; Chapter 9, “Hazards and Hazardous Materials”; Chapter 10, “Hydrology and Water Quality”; Chapter 12, “Noise”; Chapter 15, “Wildfire”; Chapter 16, “Alternatives”; and Chapter 17, “Summary of Impacts and Their Disposition (and how these chapters are summarized in the Executive Summary).

The County has added clarifying text and exhibits that detail the modifications to the original proposed project that constitute the Reduced Footprint Project in a Preface to the Final EIR.

Changes to Chapter 2, “Project Description”, include minor edits to the “Environmental Setting” section to note that the Area 39 management area is included in Plate PD-5, insertion of a revised Plate PD-5 showing the Area 39 management area, clarification of the state agency name that oversees the Prairie City SVRA, added text to clarify the applicant’s understanding that the project would not require temporary closure of the entire Prairie City SVRA, clarification of temporary laydown yards including detention basin rather than water storage ponds, and clarification of project approvals required from the California State Department of Parks and Recreation.

Changes to Chapter 3, “Aesthetics” were limited to minor edits in the “Existing Land Uses” section to describe conservation easements and properties owned by California State Parks in the vicinity of the project site and to the descriptions of Key Observation Point (KOP) 9c, KOP 9d, KOP 9e, KOP 9g, KOP 9h, and KOP 9j; Impact AE-1 to clarify that the Environmental Training Center shooting range is active; and a correction to mitigation measure numbering. A minor edit was made in Impact AE-3 to clarify that the new 20-foot-wide gravel roadway is not private. Finally, minor edits were made in Impact AE-4 to describe that the Prairie City SVRA hosts nighttime interpretive programs and events, including stargazing in the context of impacts related to nighttime lighting, and to correct the impact significance level to potentially significant prior to application of mitigation. These changes were minor and do not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 6, “Biological Resources”, include minor edits in the “Native and Non-Native Trees” section to clarify the extent of the tree survey conducted for the Project;

minor edits to Table BR-2 to clarify that woodlands on the eastern edge of the project site that would not be impacted by the project were not included in the tree survey; a minor edit in the “Special-Status Species” section to clarify that CDFW recommendations in comments on the DEIR were used to inform the list of federally listed species with potential to occur within the biological resources study area and that the rare plant surveys conducted for the project were conducted during the floristic bloom period; minor edits in Table BR-3 to clarify findings of surveys conducted for the Project; and a minor edit in Table BR-4 to correct a species name and to add Ringtail (*Bassariscus astutus*). Minor edits are made to Impact BR-1 to clarify special status plant species observed during plant surveys; clarify that Swainson’s hawk nests within 10 miles of the project site have not been reported in the last five years; correct a source in the “Tricolor Blackbird” section; and add a section to evaluate Ringtail, including new Mitigation Measure BR-1n. Additional changes include revising Mitigation Measures BR-1a to correct a referenced mitigation measure number, clarify requirements for revegetation, pets in construction areas, and channel re-routing, and to add new Mitigation Measure BR-1n related to biological monitor requirements; Mitigation Measure BR-1b to include valley brodiaea and require development of adaptive management strategies if monitoring a net loss in occurrences of spiked western rosinweed; Mitigation Measure BR-1c to clarify fence spacing requirements; Mitigation Measure BR-1e to clarify preconstruction survey and Burrowing Owl Mitigation and Management Plan requirements and to clarify that an Incidental Take Permit is required if impacts on burrowing owl individuals cannot be avoided during the breeding or non-breeding season; Mitigation Measure BR-1f to correct referenced mitigation measure numbers and add reference to new Mitigation Measure BR-2b; Mitigation Measure BR-1g to clarify requirements for tricolored blackbird preconstruction surveys and avoidance buffers from identified nests; Mitigation Measure BR-1j to clarify requirements for American badger preconstruction surveys and discovery of active non-natal dens during construction; Mitigation Measure BR-1k to clarify requirements for nesting bird preconstruction surveys and establishment of buffer distances; Mitigation Measure BR-1l to clarify requirements for bat preconstruction surveys; Mitigation Measure BR-1m to clarify survey report and habitat replacement requirements, allowable periods of vegetation removal, and measures to be implemented within 500 feet of Crotch’s bumblebee habitat if nighttime construction activities occur; renumbering Mitigation Measure BR-2a and adding new Mitigation Measure BR-2b to address impacts to oak woodlands. The revisions to the mitigation measures identified above are shown in Chapter 6 of the Final EIR with new text shown in underline and deleted text shown in strikethrough. These changes were minor and do not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 7, “Climate Change,” include adding text to Mitigation Measure CC-1 to clarify that operational GHG emissions reductions used to offset construction emissions cannot be sold on the voluntary market. The revision to Mitigation Measure CC-1 is shown in Chapter 7 of the FEIR. This change is minor and does not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 9, “Hazards and Hazardous Materials”, include minor edits in the “Aerojet Contaminated Groundwater Plume” to add text to describe Superfund site Area 39, where a small portion of the project site is co-located; minor edits in Impact HAZ-2 to describe that a small area of proposed solar panels may be installed within or near Area 39, such that construction-related excavation in Area 39 could encounter contaminated soil and workers could be exposed to hazards from contact with contaminated soil in Area 39. Additionally, minor edits were made to Mitigation Measure HAZ-2b to add the DTSC to the list of agencies which require notification if evidence of previously undiscovered soil or groundwater contamination is encountered and to include Area 39 in preparation of the project Health and Safety Plan. The revisions to Mitigation Measure HAZ-2b are shown in Chapter 9 of the FEIR. These changes are minor and do not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

A change to Chapter 10, Hydrology and Water Quality,” clarifies that blasting is not proposed near any existing wells.

Changes to Chapter 12, “Noise”, include minor edits in the “Existing Noise-Sensitive Receptors” section to clarify locations of sensitive uses within the area surrounding the project site and associated edits in Impact NOI-1 to describe construction and blasting noise levels at the locations of the surrounding sensitive receptors. These changes are minor and do not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 14, “Tribal Cultural Resources”, include minor edits to correct a citation and an Assembly Bill number. These changes are minor and do not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 15, “Wildfire”, include a minor edit to correct a citation year. This change is minor and does not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 16, “Alternatives” include a minor edit to add new Mitigation Measure BR-2b as applicable to Alternatives 1 and 2. These changes were minor and do not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 17, “Summary of Impacts and Their Disposition”, include minor edits in the “Significant Effects Which Could be Avoided with Mitigation” to add new Mitigation Measure BR-1n and in the Biological Resources Cumulative Impact Analysis to include valley brodiaea, correct a percentage, and address potential impacts to ringtail. Additional minor edits were made in the Tribal Cultural Resources Cumulative Impact analysis to include reference to new Mitigation Measure BR-2b. These changes were minor and do not substantively change the analysis presented in the Draft EIR nor any of the conclusions described in the Draft EIR.

Changes to Chapter 18, “Bibliography”, include correcting a reference source and adding citations.

MASTER RESPONSE I: PROJECT INFRASTRUCTURE SITED ON PRAIRIE CITY STATE VEHICULAR RECREATION AREA LANDS

Several comments generally expressed concern with building large electrical structures in close proximity to off-highway vehicle (OHV) trails and next to racetracks used for amateur and professional competition events that could negatively impact public use and enjoyment at the Prairie City State Vehicular Recreation Area (Prairie City SVRA). The DEIR notes that temporary closures are necessary to accommodate construction of the gen-tie as well as for the kart track improvements, and would be coordinated with park officials, as necessary. However, once these activities are complete, the project-related infrastructure in the Prairie City SVRA would not result in any permanent trail closures or result in substantial alterations to the physical park infrastructure that would alter public access to the park facilities. The Prairie City SVRA Road and Trail Management Plan notes that State Parks is currently considering a proposal to grant easement rights to accommodate the proposed project, generally denoting the gen-tie corridor and switchyard location for the project. Additionally, it is the County’s understanding that the project applicant has agreed to dedicate funds which the County understands would be used for an improved visitor experience, kart track improvements and power pole relocation at the park entrance.

Several comments also suggested the project could impact the long-term viability of the Prairie City SVRA for casual OHV recreation and power sports, claiming that the SVRA would be required to alter operations to minimize dust due to the impact to solar panel energy production. Some comments further elaborate that costs related to dust control, fire response, or landscape degradation could inappropriately fall to the OHV Trust Fund. The project does not propose to use funds from the OHV Trust Fund, and would not affect the OHV Trust fund in any way. No change to park operations would be required with regards construction-related dust generated by the proposed project. Neither the proposed project nor any mitigation imposed as a part of the EIR requires any change to operations or any change to management of the SVRA with the exception of the temporary closure to accommodate construction of the gen-tie and improvements to the kart track – no changes during operations of the project are proposed by the project or required as a part of mitigation. To ensure that the project would be removed at the end of its useful life, and no costs would be borne by State Parks, the hosting landowner, Sacramento County, or any other private party or public agency, the project is required to prepare and implement a decommissioning plan, and financial assurance would be required by the County for decommissioning in case the cost to decommission the project exceeds its salvage value.

Regarding fire response, the Public Services analysis contained in DEIR Chapter 17 (“Summary of Impacts and Their Disposition,” pages 17-24 and 17-25) evaluated potential impacts related to increased need for fire protection services from the proposed project and found that the project would not require new fire protection facilities or the expansion of existing fire protection facilities to maintain acceptable service ratios, response times,

or other performance objectives for fire protection services. Among the Conditions of Approval that would be required for the project if it is approved are conditions developed in coordination with the Sacramento Metropolitan Fire District to address fire apparatus access and placement of fire hydrants.

The proposed project would not result in any change to Prairie City SVRA operations during the operational phase of the proposed project. As noted in DEIR Chapter 2, “Project Description,” (page 2-20), a temporary closure to select portions of the park is anticipated for the installation of the gen-tie line and for the kart track improvements. All existing SVRA trails would remain open following installation of the gen-tie line, switchyard, and kart track improvements. The language in the FEIR has been revised to note that the applicant will be required to coordinate with parks staff to ensure that the overall Prairie City SVRA remains open for major annual events, and that closures will not be parkwide. Additionally, the County understands that provisions of the right-of-entry permit that would be issued by Prairie City SVRA following conclusion of the CEQA process would include monetary compensation by the project applicant for each day of closure of the kart track. It is the County’s understanding that the dedication by the proposed project applicant to the SVRA will be used to make aesthetic improvements and trail improvements.

The generation of dust and noise from off-highway vehicles is an existing condition that would not be altered or exacerbated by the proposed project. Mitigation Measure AQ-2a includes the Sacramento Metropolitan Air Quality Management District Basic Construction Measures/best management practices for fugitive dust control, as well as Enhanced Fugitive Particulate Matter Dust Control Practices, to reduce the generation of on-site fugitive dust during earthwork and travel on unpaved roadways during construction. Operation of the gen-tie line and switchyard would not generate dust, and would have no impact on dust or noise generation from recreational use within the Prairie City SVRA. Any decrease in solar energy production as a result of dust generation within the SVRA would be at the risk of the applicant, and is already accounted for in the project’s water supply required for panel washing. Panel washing is accounted for as an operations and maintenance action for the project on an as-needed basis (see DEIR Chapter 2, “Project Description,” page 2-28). In order to be conservative, the level of panel washing assessed in the DEIR assumed a higher number of panel washings in a given year (and a correspondingly higher water demand) than would likely occur.

Comments also noted a concern for the long-term water resources supplying the Prairie City SVRA in the form of potential competition for water between the proposed project and Prairie City SVRA water needs. As described in DEIR Chapter 10, “Hydrology and Water Quality,” and in the Utilities and Service Systems analysis contained in DEIR Chapter 17, “Summary of Impacts and Their Disposition,” on-site groundwater in older Mesozoic bedrock that could be used to supply the project’s 10.5 acre-feet per year (AFY) operational water demand would not result in land subsidence and would not result in substantial depletion of groundwater storage or groundwater level drawdown at nearby wells. Therefore, the project’s operational groundwater needs (10.5 AFY over a 35-year period) can be met by on-site groundwater without adverse effects to the sustainable yield of the South American Subbasin or neighboring wells in the Mesozoic bedrock units. Off-

site sources of groundwater to meet the project's construction and decommissioning water demands (253 AFY for both construction [18-month period] and decommissioning [12- month period]) have been identified as imported water via water trucks from the Sacramento County Water Agency (SCWA) or Sloughhouse Solar Project wells. SCWA provides water to local contractors for construction needs through fill stations where the contractor pays for the water. These fill stations are included in SCWA's water supply master plan and supporting groundwater sustainability plan for the groundwater basin and SCWA could provide 253 AFY for both construction and decommissioning for the proposed project. Therefore, assuming that water for construction and decommissioning is supplied by off-site water agencies through water trucks, the project would not adversely affect the water levels or water supply in the Prairie City SVRA water supply well. If on-site wells were used to supply water for project construction and decommissioning, DEIR Mitigation Measure HYD-2 (Chapter 10, "Hydrology and Water Quality,") requires preparation of a groundwater hydrologic study to investigate whether the potential location of the proposed or existing groundwater well(s) and the amount of groundwater withdrawal that would be necessary to serve the proposed project would cause significant drawdown of the existing groundwater table such that existing groundwater wells would be adversely affected. If a negative result on neighboring groundwater wells would result from the use of an existing or proposed well, that well could not be used to supply water for the project.

Several commenters stated that "meaningful outreach" was not conducted with OHV stakeholders. Several comments also asserted that pursuant to California Public Resources Code Section 5090.24(a), actions that may affect the use and enjoyment of SVRAs must be reviewed by the California State Parks' Off Highway Motor Vehicle Recreation Commission. The Commission has the opportunity to review and comment on the project through review and comment on the DEIR and in the public hearings on the project before the County of Sacramento Planning Commission and Board of Supervisors. The Prairie City SVRA Road and Trail Management Plan indicates that State Parks is considering a proposal to grant an easement for the gen-tie and switchyard; preparation of this plan by State Parks included a public engagement component, and therefore also included disclosure of the project's proposed infrastructure on Prairie City SVRA lands, including an opportunity for review and comment by the Commission. The County followed all public notice requirements for the EIR process as contained in the CEQA statutes and guidelines, including a Notice of Preparation circulated for a 30-day public review period beginning on January 19, 2022 during which time written comments could be submitted, as well as notice of a public meeting where public comments could be submitted on February 9, 2022, in addition to the 45-day comment period on the DEIR. Additionally, the County will provide notice of future meetings and hearings before the County Planning Commission and Board of Supervisors related to the project's FEIR. Finally, the project applicant hosted an open house on October 13, 2021 at the Rancho Murietta Country Club, and maintains a public website for the project available at: <https://coyotecreeksolarproject.com>. Additionally, Prairie City SVRA staff, as well as All Star Karting (which is the concessionaire that operates the kart track) noted in their comments the ongoing engagement between the applicant and State Parks for multiple years.

Other comments state that project-related impacts to existing open space recreation facilities should be minimized and that high-quality trail opportunities should be respected and protected. Refer to Master Response J regarding preservation of open spaces. As described above, it is the County's understanding that the project applicant has made a commitment to State Parks for the Prairie City SVRA including a dedication of funds for an improved visitor experience, kart track improvements, and power pole relocation at the park entrance. It is the County's understanding that the project applicant has committed to completing improvements to kart track infrastructure, as well as a \$1,000,000 dedication to the Prairie City SVRA that the County understands would be used for aesthetic improvements and trail improvements identified in the adopted Prairie City SVRA Road and Trail Management Plan.

MASTER RESPONSE J: IMPACTS TO BIOLOGICAL RESOURCE, WILDLIFE CORRIDORS, AND OAK TREES

Multiple comments on the DEIR note concern about the removal of thousands of mature blue oaks and impacts to hundreds of acres of valuable wildlife habitat resulting from project construction and operation.

Table BR-5 of the DEIR includes the acreages of vegetation communities/land cover that would be impacted by the proposed project. As summarized in Table BR-5 of the DEIR, the proposed project would result in permanent impacts to 101.00 acres of blue oak woodland (forest) and 186.28 acres of blue oak woodland (savanna), which equates to a loss of approximately 54.61 acres of canopy cover. Chapter 6 of the DEIR details all direct and reasonably foreseeable indirect impacts to blue oaks and blue oak woodlands.

The DEIR requires mitigation for project impacts to blue oak woodlands on the site. Mitigation Measure BR-2a includes provisions for both the preservation of oak woodland resources and the planting of oaks. The project is required to avoid impacts to native trees retained within and adjacent to the solar development area. For every 1 acre of canopy cover removed, the applicant will be required to preserve 1 acre of existing canopy cover, consistent with Sacramento County General Plan Policy CO-141. Additionally, Mitigation Measure BR-2a requires that for every removed oak tree, one oak tree will be planted, and specific success criteria will ensure establishment over a 7-year monitoring period – all under the direction of a qualified arborist and subject to review, approval, monitoring, and adaptive management directed by Sacramento County, and with required financial assurances to guarantee that an adequate level of funding is available to implement the acquisition, establishment plantings, and long-term maintenance and management of mitigation lands and/or to cover any additional mitigation options. Therefore, the DEIR explains that the loss of blue oak woodland habitat will be temporary during the establishment period of mitigation plantings.

Mitigation Measure BR-2 has been refined in the FEIR to include Mitigation Measure BR-2b. This mitigation measure identifies that the applicant will preserve at least 1,150 acres of land, subject to agency qualification. This land will be preserved through the use of a conservation easement or similar mechanism and will undergo the three-step CDFW permittee responsible mitigation approval process. This process first demonstrates the

proposed mitigation property is suitable and eligible for permit requirements, then includes an in-depth review of the property to confirm acceptance for mitigation, and finally, ensures the adequacy of legal protection for the mitigation property and documentation. The approach would be required to include preservation of key habitat corridors to connect larger core habitat areas. The areas to be preserved in conservation easement as part of permittee responsible mitigation will preserve approximately 125 acres of blue oak woodland (forest), 183 acres of blue oak woodland, and 23 acres of riparian forest in perpetuity. Approximately 166 acres of oak canopy will be preserved. When compared to the 54.61 acres of oak canopy lost, this equates to a 3:1 ratio of permanent canopy preservation as compared to oak canopy lost.

Mitigation Measure BR-2b will further preserve wildlife habitat in perpetuity for various threatened and endangered species and sensitive habitats. The conservation easement areas would include habitat to mitigate for all state and federally listed species, based on the mitigation ratios required for each species by EIR mitigation measures.

In addition to the proposed land conservation approach, the EIR includes mitigation measures to reduce impacts to sensitive species and resources (see Mitigation Measures BR-1a through BR-1n in the FEIR). These measures include pre-construction surveys, best management practices, avoidance buffers, work windows, monitoring, and habitat preservation to avoid and minimize potential impacts to species during construction and operation of the project. The measures included in the DEIR have been refined and expanded in the FEIR in response to comments to further reduce potential impacts to special-status plants and wildlife. Collectively, the mitigation measures in the FEIR would ensure that impacts to biological resources would be reduced to a level that is less than significant.

MASTER RESPONSE K: REGIONAL TRAIL SYSTEM CONNECTIVITY

Several comment letters requested that the project provide connectivity for a potential future regional trail, which could include the “Deer Creek Trail” that is included in the Sacramento County Bicycle Master Plan (Sacramento County 2011, page 118). The comments also asserted that project-related fencing could prevent the development of a regional trail system. As shown in Map C11 of the Sacramento County Bicycle Master Plan, the potential route of a future Deer Creek Trail is east of the proposed project site and as a result, project implementation would not preclude future trail facilities from being developed if and when a specific trail project proposal is brought forward to the County for approval and funds to construct and maintain such a trail are demonstrated to be available. Additionally, refer to the response to comment I1-2 and Page 6-31 of the DEIR identifying open spaces and wildlife corridors that would be maintained as part of the proposed project. While the project does not propose a trail system, open spaces remain that could facilitate a future trail system should the funds and land rights be obtained. In the event a specific trail proposal is brought forward in the future, the County has the ability to work with landowners to establish easements or utilize public right-of-way to meet the goals of the Sacramento County Bicycle Master Plan.

MASTER RESPONSE L: HYDROLOGY AND WATER QUALITY

Some comments express concern related to stormwater runoff due to lack of site stabilization. As presented on page 1-1 of the DEIR, the proposed project includes approximately 1,412 acres of disturbance. The remaining approximately 1,292 acres would not be developed as part of the project. As detailed throughout the DEIR (in particular, Chapter 6, Biological Resources and Chapter 10, Hydrology), mitigation measures would be required to comply with laws, regulations, and ordinances (including permit terms) related to water quality. As noted on page 10-20 of the DEIR, prior to receiving a building permit, “a grading and erosion control plan must be submitted to the Engineering Department that must incorporate stormwater pollution control, as well as storm drainage design features to control increased runoff from the proposed project site.” A Preliminary Grading Plan has been prepared for the proposed Project (Kimley Horn 2023). The County’s Land Grading and Erosion Control Ordinance requires implementation of erosion and sediment control best management practices to protect receiving water quality, which includes both surface water and groundwater.

Commenters have suggested that a project-specific hydrological transport study or similar types of studies have not been completed. A project-specific Level 3 Drainage Study was prepared by Kimley Horn in 2023 pursuant to County drainage standards published in the Sacramento County Drainage Manual (Sacramento County Department of Water Resources 1996). In addition, Chapter 10, Hydrology and Water Quality, of the DEIR includes Mitigation Measure HYD-3, which would require approval of a project-specific Level 4 Drainage Study by the County prior to obtaining a construction permit.

MASTER RESPONSE M: BATTERY ENERGY STORAGE SYSTEMS HEALTH AND SAFETY

Comments allege that the proposed project poses a severe environmental and public safety risk, particularly in the event of a catastrophic fire and points to the Moss Landing Energy Storage Facility in Monterey County. Comments cite two major incidents in 2022 and 2023 from lithium-ion battery fires. The comments assert that fires resulted in emission of toxic gases and particulate matter into surrounding communities, deposition of hazardous heavy metals (including nickel, cobalt, and manganese) into surrounding soils and waterways, respiratory and health impacts for nearby residents, and emergency shutdowns and long-term environmental investigations. DEIR Chapter 9, “Hazards and Hazardous Materials,” of the DEIR addresses potential impacts related to fire hazards, including battery energy storage systems. DEIR pages 9-18 through 9-20 explain the differences between the proposed project and the Moss Landing facility including differences in battery technology, and additional codes and standards that would be implemented for the proposed project. To further evaluate potential effects of a BESS fire under a thermal runaway event, a Hazardous Consequence analysis was completed and is attached as FEIR Appendix B. The analysis used methodologies prescribed by the Office of Environmental Health Hazard Assessment’s (OEHHA) Air Toxics Hot Spots Program Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments (OEHHA Guidelines) (OEHHA 2015) and the CAPCOA Facility Prioritization Guidelines (CAPCOA 2016). This analysis evaluated the potential acute

health risks of exposures of emissions from a BESS runaway event to individuals who could be present close to the BESS, including Prairie City SVRA visitors, residents, and workers. The results of the analysis are consistent with the results of the DEIR evaluation that the health risks of a BESS fire event are less than significant. The emissions calculations indicated that for all of the modeled scenarios, the public health impacts from toxic pollutants associated with the battery cell malfunction scenario would be less than significant.

In addition, Impacts WF-1 and WF-2 in DEIR Chapter 15, “Wildfire,” address potential impacts related to wildfire. DEIR Impact HAZ-1 requires implementation of an Emergency Response and Emergency Action Plan as part of Mitigation Measure HAZ-1 (DEIR page 9-29). DEIR Impact WF-2 requires the project applicant to demonstrate compliance with the California Fire Code, California Building Code, and Senate Bill 38 requirements; manage vegetation on site; and implementation of a suite of fire hazard reduction measures for temporary wood chip stockpiling as part of Mitigation Measures WF-2a and WF-2b (DEIR page 15-18). These mitigation measures as well as the required compliance with codes and standards related to the BESS would reduce potential impacts from fire to less than significant.

Comments further note that if a Moss Landing-type fire occurs at the project site, runoff from contaminated fire suppression water could drain into the Coyote Creek watershed, which connects to the Cosumnes River and ultimately the California Delta, and that the release of toxic heavy metals and battery chemical residues into these waters poses an unacceptable public health risk and could result in long-term ecological damage to sensitive wetlands, agricultural water sources, and municipal treatment systems. Refer to page 9-17 of the DEIR, which includes reference to design methods that are implemented to prevent such a scenario. Page 9-17 notes “the project’s BESS units are designed with primary and secondary containment for liquids so that even under intense heat scenarios, any liquids released from the batteries are fully contained within the unit. No firefighting water would be added directly to the unit to reduce the risk of chemical leaching into adjacent water features. Following a thermal runaway event, a thorough evaluation of the underlying BESS pad would be completed to determine any localized cleanup. Prior to disposal, chemical testing would be completed to determine proper disposal methods.”

MASTER RESPONSE N: PROJECT IMPACTS ON VISUAL RESOURCES

A number of comments express concern regarding loss of scenic resources, suggest that the Scott Road scenic corridor should be protected, and suggest that the project footprint should be substantially smaller to reduce visual impacts.

DEIR Chapter 3, “Aesthetics,” comprehensively addresses the project’s potential adverse effects on scenic vistas (Impact AE-1), scenic resources within the Scott Road corridor (Impact AE-2), and degradation of the existing visual character of the project site (Impact AE-3).

As discussed on DEIR page 3-47, the project’s impact on the viewshed from existing trails and the Overlook in the southwest portion of the SVRA would still be significant, and

because there are no feasible mitigation measures that would reduce the visual impacts from this part of the SVRA, this impact would remain significant and unavoidable.

It is the County's understanding that the applicant has agreed to provide funding to the California Department of Park and Recreation, and that this funding would be used to establish new trails within the Prairie City SVRA described in the Prairie City Road and Trails Management Plan. It is further the County's understanding that the new trails would be established in areas where the viewshed for OHV riders would not be substantially affected by the operation of new project-related facilities.

DEIR Mitigation Measure AE-2 would provide landscaping along the Scott Road corridor that would provide a visual softening effect over the long term once the plantings become established. However, due to the rolling topography, the landscaping would not fully screen the project facilities. No other feasible mitigation measures are available. Therefore, as discussed on DEIR pages 3-59 and 3-60, the impact related to damage to scenic resources within the Scott Road corridor would be significant and unavoidable.

DEIR Mitigation Measures AE-2 and BR-2 would reduce the project's impacts from degradation of visual character by (1) providing landscaping along the Scott Road corridor that would provide a visual softening effect over the long term once the plantings become established, and (2) avoiding, minimizing, and mitigating for impacts on riparian habitat and other sensitive natural communities. However, these mitigation measures would not fully reduce, avoid, or compensate for the project's impacts from degradation of visual character to a less than significant level. No other feasible mitigation measures are available. Therefore, as discussed on DEIR page 3-65, the impact from degradation of visual character would be significant and unavoidable.

Finally, DEIR Alternative 2, Scott Road Buffer Alternative (in DEIR Chapter 16, "Alternatives"), included an analysis of a 500-foot-wide reduction in solar facilities along the Scott Road corridor to provide additional scenic corridor protection. DEIR Chapter 16, "Alternatives," also describes the minimal size for a project that would meet most of the Project objectives, and the reasons why alternative sites were investigated but ultimately dismissed from further consideration.

LETTER A1

Central Valley Regional Water Quality Control Board, dated April 17, 2025.

COMMENT A1-1

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, PLNP2021-00191 COYOTE CREEK AGRIVOLTAIC RANCH PROJECT, SCH#2022010271, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 3 March 2025 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Environmental Impact Report for the PLNP2021-00191 Coyote Creek Agrivoltaic Ranch Project, located in Sacramento County. Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

RESPONSE A1-1

The County appreciates the review and comments provided by the Central Valley RWQCB; detailed responses to comments are provided below in responses A1-2 through A1-8.

COMMENT A1-2

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in

some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

RESPONSE A1-2

The “Water Quality Control Plan for the Sacramento and San Joaquin River Basins,” which is the applicable Basin Plan for the project site, is discussed in DEIR Chapter 10, “Hydrology and Water Quality,” on pages 10-3, 10-10, 10-11, and potential project impacts related to the Basin Plan are evaluated in Impacts HYD-1 and HYD-4.

COMMENT A1-3

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

RESPONSE A1-3

DEIR page 10-9 provides a regulatory overview of the Antidegradation Policy, and Impacts HYD-1 through HYD-4 evaluate the project’s potential impacts to surface and groundwater quality and include mitigation measures, where applicable, that would reduce impacts to both surface and groundwater quality to less-than-significant levels.

COMMENT A1-4

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

RESPONSE A1-4

DEIR Table PD-6 (in Chapter 2, “Project Description”) identifies permits that would be obtained for the project, including RWQCB Waste Discharge Permit, Clean Water Act Section 401 Certification, and NPDES permit. As discussed in DEIR Impact HYD-1 (Chapter 10, “Hydrology and Water Quality”), the project is subject to the requirements of

the General Construction Permit issued by the State Water Resources Control Board, including the preparation of a Storm Water Pollution Prevention Plan (SWPPP). DEIR Impact HYD-1 (page 10-21) notes that the project is required by law to prepare and implement a SWPPP with appropriate Best Management Practices (BMPs), such as source control, revegetation, and erosion control, to maintain surface and groundwater quality conditions in adjacent receiving waters.

The comment also notes the requirement for a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers for discharges of dredge or fill material to waters of the United States, and states that the Central Valley RWQCB would review and certify that the project complies with state water quality standards. Section 401 and 404 permits are discussed in DEIR Chapter 6, “Biological Resources.” The project applicant has applied for permits and a Section 401 water quality certification from the Central Valley RWQCB, and for a section 404 permit from the U.S. Army Corps of Engineers.

COMMENT A1-5

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

RESPONSE A1-5

See response A1-4.

COMMENT A1-6

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water

Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

RESPONSE A1-6

If construction dewatering is required, coverage under the State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085 would be obtained, as applicable.

COMMENT A1-7

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

RESPONSE A1-7

If it is necessary to discharge the groundwater to waters of the United States, the proposed project will obtain required coverage under an NPDES permit.

COMMENT A1-8

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

RESPONSE A1-8

All applicable permits would be obtained by the project applicant, including NPDES permits, as necessary.

COMMENT A1-9

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov. Peter G. Minkel Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

RESPONSE A1-9

The comment includes contact information. The comment does not raise environmental issues or issues regarding the adequacy of the EIR.

LETTER A2

California Department of Fish and Wildlife, dated April 30, 2025.

COMMENT A2-1

The California Department of Fish and Wildlife (CDFW) received and reviewed the DEIR from Sacramento County for the Coyote Creek Agrivoltaic Ranch Project (Project) in Sacramento County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation on February 7, 2022.

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

RESPONSE A2-1

Previous comments submitted by CDFW as part of the Notice of Preparation have been made available as part of the CEQA public record for the proposed project. The County appreciates the review and comments provided by CDFW; detailed responses to comments on the DEIR are provided below in responses A2-2 through A2-20.

COMMENT A2-2

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

RESPONSE A2-2

The comment does not raise environmental issues or issues regarding the adequacy of the EIR.

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

COMMENT A2-3

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

RESPONSE A2-3

As indicated in Table PD-6 of the DEIR (page 2-32) and discussed in Chapter 6 (pages 6-69, 6-84, and 6-99 through 6-100), the project applicant has submitted applications for a Lake and Streambed Alteration Agreement under California Fish and Game Code section 1602, and California Endangered Species Act Incidental Take Permit from CDFW under California Fish and Game Code section 2081. The comment does not raise environmental issues or issues regarding the adequacy of the EIR.

COMMENT A2-4**PROJECT DESCRIPTION SUMMARY**

Sacramento Valley Energy Center, LLC proposes to construct and operate a 200-megawatt, alternating current (AC), photovoltaic (PV) solar energy facility on parcels that total approximately 2,704 acres in the Cosumnes community of unincorporated Sacramento County. The project is generally located south of U.S. Route 50, northwest of Rancho Murieta, southeast of the Prairie City State Vehicle Recreation Area (PCSVRA), and south of White Rock Road in the Cosumnes community. Specifically, it is located on what is known as the "Barton Ranch" adjacent to 3830 Scott Road. A dedicated transmission line called a generation tie (gen-tie) line would extend approximately 1.3 miles west to provide an interconnection to the Sacramento Municipal Utility District (SMUD) 230 kilovolt powerline which runs through PCSVRA. The assessor parcel numbers for the gen-tie alignment are 072-3160-002, 072-0100-027, 072-0100-018, 072-0110-031, and 072-0110-068. The applicant is proposing to construct, operate, and at the end of the project's life, decommission a solar generation and energy storage facility. Of the approximately 2,704-acre project site, approximately 1,412 acres would be in the Solar Development Area (SDA). The SDA will include an onsite substation, inverters, fencing, roads, and supervisory control and data acquisition system. Energy storage facilities would be developed at a centralized location or distributed throughout the Project site. The remaining approximately 1,292 acres would not be developed as part of the project.

RESPONSE A2-4

The comment does not raise environmental issues or issues regarding the adequacy of the EIR.

COMMENT A2-5

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

RESPONSE A2-5

The DEIR included detailed tables, plates, and text describing and displaying all project components, including temporary construction activities. Table PD-3 in the Project Description of the DEIR lists the project components and associated acreage for each component. Plate PD-6 in the Project Description shows the layout of the project components, including temporary uses such as laydown areas. Table PD-4 lists the temporary construction activities and the estimated duration of these activities. The DEIR Project Description text provides additional detail regarding temporarily impacted areas, including laydown yards (page 2-27) and access roads (page 2-18 through 2-20 and 2-26). Project construction activities (e.g., staging, stockpiling material) would not occur outside impact areas indicated on Plate PD-6. For example, the Biological Resources Chapter (Chapter 6) provides detailed descriptions and evaluations of the temporary effects of the project on biological resources. (See, e.g., Table BR-5 describing the temporary impacts on land uses and land cover types.) The Biological Resources Chapter, for example, evaluates permanent impacts, but also describes and evaluates the temporary impacts on special status wildlife and plant species.

COMMENT A2-6

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Sacramento County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

RESPONSE A2-6

The County has provided detailed responses to each comment, as provided below.

COMMENT A2-7

CDFW is primarily concerned with the project impacts to California state listed species, fully protected species, and California Native Plant Society (CNPS) species including but not limited to: American badger (*Taxidea taxus*) (SSC), bald eagle (*Haliaeetus leucocephalus*) (FP), bank swallow (*Riparia riparia*) (ST), burrowing owl (*Athene cunicularia*) (SCE), California black rail (*Laterallus jamaicensis coturniculus*) (ST),

Crotch's bumble bee (*Bombus crotchii*) (SCE), golden eagle (*Aquila chrysaetos*) (FP), grasshopper sparrow (*Ammodramus savannarum*) (SSC), Ringtail (*Bassariscus astutus*) (FP), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) (SSC), Swainson's hawk (*Buteo swainsoni*) (ST), tricolored blackbird (*Agelaius tricolor*) (ST), western pond turtle (*Actinemys marmorata*) (SSC), western Spadefoot (*Spea hammondi*) (SSC), white-tailed kite (*Elanus leucurus*) (FP), Boggs Lake hedge-hyssop (*Gratiola heterosepala*) (SE), Sacramento Orcutt grass (*Orcuttia viscida*) (SE), and Slender Orcutt grass (*Orcuttia tenuis*) (SE).

RESPONSE A2-7

Chapter 6 of the DEIR evaluates potential impacts to California state-listed species, fully protected species, and California Native Plant Society species. Table BR-3 (pages 6-18 through 6-22) and Table BR-4 (pages 6-23 through 6-29) include lists of special-status plants and special-status wildlife, respectively, with the potential to occur within the solar development area. These tables include all species listed in Comment A2-7 except ringtail (*Bassariscus astutus*). The EIR has been revised to include a discussion of the potential for ringtail to occur within the solar development area, and mitigation to avoid impacts. The DEIR includes measures to avoid and mitigate potential impacts to special-status species with the potential to occur within the solar development area. Mitigation measures are described in detail on pages 6-49 and 6-86 of the DEIR.

COMMENT A2-8

Additionally, CDFW is concerned about impacts related to sensitive habitats and aquatic resources including vernal pools, wetlands, stream systems, riparian corridors, wildlife corridors and linkages, and nesting and foraging habitats onsite.

RESPONSE A2-8

Chapter 6 of the DEIR evaluates potential impacts to sensitive habitats and aquatic resources, including vernal pools, wetlands, stream systems, riparian corridors, wildlife corridors, and nesting and foraging habitats (pages 6-86 through 6-103). Mitigation measures include pre-construction surveys, construction monitoring, specific avoidance measures for sensitive species, species relocation protocols, implementation of best management practices, and resource preservation. Mitigation measures have been incorporated into the proposed project to avoid, minimize, and mitigate potential impacts to these resources such that impacts would be less than significant. Mitigation measures for sensitive habitats and aquatic resources are described on pages 6-86 through 6-103 in the DEIR.

COMMENT A2-9

COMMENT 1: Construction Best Management Practices, Mitigation Measure BR-1a, page 317

Issue: Mitigation Measure BR-1a provides construction best management practices to reduce impacts to the habitat and wildlife present in the Solar Development Area (SDA),

however some of the included measures do not adequately reduce the potential for impacts to occur to special status species onsite.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1a for Construction Best Management Practices be revised to the following (additions are noted in **bold** while deletions are noted in strikethrough):

- **Revegetation.** Cut-and-fill slopes shall be revegetated by seeding with a pollinator friendly native ~~or existing noninvasive, non-native plants~~ seed mix of known genetic origin whose original stock seed was collected from a local seed bank (e.g. Sierra Nevada Foothills or the Great Central Valley) ~~(e.g., non-native grasses)~~ suitable for the altered soil conditions. Non-native plants identified as a State listed noxious weed or as a California Department of Food and Agriculture rated A through C invasive plant are prohibited. Revegetation shall be completed in the fall before the start of the rainy season and as soon as possible after project activities. Seeded areas shall be covered with broadcast straw, mulch, and/or erosion control blankets.
- **No Pets in Construction Areas.** To avoid harm and harassment of native species, workers and visitors shall not bring pets except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or working dogs and sheep present during grazing activities onto a project site during construction and Operation and Maintenance activities.
- **Minimize Effects from Temporary Channel Re-Routing.** If necessary to temporarily ~~dewater reroute~~ a stream, creek, or drainage in order to conduct project work activities (i.e., conducting work when the channel is naturally dry is not feasible), **a temporary water diversion plan will be submitted for review and approval to Sacramento County.** The ~~temporary diversion re-routing~~ will be completed in a manner that minimizes impacts to beneficial uses and habitat. The following measures will be employed to minimize disturbances that will adversely impact water quality:
 - No Equipment will be operated in areas of flowing or standing water.
 - Construction materials and heavy equipment must be stored **in a designated staging area** outside of the active flow **and where they do not have the potential to enter any waters of the state.**

RESPONSE A2-9

Mitigation Measure BR-1a has been revised as recommended by CDFW. Refinements to Mitigation Measure BR-1a further ensure successful revegetation following project construction, safety during construction activities, and minimization of potential impacts to waters of the state.

COMMENT A2-10

COMMENT 2: Avoid, Minimize, and Mitigate for Impacts on Western Spadefoot, Mitigation Measure BR-1c, page 325

Issue: The Spadefoot Friendly Fencing Specification measure outlines using a 3-inch-wide gap between the surface and bottom of the fence. However, this size may not be sufficient for other wildlife present, including but not limited to Western Pond Turtle, from being able to traverse through the solar array fields, therefore impacts will not be reduced to a less-than-significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1c for Avoid, Minimize, and Mitigate for Impacts on Western Spadefoot be revised to include a 6-inch gap instead of 3-inch.

RESPONSE A2-10

Mitigation Measure BR-1c has been revised as recommended by CDFW to reduce potential impacts to wildlife by enabling wildlife passage through the perimeter fence.

COMMENT A2-11

COMMENT 3: Avoid, Minimize, and Mitigate for Impacts on Western Burrowing Owl and Occupied Nesting Habitat, Mitigation Measure BR-1e, page 331

Issue: The DEIR does not outline mitigation measures that adequately reduce project impacts to burrowing owl (BUOW). As stated in the DEIR, the project site provides nesting and foraging habitat for BUOW. The DEIR states that the Project is anticipated to permanently impact 1064.03 acres and temporarily impact 220.99 acres of suitable nesting and foraging habitat. BUOW have suffered significant habitat loss due to large-scale development, including wind and solar energy infrastructure development, and from the killing and removal of mammals during significant grading activities whose underground burrows the owls use for nesting. BUOW is designated as a candidate species under CESA and has additional protection under the Migratory Bird Treaty Act and Section 3503.5 of the Fish and Game Code. Additionally, the DEIR proposes to conduct preconstruction surveys 30 days prior to initiating ground disturbing activities. However, such a large survey window prior to construction implementation increases the potential for take of BUOW if individuals move onsite to breed or overwinter within the Project Area. Therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1e for Avoid, Minimize, and Mitigate for Impacts on Western Burrowing Owl and Occupied Nesting Habitat be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Burrowing Owl Survey. No more than 14 days prior to beginning activities (including ground disturbing O&M), a qualified biologist shall conduct at least four surveys using the methods described in CDFW's [Staff Report on Burrowing Owl Mitigation, Appendix D](#) (2012). Surveys shall be conducted during the breeding season (February 1 to August 31) and include no fewer than four survey visits: at least one site visit between February 15 and April 15 and a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Surveys shall

also be conducted during the non-breeding season (September 1 to January 31) before the start of construction activities to determine seasonal residency. Non-breeding season surveys shall consist of at least four visits, spread evenly, throughout the nonbreeding season. The presence of BUOW individuals, BUOW complexes or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within a 1650-foot accessible radius around the Project Area shall be recorded and mapped. The qualified biologist shall submit the results of the survey, including a Burrow Complex Map to Sacramento County for approval in consultation with CDFW prior to beginning Project activities. If changes in BUOW presence are detected (e.g., BUOW have moved onsite or changed burrow use), the qualified biologist shall contact Sacramento County within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project to BUOW and the qualified biologist shall establish buffers in consultation with CDFW. ~~A qualified biologist shall conduct a preconstruction survey for burrowing owl no more than 30 days prior to ground-disturbing activities to provide updated information on owl locations and occupied burrows for impact avoidance, minimization, and mitigation planning. The survey shall cover the limits of ground disturbance and potentially suitable habitat within 500 feet. The survey shall be consistent with CDFG (2012), or more current CDFW guidelines. If ground-disturbing activities are delayed, then additional surveys shall be conducted such that no more than 7 days elapse between the survey and ground-disturbing activities.~~

- Burrowing Owl Preconstruction Surveys. No more than 14 days prior to beginning O&M Project activities, a qualified biologist shall conduct a preconstruction survey for the BUOW. Surveys shall be conducted during the breeding (February 1 to August 31) and overwintering (September 1 to January 31) seasons. The presence of BUOW individuals, BUOW complexes prescribed by Condition of Approval 6.25 or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within a 1650-foot accessible radius around the Project Area shall be recorded and mapped. The qualified biologist shall submit the results of the survey to Sacramento County for approval in consultation with CDFW prior to beginning Project activities. If changes in BUOW presence are detected (e.g., BUOW have moved onsite or changed burrow use), the qualified biologist shall contact Sacramento County within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project to BUOW and the qualified biologist shall establish buffers in consultation with CDFW. If a lapse in Project-related work of 14 calendar days or longer occurs, another preconstruction survey and consultation with Sacramento County and CDFW shall be required before project work can be reinitiated. Survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted.
- A Burrowing Owl Mitigation and Management Plan shall be developed in consultation with CDFW and consistent with CDFG's Staff Report on Burrowing Owl Mitigation (March 2012), or more current CDFW guidelines prior to project construction. The CDFW approved Burrowing Owl Mitigation and Management Plan shall be submitted to the County of Sacramento for review prior to the start of construction. The plan shall

address long-term ecological sustainability and maintenance of the site for burrowing owls, where feasible in the solar development area (i.e., temporary impact areas) and in adjacent areas. The Plan shall require the applicant to achieve a performance standard of no net loss of burrowing owl nesting and foraging habitat **and a minimum of 3 acres for each acre habitat replacement for nesting sites**, function, and values and shall include the following elements:

- A description of the preconstruction distribution and abundance of burrowing owls and existing habitat conditions at the project site, **including a burrow complex map showing natural burrow complexes and atypical burrows (e.g. culverts, buckled concrete, etc.) utilized by the BUOW. The map shall show details and locations of all burrow sightings capable of supporting the BUOW and shall indicate potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and sign. The map shall include a title, an outline of the Project Area, north arrow, scale bar, and legend.**
- Avoidance and minimization measures to be implemented during project construction to avoid direct and indirect impacts on burrowing owls (e.g., establishment by a qualified biologist of a minimum of 165 feet, up to 1650 feet, non-disturbance buffers around active burrows depending on the time of year and type of activity, consistent with CDFW's 2012 Staff Report guidelines); ~~including a discussion of any proposed passive relocation activities, if necessary (e.g., non-breeding season active burrows that cannot feasibly be avoided).~~
- Proposed management of burrowing owl nesting and foraging habitat during project operation and maintenance to achieve the goal of no net loss of existing habitat value for burrowing owls within temporary impact areas;
- A monitoring and reporting plan addressing implementation and success of the management plan and identifying actions needed to maintain foraging and nesting habitat and reduce stressors on wintering and nesting burrowing owls;
- An adaptive management plan that includes additional measures described below if the performance standards of no net loss of burrowing owl nesting and foraging habitat value are not being met;
- If CDFW determines that off-site compensatory mitigation is necessary to comply with the performance standard of no net loss of habitat acreage, function, and values for burrowing owls, compensation shall be implemented consistent with the SSHCP goals of preserving and linking high-quality habitat, preserving and reestablishing natural land covers that provide suitable habitat, and maintaining or expanding the existing distribution of the species within the SSHCP Area. The applicant may provide off-site compensatory mitigation to achieve the no net loss performance standard through acquisition of a conservation easement or mitigation credits from an appropriate mitigation bank, or another form of mitigation, as approved by CDFW. Compensation may

be layered with other mitigation requirements, such as for Swainson's hawk foraging habitat (see Mitigation Measure BR-1f, if acceptable by CDFW);

- If impacts on BUOW individuals cannot be avoided during the breeding or non-breeding season, obtain an Incidental Take Permit (ITP) from CDFW for anticipated exclusion of BUOW during construction and O&M activities.

RESPONSE A2-11

Mitigation Measure BR-1e has been revised as recommended by CDFW to ensure avoidance and minimization of impacts to burrowing owl based on the comment letter and follow-up correspondence. Mitigation Measure BR-1e was further modified such that burrowing owl surveys must occur "prior to construction" to ensure they are performed within the recommend time frames.

COMMENT A2-12

COMMENT 4: Avoid, Minimize, and Mitigate for Impacts on Tricolored Blackbird, Mitigation Measure BR-1g, page 340

Issue: The project site is less than a mile from suitable tricolored blackbird (TRBL) nesting habitat, and construction activities could result in significant impacts to nesting tricolored blackbird through loss of foraging habitat, noise, fugitive dust, human presence, and/or night lighting. Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise. Mitigation Measure BR-1g is not adequate in reducing impacts to TRBL to a less-than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1g for Avoid, Minimize, and Mitigate for Impacts on Tricolored Blackbird be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct a preconstruction survey for nesting tricolored blackbird approximately two days prior to vegetation or tree removal or ground-disturbing activities during the nesting season (approximately April through August). The survey shall cover the limits of construction and suitable nesting habitat within $\frac{1}{4}$ mile ~~500 feet~~. **The surveys shall be based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented.**
- If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be $\frac{1}{4}$ mile ~~500 feet~~ and shall be determined based on factors such as topographic features, intensity and extent of the

disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. **This buffer may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed.** Construction limits shall be based on the biologist-defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.

- If an active nest is identified within ¼ ~~mile~~ ~~500 feet~~ of the work area after construction has started, work within ¼ ~~mile~~ ~~500 feet~~ of the nest shall be suspended until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. **This buffer may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed.**

RESPONSE A2-12

Mitigation Measure BR-1g has been revised as recommended by CDFW to further ensure avoidance and minimization of impacts to nesting tricolored blackbird.

COMMENT A2-13

COMMENT 5: Avoid, Minimize, and Mitigate for Impacts on American badger, Mitigation Measure BR-1j, page 346

Issue: American badgers (*Taxidea taxus*) are a CDFW species of special concern (SSC) and have been experiencing serious population declines that, if continued or resumed, could qualify it for State threatened or endangered status.

The American badger utilize different types of dens throughout their life: reproductive (natal and rearing), over-wintering and hunting. The American badger mates between July and September with delayed implantation of the embryo occurring between January and February (Long, 1973). Females give birth underground between March and April. Kits typically disperse from the reproductive den at three to four months of age (Messick et al., 1981) although some young American badgers have delayed dispersal until their second year. Mitigation Measure BR-1j states if dens are found during the preconstruction survey, they will be excavated or blocked to discourage use if they are potentially active. However, forced relocation of kits prior to their ability to disperse on their own can result

in unforeseen stressors or impacts to local badger populations. Therefore, this measure does not reduce project impacts to a less-than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1j for Avoid, Minimize, and Mitigate for Impacts on American Badger be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct focused surveys for American badger dens within **7 calendar days** ~~two weeks~~ prior to ground-disturbing activities in suitable habitat (i.e., undeveloped grassland, blue oak woodlands, and seasonally inundated wetlands/waters) within the solar development area. The survey shall cover the limits of ground disturbance and a 100-foot buffer. Any potentially active American badger dens located during the survey that show signs of recent activity shall be evaluated (typically with remote cameras) to determine activity status.
- If an active American badger den is detected during the breeding season (typically from March **1** through ~~June 1~~ **May**), then prior to construction, the qualified biologist, **in coordination with CDFW, shall determine an appropriate no disturbance buffer (e.g., staking, flagging, or similar measures) to avoid impacts to the den.** ~~shall establish a 100-foot no-disturbance buffer (e.g., staking, flagging, or similar measures) around the den.~~ The buffer shall be maintained until the qualified biologist determines that the den is no longer active, and the young are no longer dependent upon the den for survival. If a natal den site cannot be avoided throughout the life of the project (including operations and maintenance), **excavation and exclusion implementation shall take place between the non-breeding season (typically September 1 through January 1) in consultation with CDFW.** ~~destruction of the natal den burrow shall only proceed den excavation after the natal den is no longer active and no badgers are present within the burrow.~~
- If construction occurs during the non-breeding period (i.e., typically from **September 1 through January 1** ~~June through February~~) and an active non-natal den is found in or immediately adjacent to the construction footprint, a qualified biologist, **in coordination with CDFW,** shall attempt to trap or flush the individual (e.g., passive exclusion with one-way doors). After exclusion is completed, the vacated or unoccupied den can be excavated, and construction can proceed.

RESPONSE A2-13

Mitigation Measure BR-1j has been revised as recommended by CDFW to further ensure avoidance and minimization of impacts to American badgers.

COMMENT A2-14

COMMENT 6: Avoid, Minimize, and Mitigate for Impacts on Nesting Raptors and Migratory Birds, Mitigation Measure BR-1k, page 348

Issue: Mitigation Measure BR-1k requires preconstruction surveys and buffer implementation for nesting birds within the Solar Development Area (SDA). However the buffer radius should be variable depending on the species present and other site factors including but not limited to the level of anticipated disturbance, topographic features, or timing relative to nesting cycle. Additionally, the measures currently do not include a requirement to coordinate with Sacramento County to review and approve the proposed buffer sizes. Without these additions to Mitigation Measure BR-1k, the projects impacts are not reduced to a less-than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1k for Avoid, Minimize, and Mitigate for Impacts on Nesting Raptors and Migratory Birds be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct a survey for nesting birds within one week prior to vegetation/tree removal or ground-disturbing activities within suitable habitat during the nesting season (i.e., February 1 through August 31). The survey shall cover the limits of construction and accessible suitable nesting habitat within **a minimum ¼ mile radius of project activities** ~~500 feet (and within 0.25 mile for potential raptor nests).~~ If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than seven days elapse between the survey and vegetation removal activities.
- If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The buffer distance **shall be determined and established by a qualified biologist, in coordination with the Sacramento County. The buffer shall be kept in place until after the breeding nesting season or the qualified biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season.** ~~shall typically range from 50 to 500 feet (or more for some raptors) and~~ **The extent of these buffers** shall be determined based on factors such as the species of bird, topographic features, existing background disturbance levels, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. ~~Typical nest buffers implemented are as follows:~~
 - 50-150 feet for passerines and other non-raptors
 - 500 feet for raptors and owls
- If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be suspended as needed until the **qualified project biologist, in coordination with Sacramento County,** can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no disturbance buffer

until the nest has fledged and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest.

RESPONSE A2-14

Mitigation Measure BR-1k has been revised as recommended by CDFW to further ensure avoidance and minimization of impacts to nesting raptors and migratory birds.

COMMENT A2-15

COMMENT 7: Avoid, Minimize, and Mitigate for Impacts on Bats, page 350

Issue: Mitigation Measure BR-1l requires preconstruction surveys for bats within the Solar Development Area (SDA). However, the DEIR does not provide adequate reporting requirements or mitigation measures to better understand bat populations in the area and to reduce impacts to bat colonies or their roosting structures if they are found onsite during the surveys. Survey results should include additional information including but not limited to the location, size of roost, type of roost, and proposed mitigation measures for the loss of bat roosts, if present prior to tree removal activities.

Recommendation or Recommended Measure: CDFW recommends that Mitigation Measure BR-1l for Avoid, Minimize, and Mitigate for Impacts on Bats be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct a preconstruction habitat assessment for potential communal bat roosts within the solar development area and a 300-foot buffer to the solar development area, ideally one year in advance of, but no less than 30 days prior to the start of construction. The habitat assessment should include a visual inspection of potential roosting features (e.g., hollows in trees, bridges, and **culverts**), including looking for the presence of guano. If potential maternity roosts or winter hibernacula are found, ~~their locations shall be mapped, and~~ the project shall avoid all areas within a 300-foot buffer around the potential roost sites. **The qualified biologist shall identify the bats to the species level, evaluate the colony to determine its size and develop appropriate mitigation measures for review and approval by Sacramento County. The bat survey shall include: 1) the exact location of all roosting sites (location shall be adequately described and drawn on a map), 2) the number of bats present at the time of visit (count or estimate), 3) each species of bat present shall be named (include how the species was identified), 4) the location, amount, distribution of all bat guano shall be described and pinpointed on a map, and 5) the type of roost: night roost (rest at night while out feeding) versus a day roost (resting during the day) must also be clearly stated, 6) species specific measures to compensate for the loss of suitable bat habitat.** The non-disturbance buffer shall remain in place during the maternity and winter hibernation seasons (May 1 through August 15, and November 1 through March 31) or until bats have vacated the roost, unless otherwise authorized by **Sacramento County in consultation with** CDFW and USFWS, as relevant.

COMMENT 8: Ringtail

Issue: Mitigation Measure BR-1l requires preconstruction surveys for bats within the Solar Development Area (SDA). However other nocturnal species, including but not limited to Ringtail could be present within the project area. Ringtail is a CDFW fully protected species and has suffered from habitat fragmentation due to urban development and agriculture. Ringtails live in a variety of habitats within their range, but they have a decided preference for chaparral, rocky hillsides, and riparian areas (Grinnell et al. 1937, Seton 1929, Trapp 1978). Their denning areas include rock crevices, boulder piles, underground cavities, hollow trees or underground in hollow roots of trees (Trapp 1978). Ringtails are widespread throughout California; however, their current population trend is unknown. Their primary threats are intentional and incidental trapping of fur-bearers as well as automobile roadkill (Reid et al. 2016). Fragmented habitat, removal of riparian vegetation, and increased traffic on Scott's Road during construction, could impact Ringtail if present within or near the Project Area.

Recommendation: CDFW recommends the addition of the following Mitigation Measure:

- The Project Applicant(s) shall retain a qualified biologist to conduct a survey for ringtails and ringtail dens in conjunction with the bat surveys within 7 calendar days of the initiation of project activities within suitable habitat for Ringtail. If no individuals and/or dens are found during the preconstruction survey, the biologist shall document the findings in a letter report to Sacramento County, and no further mitigation shall be required. If individuals and/or dens are found, the qualified biologist shall consult with lead agency and CDFW to determine appropriate avoidance measures.

RESPONSE A2-15

Mitigation Measure BR-1l has been revised as recommended by CDFW. This change provides further refinements to MM-BR-1l to reduce and minimize impacts to biological resources.

Mitigation Measure BR-1n has been added in the FEIR, as recommended by CDFW, to ensure avoidance and minimization of impacts to ringtail. As noted in the response to Comment A2-7, the EIR has also been revised to include a discussion of the potential for ringtail to occur within the solar development area.

COMMENT A2-16

COMMENT 9: Avoid, Minimize, and Mitigate for Impacts on Crotch's Bumble Bee, Mitigation Measure BR-1m, page 352

Issue: Mitigation Measure BR-1m involves the drafting of a Crotch's bumble bee (*Bombus crotchii*) (CBB) avoidance plan with measures to reduce potential impacts to the species. However, it does not require CDFW consultation in the plan's development prior to implementation. Additionally, the measure states that the plan is anticipated to include preconstruction surveys, avoidance for vegetation removal, and buffers around CBB nests and individuals but does not make these avoidance methods required. Without appropriate avoidance and minimization measures for CBB and their habitat, project-related activities involving ground and vegetation-disturbance could result in potential

significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, and direct mortality. Therefore, there could be significant impacts to CBB, if the measures are not revised.

Recommendation or Recommended Mitigation Measure: CDFW recommends that the Mitigation Measure BR-1m for CBB be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- If Crotch's bumble bee is detected, the qualified biologist shall notify CDFW, and survey data shall be submitted to CDFW via a written report and also via CNDDDB. The written survey report will be submitted to CDFW within 30 days of the pre-construction survey. The report will include survey methods, weather conditions, **proposed no-disturbance buffers**, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. If nests are observed, the survey report will also include the qualifications/resumes of the surveyor and qualified biologists for identification of photo vouchers, detailed habitat assessment, photo vouchers, and recommendations for avoidance. In addition, if Crotch's bumble bee is detected in the solar development area, then a site-specific Crotch's Bumble Bee Avoidance and Minimization Plan shall be prepared and implemented in coordination with CDFW to avoid take, or consult with CDFW to obtain an Incidental Take Permit (ITP) if take of Crotch's bumble bees may occur during project activities. The plan shall include a description of on-site habitat, potential nest and overwintering sites present, recommendations for avoidance and minimization (such as active nest avoidance buffers). If an ITP is sought, mitigation for the loss of potential nest sites will be fulfilled at a minimum **3:1 4:4** nesting habitat replacement **and a minimum 1:1 foraging habitat replacement** of equal or better functions and values to those impacted by the project, and may include measures such as incorporation of appropriate native flower resources into the Agricultural Management Plan that would support this species throughout the flight period and promote development of queens (i.e., perennial plants), and reducing use of harmful pesticides. All the measures included in the approved plan and/or ITP shall be implemented during project activities.
- For both the construction and operation and maintenance phases, if feasible, native or non-native flowering vegetation removal shall occur prior to bloom and before the Colony Active Period (approximately February 1 through October 31). If project activities cannot be avoided during this time and vegetation needs to be removed during the bloom period for those species, project proponent shall remove flowering vegetation in a patched manner, to the extent feasible while also being cognizant of wildfire concerns, leaving areas of floral resources as refugia for foraging CBB or wait until bloom has ceased. During the bloom period and Colony Active Period, removal of non-native plants should be prioritized over native plants.

Project activities involving vegetation and ground disturbance in CBB habitat to the extent feasible during the queen/gyne flight seasons, when queens emerge in the spring (February to March) searching for nest sites and during

the fall flight period (September to October) when gynes mate and search for overwintering habitat.

- If feasible during construction, project activities will be restricted to daytime hours. If nighttime construction is needed, the following measures will be implemented within 500 feet of CBB habitat:
 - All construction-related lighting shall not have significant illumination pass beyond the immediate work area. Shielding techniques may include, but should not be limited to, the use of fence slats, netting, mesh, or tarps; and all construction lighting used shall be yellow or orange lighting.
 - To minimize light effects during the operational period, the project shall not install lighting (e.g., street lighting, trail lighting) that produces illuminance (lux) outside of the project site, onto adjacent habitat areas.
 - If CBB is detected within 100 feet of project activity, a qualified biologist or biological monitor will be onsite during any ground disturbance and/or vegetation removal activities that occur when CBB are present within the activity footprint. A 25-foot no-disturbance buffer will be implemented around CBB individuals within the area and monitored until the CBB leaves the area on its own.
 - If no CBB nests or adults are detected during the CBB surveys, at the discretion of the qualified biologist, additional surveys or biological monitoring may be prescribed depending onsite conditions and work activities, as well as seasonal factors.

RESPONSE A2-16

Mitigation Measure BR-1m has been revised as recommended by CDFW to ensure avoidance and minimization of potential impacts to Crotch's bumblebee. Per approval from CDFW in email correspondence on May 3, 2025, the following addition was made to the third bullet in comment A2-16 (the fifth bullet in revised Mitigation Measure BR-1m):

“Project activities involving vegetation and ground disturbance in Crotch's bumblebee habitat shall be avoided to the extent feasible during the queen/gyne flight seasons.”

COMMENT A2-17

COMMENT 10: Pollinators

Issue: The DEIR does not include measures to increase use by pollinators such as dual use farming. The Project should be designed to optimize a balance between electrical generation and agricultural production (Jossi 2018) or native plants. Native plantings or dual use farming techniques provide additional foraging resources for pollinator species including but not limited to CBB, and for other native species by increasing the amount of

nectar resources on a local level. Incorporating locally native plantings or dual use farming techniques help to increase pollinator populations and would help to reduce project impacts to a less than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends the restored temporarily disturbed areas be planted with deep-rooted native flowers and grasses that capture and filter storm water, build topsoil, and provide abundant and healthy food for bees and other insects that provide critical services to our food and agricultural systems as described on the Fresh Energy website at <https://fresh-energy.org/beeslovesolar/>.

RESPONSE A2-17

The County acknowledges and agrees with the comment that dual use farming techniques provide foraging resources for pollinator species such as Crotch's bumblebee.

Mitigation Measure AG-1 in the DEIR requires the implementation of the Agricultural Management Plan (Appendix 5 of the DEIR), which facilitates dual use farming through sheep grazing and implementation of pollinator habitat. The Agricultural Management Plan proposes a mix of native grasses, forbs, and flowering plants that will ensure long-term agricultural and wildlife viability during project operations and following decommissioning. The measures in the Agricultural Management Plan are structured to promote pollinator habitat and nectar resources to meet the following performance standards and objectives:

- Promote continued agricultural use of the Project and integrate compatible agricultural activities such as grazing and conservation of pollinator habitat into solar operations to ensure that effects on current agricultural use and resources are not affected throughout the Project operations and after decommissioning of the proposed Project.
- Promote native grassland vegetation and control invasive weeds.
- Maintain soil characteristics and minimize (agricultural) water use.
- Maintain existing wildlife habitat values on the site.

The Agricultural Management Plan requires monitoring to ensure achievement of performance standards, including those regarding wildlife habitat on the site.

CDFW staff acknowledged the inclusion of dual use farming in the Agricultural Management Plan during a call with County representatives on May 2, 2025, and ensuing email communication. The Agricultural Management Plan is available for review at: https://planning.saccounty.gov/Documents/Coyote%20Creek%20Agrivoltaic%20Ranch/DEIR/Appendices/5_Appendix%20AG-1_Feb%202025_Ag%20Management%20Plan.pdf.

COMMENT A2-18

COMMENT 11: Site Assessment for Impacts to State Listed Plants and California Native Plant Society (CNPS) Plants, page 286

Issue: Many CNPS species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. Vegetation removal during ground disturbing activities may result in the loss of special status or CNPS plant species and the loss of habitat that supports numerous wildlife species. The activities associated with grading may also disturb associated soil seed banks that sustain local plant populations and CNPS sensitive plant communities. Currently, the DEIR is lacking information for proper evaluation of state listed and CNPS sensitive plant species that may be present onsite. Supplemental information including but not limited to reference points and surveyors' qualifications were not provided in the DEIR. Additional information is necessary to quantify whether the proposed measures and site evaluation will feasibly reduce the project impacts to less than significant.

CDFW is particularly concerned about impacts to Bogg's Lake Hedge-hyssop, Slender Orcutt grass, and Sacramento Orcutt grass. Additionally, CNPS plant species including but not limited to *Calandrinia breweri* (CNPS 4.2), *Clarkia biloba* ssp. *Brandegeeae* (CNPS 4.2), and *Eriophyllum jepsonii* (CNPS 4.3) were not analyzed in the DEIR. However, there are CNPS documented occurrences within approximately 6 miles of the Project Area.

Recommendation or Recommended Mitigation Measure: CDFW recommends that the DIER further analyze potential impacts to Bogg's Lake Hedge-hyssop, Slender Orcutt grass, and Sacramento Orcutt grass. These species are particularly rare within Sacramento County and further analysis is needed to determine whether project activities could impact the persistence of the species within Sacramento County and within the State of California. Specifically, how the project may or may not affect countywide and statewide populations. For Sacramento Orcutt grass, please provide an analysis of both county and statewide populations. CDFW also recommends conducting additional preconstruction surveys during the appropriate blooming period for all CNPS listed plants that have the potential to occur onsite and to provide avoidance and minimization measures to help reduce potential impacts to their populations locally.

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

RESPONSE A2-18

The comment notes CDFW’s specific concerns regarding several special-status plant species and recommends further analysis of impacts to Bogg’s Lake hedge-hyssop (*Gratiola heterosepala*), slender Orcutt Grass (*Orcuttia tenuis*), and Sacramento Orcutt grass (*Orcuttia viscida*). Botanical surveys in 2021, 2022, 2023, and 2024 found no Bogg’s Lake hedge-hyssop, slender Orcutt Grass, or Sacramento Orcutt grass. These surveys were completed in accordance with the *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants* (USFWS 2000), the *Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018), and the *Botanical Survey Guidelines* (CNPS 2001). Qualified botanists conducted the surveys during the appropriate floristic bloom period for special-status plant species with the potential to be present, and reference populations were checked prior to each survey. Precipitation was lower than average for the region in 2021, slightly above average for the region in 2022, and exceptionally wet for the region in 2023 and 2024. The variable climatic conditions across survey years corroborates the results of the surveys such that rare plant surveys conducted in 2022, 2023 and 2024 were sufficient to expect germination and detection of plant species occurring within the site. Follow-up correspondence with CDFW staff on May 2, 2025 involved a discussion of environmental analysis in the DEIR and appropriate mitigation for potential impacts to special-status plants. In this discussion and ensuing email correspondence on May 3, 2025, CDFW confirmed that the floristic survey methodologies fulfilled protocol requirements for the proposed project (CDFW 2025). Therefore, because no Bogg’s Lake hedge-hyssop, slender Orcutt grass, or Sacramento Orcutt grass was found during any surveys within the solar development area and because the project has been designed to avoid the vernal pool habitat suitable for these species, it is unlikely that the project would impact the persistence of these species at the local or broader landscape level. The above clarifications have been incorporated into the FEIR.

The comment also notes that Brewer’s calandrinia (*Calandrinia breweri*, California Rare Plant Rank [CRPR] 4.2), Brandegees clarkia (*Clarkia biloba* ssp. *brandegeae*, CRPR 4.2), and Jepson’s woolly sunflower (*Eriophyllum jepsonii*, CRPR 4.3) were not analyzed in the DEIR. The DEIR evaluated special-status species, including species with CRPR 3 or 4, with the potential to occur within the solar development area. See the Biological Resources Technical Report in Appendix BR-1 of the DEIR for a complete list of special-status plants identified by database queries, including species not expected to occur on site. Brewer’s calandrinia and Brandegees clarkia were not expected to occur based on the habitat types within the solar development area and the proximity of the nearest documented occurrences, and Jepson’s woolly sunflower was not identified in database queries. The protocol-level surveys described above did not document any special-status species not evaluated within the DEIR, including Brewer’s calandrinia, Brandegees clarkia, and Jepson’s woolly sunflower, so the project would not impact their persistence at the local or broader landscape level.

Occurrence data for special-status species and sensitive natural communities cited in the DEIR will be reported to the California Natural Diversity Database, as applicable.

COMMENT A2-19**FILING FEES**

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

RESPONSE A2-19

Fees will be paid for impacts to CDFW-regulated resources in accordance with state regulations.

COMMENT A2-20**CONCLUSION**

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the DEIR for the Coyote Creek Agrivoltaic Ranch Project to assist Sacramento County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

RESPONSE A2-20

The County appreciates CDFW's input and will continue to notify CDFW in writing regarding project actions and decisions.

LETTER A3

Sacramento Metropolitan Air Quality Management District, dated April 18, 2025.

COMMENT A3-1

Thank you for routing the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project to the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) for review. The project consists of the construction, operation, and decommissioning of an approximately 200-megawatt (MW) alternating current (AC) photovoltaic solar energy generating facility and associated 4-hour/100 MW AC battery energy storage system on various parcels along Scott Road in the Consumnes Community of unincorporated Sacramento County. The electrical power provided by the project would be supplied to the Sacramento Municipal Utility District (SMUD) with the renewable energy generated by the project for use in the SMUD service area. The project would assist SMUD in achieving carbon reduction targets as detailed in SMUD's 2030 Zero Carbon Plan. Please accept the following comments which pertain to the Coyote Creek Agrivoltaic Ranch Project DEIR mitigation measures.

RESPONSE A3-1

The County appreciates the review and comments provided by SMAQMD; detailed responses to comments on the DEIR are provided below in responses A3-2 through A3-8.

COMMENT A3-2

Mitigation Measure AQ-2A

Sac Metro Air District commends the inclusion of Mitigation Measure AQ-2A which contains the Basic Construction Emission Control Practices/Best Management Practices (BMPs) for fugitive dust control in addition to the Enhanced Fugitive Particulate Matter (PM) Dust Control Practices during the construction and decommissioning phase.

RESPONSE A3-2

The County appreciates SMAQMD's concurrence.

COMMENT A3-3

Mitigation Measure AQ-2B and 2C

Sac Metro Air District supports the inclusion of Mitigation Measure AQ-2B and 2C which requires that off-road diesel-powered equipment subject to CARB regulations meet or exceed Tier 4 Final off-road emission standards. The project also must be consistent with our Enhanced On-Site Exhaust Controls by submitting the emissions control plans as discussed in Mitigation Measure AQ-2C. Diego Jauregui at 916-825-6838 or visit

<https://www.airquality.org/businesses/asbestos/asbestos-in-soil> for additional NOA information.

RESPONSE A3-3

As described in Mitigation Measure AQ-2C, which requires submittal of a Construction Emissions Control Plan and outlines the required information to be included in the plan, the proposed project would be required to be consistent with SMAQMD's Enhanced On-Site Exhaust Controls.

COMMENT A3-4

Mitigation Measure AQ-3

Since the project is located within an area with the potential for Naturally Occurring Asbestos (NOA) as identified by the California Geological Survey, the applicant must file either an Asbestos Dust Mitigation Plan or Geologic Evaluation with Sac Metro Air District prior to construction. The applicant may contact Diego Jauregui at 916-825-6838 or visit <https://www.airquality.org/businesses/asbestos/asbestos-in-soil> for additional NOA information.

RESPONSE A3-4

Mitigation Measure AQ-3 is consistent with SMAQMD recommended mitigation measures for projects that would be located in areas moderately likely to contain NOA and outlines site investigation procedures to determine the need for either an Asbestos Dust Mitigation Plan or a Geologic Evaluation.

COMMENT A3-5

Mitigation Measure BR-2

Oak species are the dominant tree species present at the project site. Mitigation Measure BR-2 would mitigate for impacts to oak woodlands and for the loss of native oaks and other native tree species through avoidance, preservation, and in-kind establishment plantings of native trees. To implement Oak Woodland and native tree mitigation, the project would plant approximately 5,060 Interior Live Oak trees. However, Valley Oak and California Buckeye have a higher air quality rating according to the Sacramento Tree Foundation's Shady Eighty guide and are also native to the project site². Furthermore,

² Sacramento Tree Foundation, The Shady Eighty: Trees for a Cooler Sacramento Region, 2015, <https://sactree.org/wp-content/uploads/2021/11/Shady-80-Trees-recommended-for-the-Sacramento-region.pdf>

planting multiple tree species increases the diversity of the onsite plant population and improves resiliency against climate change³.

Vegetation can absorb gaseous air pollution, and it is estimated that 26,949 metric tons (MT) of carbon dioxide equivalent (CO₂e) of carbon sequestration capacity would be lost by the removal of trees during project construction. Replacing the existing trees with new, higher carbon sequestering trees as part of the proposed landscape plan would increase the carbon sequestration potential of the project site.

RESPONSE A3-5

The comment states that the project would plant approximately 5,060 Interior Live Oak trees; it is incorrect that Interior Live Oak is the only species that will be used for mitigation for project impacts to oak woodlands. A variety of oak species would be planted for mitigation, and do not consist solely of live oaks. Oak species utilized for mitigation are expected to consist of 95 percent blue oaks (*Quercus douglasii*) or valley oaks (*Quercus lobata*), with 5 percent or less consisting of interior live oaks (*Quercus wislizeni*). The percentage of Blue Oak and Valley Oak trees that would be planted will be dependent on the selected location and based on local soil conditions and moisture availability. The variety of oak species will ensure better long-term success and resiliency to climate change as noted in the comment.

The comment further states that vegetation can absorb gaseous air pollution and that carbon sequestration capacity would be lost by the removal of trees during project construction. As described in Impact CC-1, (pages 7-14 and 7-15) the planting of new trees as part of the proposed landscape plan would restore a portion of the carbon sequestration capacity of the project site.

COMMENT A3-6

Mitigation Measures GHG-1 through GHG-5

There appears to be inconsistency between the mitigation measures listed in Chapter 7 (and the Executive Summary) and Appendix AQ-1– Air Quality and Greenhouse Gas (GHG) Calculations Technical Memorandum. Appendix AQ-1 refers to Mitigation Measure GHG-1 through GHG-5 and Chapter 7 refers to Mitigation Measure CC-1. Please ensure that the mitigation measures are consistent as it appears that mitigation measure CC-1 is the same as GHG-1 through GHG-4, but that is not made clear. Also, Mitigation Measure GHG-5: Offset Construction Emissions is listed in Appendix AQ-1, but the measure is not listed in Chapter 5 or Chapter 7 of the DEIR nor in Table ES-1: Executive Summary of Impacts and Mitigation. The technical memorandum states that Mitigation Measures GHG-1 through GHG-5 would bring the GHG construction emissions

³ Sac Metro Air District, Landscaping Guidance for Improving Air Quality Near Roadways, 2020, <https://www.airquality.org/LandUseTransportation/Documents/LandscapingGuidanceforImprovingAirQualityNearRoadwaysMay2020V2.pdf>

to less-than-significant. These emission reductions must be quantified and disclosed in the EIR. Please include Mitigation Measure GHG-5 in the final EIR.

RESPONSE A3-6

Mitigation Measure CC-1 in Chapter 7 of the DEIR was developed based on and is consistent with Mitigation Measures GHG-1 through GHG-4 described in Appendix AQ-1; however, Mitigation Measure CC-1 was expanded to include additional best management practices that would reduce GHG construction emissions. Mitigation Measure GHG-5 in Appendix AQ-1 has been added as an additional mitigation measure in the FEIR within Mitigation Measure CC-1. The first sentence of Mitigation Measure GHG-5 from the Appendix AQ-1, “Offset construction emissions with GHG emissions reductions associated with project operations”, is not incorporated into the text added to Mitigation Measure CC-1 because this language reflects what the project proposes rather than mitigation that would be imposed to reduce project impacts. Use of the word “offset” was not intended to imply that a credit would be created that could be sold or traded; rather, it meant, in the informal sense, that the GHG emissions benefit associated with the generation of GHG-free electricity during project operation would be greater than the GHG emissions generated during project construction and decommissioning. Similarly, use of the word “offset” throughout Chapter 7 is meant in the informal sense that the project’s operational GHG emissions benefit would be greater than the GHG emissions generated by project construction and decommissioning.

The comment further states that Mitigation Measures GHG-1 through GHG-5 described in Appendix AQ-1 would bring the GHG construction emissions to less-than-significant and that these emission reductions must be quantified and disclosed in the EIR. As detailed in Impact CC-1 (pages 7-14 through 7-17), the County found that project impacts related to the generation of GHG emissions would be less than cumulatively considerable (without any required mitigation) because the project would generate GHG-free energy resources and provide a GHG emissions benefit within the first year of operation at a level at which would be greater than the project’s construction and decommissioning emissions. As described above, Mitigation Measures GHG-1 through GHG-4 of Appendix AQ-1 are consistent with Chapter 7 Mitigation Measure CC-1, and Mitigation Measure GHG-5 of Appendix AQ-1 has been incorporated into Chapter 7 Mitigation Measure CC-1. The DEIR conclusion that Impact CC-1 is less than cumulatively considerable supersedes any determination described in Appendix AQ-1 that impacts resulting from construction would be less than significant after mitigation. Therefore, no analysis of further reductions in GHG emissions from proposed Mitigation Measure CC-1 is required.

COMMENT A3-7

Additionally, the estimated annual construction and decommissioning GHG emissions for this project exceed Sac Metro Air District’s 1,100 MT/year CO₂e threshold. The updated Air Quality and GHG Calculations Technical Memorandum states that Mitigation Measure GHG-5 would offset construction emissions with GHG emission reductions from solar energy generated through this project. The reductions associated with offsetting construction emissions must represent real, additional or surplus, quantifiable,

enforceable, validated, and permanent reductions. The offsets for this project cannot be sold on the regulatory market or other GHG exchange and should not be double counted.

RESPONSE A3-7

As described above in response A3-6, Mitigation Measure GHG-5 of Appendix AQ-1 has been incorporated into Chapter 7 Mitigation Measure CC-1 and has been revised to remove the sentence describing that project construction emissions would be offset by GHG emissions reductions associated with project operation. This revision was made because the language does not reflect mitigation that would be imposed as a part of project approval to reduce impacts, but rather is a description of what the project proposes. Additionally, use of the word “offset” was not intended to refer to a credit would be created that could be traded or sold, as described above in response A3-6.

The comment further states that the reductions associated with offsetting construction emissions must represent real, additional or surplus, quantifiable, enforceable, validated, and permanent reductions and that the offsets for the project cannot be sold on the regulatory market or other GHG exchange and should not be double counted. As described in response A3-6 above, Mitigation Measure GHG-5 of Appendix AQ-1 has been incorporated into Chapter 7 Mitigation Measure CC-1, which prohibits GHG emissions reductions that are applied to ‘net out’ construction emissions from being sold on the voluntary market. Therefore, the project would not sell GHG emissions reductions on a regulatory market or other GHG exchange and would not be double counted.

COMMENT A3-8

Sac Metro Air District looks forward to reviewing the final EIR for the Coyote Creek Agrivoltaic Ranch Project. We hope that these comments reinforce mitigation efforts and lead to deeper emission reductions while also supporting SMUD’s 2030 Zero Carbon Plan.

If you have questions regarding these comments, please contact Brianna Moland, Climate Coordinator, at bmoland@airquality.org or (916) 317-0821.

RESPONSE A3-8

The County appreciates the review and comments provided by SMAQMD.

LETTER A4

Central Valley Regional Water Quality Control Board, dated May 2, 2025.

COMMENT A4-1

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is providing comments on the Draft Environmental Impact Report (DEIR) prepared by the County of Sacramento for the Coyote Creek Agrivoltaic Ranch Project (State Clearinghouse # 2022010271), in accordance with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. The proposed project involves the construction, operation, and decommissioning of an approximately 200-megawatt photovoltaic solar energy generating facility and associated battery energy storage system on parcels that total approximately 2,700 acres in the Cosumnes community of unincorporated Sacramento County.

In evaluating whether a project will result in significant environmental impacts, Part IX(d) of Appendix G to the CEQA Guidelines instructs the lead agency to consider whether the project will “[b]e located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code [section] 65962.5 and, as a result, would ... create a significant hazard to the public.” Comments presented herein address this consideration, and supplement Central Valley Water Board comments submitted in a 17 April 2025 letter addressing the project regulatory setting and permitting requirements.

RESPONSE A4-1

The County appreciates the review and comments provided by the Central Valley RWQCB, and detailed responses to comments are provided below in responses A4-2 through A4-6.

COMMENT A4-2

Aerojet General Corporation Superfund Site Background

A portion of the Project Site, as identified on Plate PD-5, is within the Aerojet General Corporation Superfund Site (Superfund Site) in Rancho Cordova, which appears on the “Cortese List”. Aerojet has operated at their approximately 8,500-acre facility in Rancho Cordova since the 1950’s. Aerojet’s operations at the Rancho Cordova facility included solid rocket motor manufacturing and testing, liquid rocket engine manufacturing and testing, and chemical manufacturing. These operations resulted in the release of unknown quantities of hazardous substances, including trichloroethene, perchlorate, and N-Nitrosodimethylamine to soil and groundwater. Aerojet discontinued rocket manufacturing and testing activities at this facility in 2019.

RESPONSE A4-2

The comment does not raise environmental issues or issues regarding the adequacy of the EIR.

COMMENT A4-3**Operable Unit 5 Zone 3 Groundwater Monitoring & Remediation**

The northwesterly portion of the Project Site, where construction of the switchyard and the westerly end of the generation tie line is proposed, is co-located with Superfund Site Operable Unit 5 (OU-5) Zone 3, as shown on Plate PD-5. Groundwater monitoring and extraction is conducted in this area to monitor and contain the Superfund Site groundwater contaminant plume. Staff concurs that Mitigation Measure Haz-2a: Prohibit New Groundwater Wells and Use of Existing Groundwater Wells Within the Contaminant Plume Consultation Zone will mitigate the potential for human exposure to Superfund Site contaminants in groundwater and the potential for project activities to cause migration of the Superfund Site groundwater contaminant plume. Superfund Site monitoring well 1582 is within the proposed switchyard footprint. Aerojet is planning to abandon and replace monitoring well 1582 to facilitate switchyard construction. Superfund Site monitoring well 30411 is located southeast of OU-5 Zone 3 but within the Project Site on Assessor's Parcel Number (APN) 072-0110-070. Groundwater monitoring wells, extraction wells, and associated infrastructure must be protected to ensure the success of the groundwater remedy.

RESPONSE A4-3

The County appreciates the Central Valley RWQCB's concurrence.

The comment further states that groundwater monitoring wells, extraction wells, and associated infrastructure must be protected to ensure the success of the Superfund site groundwater remedy, and notes that although Superfund site monitoring well 1582 is within the proposed switchyard footprint, Aerojet is planning to abandon and replace monitoring well 1582 to facilitate switchyard construction. DEIR Mitigation Measure HAZ-2c would require coordination with Aerojet should construction occur in the vicinity of existing monitoring wells. DEIR Mitigation Measure HAZ-2c requires the project applicant to coordinate with Aerojet for the closure, relocation, or replacement of wells in a manner that complies with Aerojet remedial activities and monitoring plans. Therefore, DEIR Impact HAZ-2 properly concludes that impacts related to construction within a Cortese-list site or other known hazardous materials site would be reduced to a less-than-significant level with implementation of mitigation.

COMMENT A4-4**Operable Unit 7 Source Areas**

A portion of the Project Site east of the switchyard is co-located with Superfund Site Area 39, which is part of Operable Unit 7 (OU-7). Area 39 was used by Aerojet between 1970 and 1972 as a burn area for chemical waste. Area 39 should be added to Plates PD-5 and HAZ-2, so these figures present a comprehensive depiction of Superfund Site areas that are co-located with, or in the vicinity of, the Project Site. Section 9 should also be updated to address the potential hazards associated with Area 39. Plate HAZ-1 shows the location of Area 39; however, this 2006 figure indicates that Area 39 is part of

Superfund Site Operable Unit 6 (OU-6). In 2011, Area 39 source areas were transferred from OU-6 to OU-7. Plate HAZ-1 should be updated to reflect that Area 39 is part of OU-7, as the OU-7 remedial investigation is ongoing and, as such, the extent of contamination at Area 39 source areas has not been fully delineated. The proposed project must not introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the Superfund Site. Any party that causes or

RESPONSE A4-4

The County appreciates receipt of this information, but notes that it is not possible to revise Plate HAZ-1 because it is a .pdf file created by USEPA in 2006. However, Area 39 has been added to Plate HAZ-2, and a clarification regarding Area 39 and its inclusion in OU-7 rather than OU-6 has been made in the text on DEIR page 9-4.

The comment also requests that the DEIR be updated to address the potential hazards associated with Area 39, which the comment notes was used by Aerojet between 1970 and 1972 as a burn area for chemical waste. The comment also states that the remedial investigation for OU-7 is ongoing and, therefore, the extent of contamination at Area 39 source areas has not been fully delineated. The comment notes that the proposed project must not introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the superfund site. The County appreciates the information provided by the Central Valley RWQCB regarding Area 39. A new paragraph of text has been added on DEIR page 9-9 (in the Environmental Setting), which briefly discusses Area 39. Text changes have also been made in Impact HAZ-2 and Mitigation Measure HAZ-2b (DEIR pages 9-28 through 9-30) to specifically reference Area 39. Implementation of DEIR Mitigation Measure HAZ-2b: Prepare and Implement a Health and Safety Plan, would ensure that any unknown locations or undiscovered locations of contaminated soil or groundwater would be addressed during construction and disclosed to regulatory agencies and would ensure the safety of on-site personnel, particularly within and around Area 39.

As discussed in response to comment A4-3, implementation of DEIR Mitigation Measures HAZ-2a and HAZ-2b would reduce the potential for project activities to cause migration of the Superfund site groundwater contaminant plume and the potential for human exposure to superfund site contaminants to a less-than-significant level. Therefore, the project would not introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the Superfund site.

COMMENT A4-5

Land Use Covenant Restrictions

The switchyard, western end of the generation tie line, and westernmost laydown area are proposed within the property identified as APN 072-3160-005, which is subject to the restrictions in the Covenant to Restrict Use of Property – Environmental Restrictions on Groundwater at a Portion of the Perimeter Groundwater Operable Unit (Former Ehnisz Property LUC), which was executed in November 2012. Section 4.01 of the Former Ehnisz Property LUC requires approval from the United States Environmental Protection

Agency (USEPA) and the Central Valley Water Board prior to conducting activities that may interfere with the existing groundwater remediation system, including groundwater extraction, recharge, and injection.

RESPONSE A4-5

The County agrees with these comments provided by the Central Valley RWQCB, and notes that this information is provided in DEIR Chapter 9, “Hazards and Hazardous Materials,” on pages 9-7, 9-22, and 9-23.

COMMENT A4-6

Section 4.02 of the Former Ehnisz Property LUC requires approval from the USEPA and the Central Valley Water Board prior to any proposed development involving permanent roadways, water infrastructure (e.g., well, pumping station, pipeline, etc.), or surface water drainage. The Central Valley Water Board summarized these Former Ehnisz Property LUC restrictions and approved the project plan in an 18 January 2024 letter to D.E. Shaw Renewable Investments, LLC, the parent company of Sacramento Valley Energy Center, LLC, the project applicant. However, the project plan presented at that time did not include any “water storage ponds” during project construction, as are proposed on Page 2-27 of the DEIR.

RESPONSE A4-6

The Central Valley Water Board and USEPA provided approval letters based on previously submitted project plans in accordance with the land use covenant.⁴ The County appreciates the concern raised by the Central Valley RWQCB related to the need for consultation and approval for water supply infrastructure and surface water drainage. The formerly proposed “water storage ponds” were removed from the proposed project, and a stormwater detention basin (short-term detention only, not retention) is proposed within the switchyard. The detention basin would be situated within the area of disturbance for the proposed switchyard as shown on DEIR Plate PD-6. DEIR Chapter 2, “Project Description,” (page 2-27) has been revised to change the term “water storage ponds” to “detention basin.” The project applicant notes that the plans submitted to USEPA and Central Valley RWQCB included a description of drainage on the site: “The Switchyards foundation will be graded so that stormwater within the project footprint is diverted southwest into a main detention basin. A system of catch basins and underground drainage pipes will also be installed throughout the Switchyard’s footprint to direct water to the detention basin, as shown in Figure 2/Attachment 2.” The project applicant has confirmed that final design drawings for the proposed switchyard and associated

⁴ Central Valley Regional Water Quality Control Board, 2024 (January 18), RESPONSE TO LETTER REQUESTING APPROVAL OF PROPOSED COYOTE CREEK AGRIVOLTAIC RANCH SOLAR PROJECT INFRASTRUCTURE, AEROJET SUPERFUND SITE, RANCHO CORDOVA, SACRAMENTO COUNTY. United States Environmental Protection Agency, 2024 (March 4), RESPONSE TO LETTER REQUESTING APPROVAL OF PROPOSED COYOTE CREEK AGRIVOLTAIC RANCH SOLAR PROJECT INFRASTRUCTURE, AEROJET SUPERFUND SITE, RANCHO CORDOVA, SACRAMENTO COUNTY.

stormwater drainage infrastructure would be shared with USEPA and the Central Valley RWQCB prior to the start of construction activities to confirm that they remain aligned with previously approved design plans and the underlying land use covenant (Central Valley Regional Water Quality Control Board 2024, United States Environmental Protection Agency 2024).

COMMENT A4-7

The locations of the proposed water storage ponds do not appear to be presented on any Draft EIR figures. USEPA and Central Valley Water Board approvals must be obtained prior to the construction of water storage ponds or any other activity which is restricted by the Former Ehnisz Property LUC, if the activity is planned within one or more of the parcels subject to the Former Ehnisz Property LUC requirements.

RESPONSE A4-7

See response A4-6.

LETTER A5

California Department of Parks and Recreation, dated May 5, 2025.

COMMENT A5-1

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191).

This letter contains comments of the Gold Fields District of the California Department of Parks and Recreation (DPR) regarding the Coyote Creek Agrivoltaic Ranch Project (CCARP). The Gold Fields District manages Prairie City State Vehicular Recreation Area (PCSVRA) which is comprised of approximately 1,350 acres. Portions of the CCARP fall within land owned and managed by DPR and as such DPR is both a Trustee Agency and Responsible Agency under CEQA (CCR 15381 & 15386). The project will require real property rights from the State, which is a discretionary action requiring the approval of California State Parks.

RESPONSE A5-1

DPR is listed in Table PD-6 of the DEIR as an agency with subsequent discretionary authority over the project in connection with an easement needed for the project. Table PD-6 in Chapter 2, "Project Description," has been revised to add right-of-entry permits to the list of subsequent discretionary approvals required from DPR. The comment does not raise environmental issues or issues regarding the adequacy of the EIR.

COMMENT A5-2

The Department of Government Services (DGS) oversees and manages land acquisitions and easements for DPR among other State agencies. The Gold Fields District, DPR, and DGS are working with the project developer (DESRI), the Barton Ranch, and Sacramento Municipal Utility District (SMUD) on land use rights to be granted for the proposed project facilities within PCSVRA and other existing land use rights to be relinquished. DESRI has made commitments to improvements at the kart track and associated buildings, and we appreciate that these improvements were evaluated in the DEIR.

RESPONSE A5-2

The comment states that the California Department of Government Services (DGS) oversees and manages land acquisitions and easements for DPR, and notes that the Gold Fields District, DPR, and DGS are working with the project developer, the Barton Ranch, and Sacramento Municipal Utility District (SMUD) on land use rights to be granted for the proposed project facilities within the Prairie City State Vehicular Recreation Area (PCSVRA) and other existing land use rights to be relinquished. The comment further states that the project applicant has made commitments to perform improvements to the kart track and associated buildings, and DPR appreciates that those improvements were analyzed in the DEIR. This comment does not raise issues related to the adequacy of the DEIR and is hereby noted.

COMMENT A5-3

In March of 2022, you received a NOP comment letter from Gold Fields District where we addressed some of the land use issues including concerns over potential effects from the CCARP. That comment letter contains useful information which should also be referenced in the Final Environmental Impact Report (FEIR). This comment letter will focus in more detail on our comments as they relate to the DEIR. Additionally, we request that the DEIR reference and consider the PCSVRA General Plan (2016) and associated EIR and the recently completed Road and Trail Management Plan (RTMP), which are the governing land use planning documents for PCSVRA.

RESPONSE A5-3

DPR's March 2022 comments on the Notice of Preparation are included in Appendix PD-2 to the DEIR and will also be included as part of the CEQA project record.

The comment requests that the DEIR reference and consider the Prairie City SVRA General Plan (2016) and associated EIR and the Road and Trail Management Plan (RTMP), which are the governing land use planning documents for Prairie City SVRA. Table S1-6 includes the Prairie City State Vehicular Recreation Area Proposed Road and Trail Management Plan as a cumulative project evaluated in the DEIR. The inclusion of the general plan contributed to the evaluation of aesthetic impacts that the proposed action has on the Prairie City SVRA. The Prairie City SVRA General Plan (California State Parks 2016) was referenced and described in Chapter 3, Aesthetics. The Road and Trail Management Plan includes the "CCAR easement" generally denoting the gen-tie corridor and switchyard location for the project within the RTMP. As with any plan, minor revisions are anticipated leading up to construction based on detailed engineering information and coordination between the applicant and Prairie City SVRA. The final alignment will be subject to the issuance of a right-of-entry permit and easement documents, which state standard practice is to issue following the conclusion of the CEQA process.

To further disclose the resources identified in the comment letter, the FEIR includes Appendix A, which is an evaluation of consistency between the proposed project and the Prairie City SVRA General Plan and the Road and Trails Management Plan.

COMMENT A5-4

Based on our review of the DEIR, DPR recommends that the following be included in the FEIR document:

- 1) The DEIR should identify California State Parks as a Responsible and Trustee Agency under CEQA for this project.

RESPONSE A5-4

On page 2-32 of the DEIR, the California State Department of Parks and Recreation was identified as having authority over Subsequent Permits, Approvals, Review, and Consultation Requirements in Table PD-6. In the County's Notice of Preparation for the

EIR, the California State Department of Parks and Recreation was identified as having authority over Subsequent Permits, Approvals, Review, and Consultation Requirements in Table NOP-1. In response to the comment received, the FEIR has been revised to include DPR as a Responsible and Trustee agency on Page 2-31 of the DEIR. As discussed in response to comment A5-1, DPR is already listed as any agency with discretionary authority over the proposed project in the DEIR.

COMMENT A5-5

- 2) The DEIR should consider the PCSVRA General Plan and RTMP and evaluate the Switchyard and Gen-tie line for consistency with those plans in the Land Use and other pertinent FEIR chapters. The RTMP was evaluated in an IS/ND CEQA document and included extensive public input. The RTMP will help to guide future projects within the park including opening the Ehnisz and Yost parcels to recreational use, which were purchased for public off-highway vehicle recreation but are not yet open to the public.

RESPONSE A5-5

DPR's comments on the Notice of Preparation did not request a consistency analysis between the Project and the Prairie City SVRA General Plan and RTMP. DPR's comment does not assert that the proposed project is inconsistent with the Prairie City SVRA General Plan and RTMP. As a Responsible Agency, DPR was required to specify in writing in its comments on the Notice of Preparation the scope and content of the environmental information that is germane to DPR's statutory responsibilities in connection with the proposed project and which, pursuant to CEQA, shall be included in the environmental impact report. (Public Resources Code Section 21080.4[a]). Please refer to Response to Comment A5-8 for a discussion of project consistency with the PCSVRA General Plan and RTMP. DPR's concerns regarding the project's impacts on recreational uses within the PCSVRA, lighting and noise impacts, glare, water quality and drainage, wildlife habitat and corridors and special status species, and vernal pool management are addressed in DEIR Chapters 3 (Aesthetics), 12 (Noise), 10 (Hydrology and Water Quality), and 6 (Biological Resources), respectively. Refer also to response A5-3.

COMMENT A5-6

- 3) Correct the documentation stating that SMUD will own the land for the switchyard. While SMUD will own the infrastructure, an easement will be granted to the project proponents for the switchyard, the underlying land ownership will remain with DPR.

RESPONSE A5-6

Page 2-19 of the FEIR has been revised to clarify that the state would grant an easement to accommodate project infrastructure after the conclusion of the CEQA process. SMUD will own the infrastructure within the Switchyard and the underlying land ownership will remain with DPR. As discussed in Response to Comment A5-1, the DEIR acknowledged that an easement would be required from DPR.

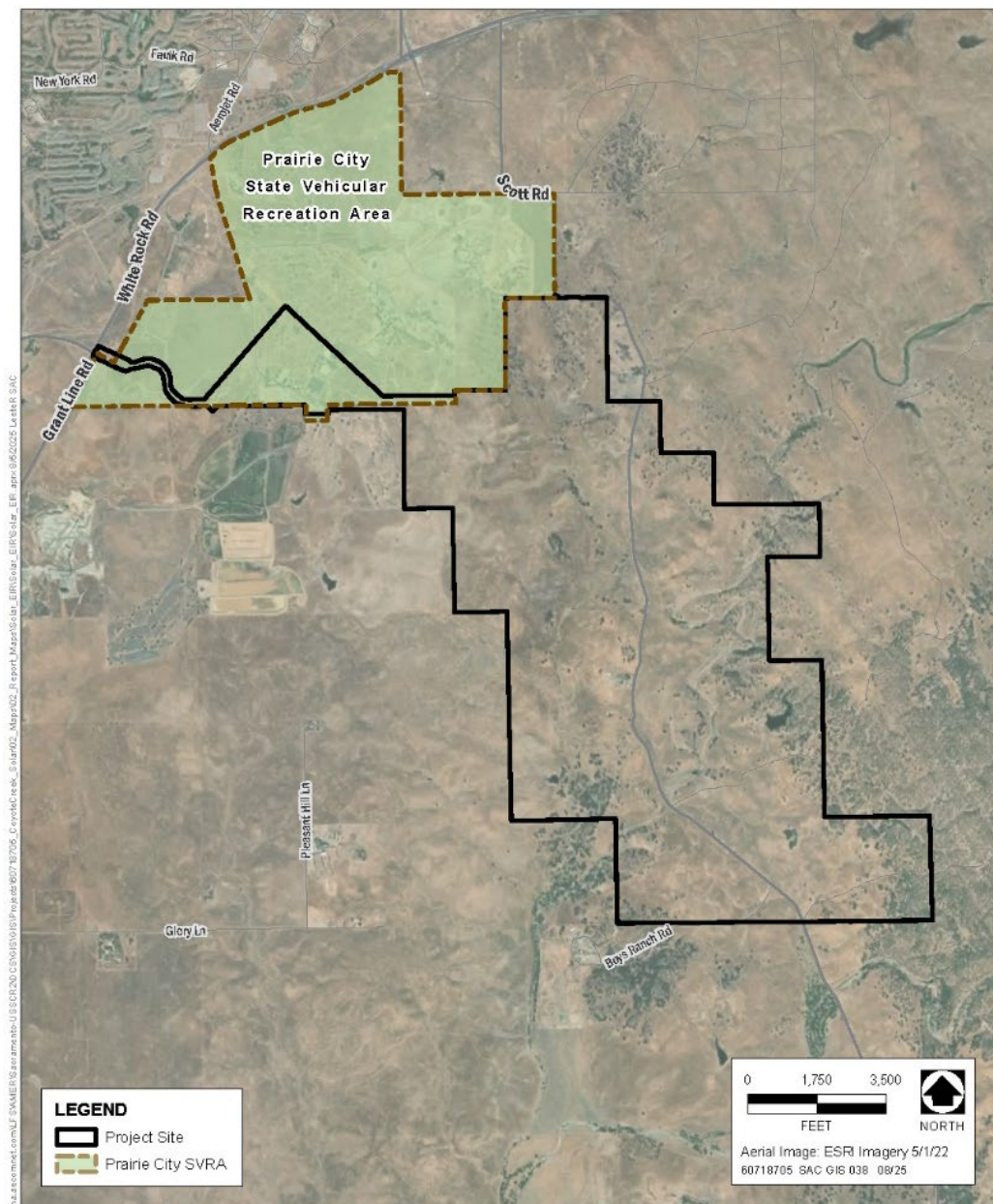
COMMENT A5-7

- 4) Include the current and correct PCSVRA boundary in maps and figures in the DEIR to clearly show the relationship of PCSVRA to the project, including the Ehnisz property, on which the switchyard will be located.

RESPONSE A5-7

The commenter requests that the FEIR include the current PCSVRA boundary. The FEIR has been revised to include the updated PCSVRA boundary on Plate RTC-1. The Sacramento County GIS system has been updated to incorporate this information.

Plate RTC-1: Proposed Project Site and Prairie City SVRA



COMMENT A5-8

- 5) The switchyard will be sited in the corridor evaluated in the DEIR. However, depending on the final exact siting, the switchyard may conflict with facilities and plans identified in the PCSVRA RTMP. DPR is committed to working with DESRI, SMUD and their engineers to ensure the switchyard siting and access minimizes conflicts with park users.

RESPONSE A5-8

As is acknowledged by commenter, the project applicant has been coordinating closely with DPR to ensure minimal conflicts with the PCSVRA RTMP and the FEIR has been updated to include a consistency discussion. The RTMP includes the “CCAR easement” generally denoting the gen-tie corridor and switchyard location for the project within the RTMP. As with any plan, minor revisions are anticipated leading up to construction based on detailed engineering information and coordination between the applicant and PCSVRA. The final alignment will be subject to the issuance of a right-of-entry permit and easement documents, which based on discussion with the PCSVRA, is standard practice to issue only following the conclusion of the CEQA process.

The County understands that the applicant has made commitments to the PCSVRA to improve park user experience following the installation of the gen-tie line and the switchyard. These improvements have generally been described and disclosed in the DEIR Project description. The County understands that improvements would include the construction of a new and improved 2,400 square foot pro-shop building. The pro-shop would include a restroom, retail space, coffee bar, private office, and shipping and receiving area. New paving surface would be installed in the vicinity of the pro shop building to further improve the infrastructure and to ensure ADA compliance. Solar panels would be placed on the roof to power or partially power the facility. Additionally, a new grid structure would be installed in a location that allows for improved ingress and egress to the kart track. It is the County’s understanding that revisions to kart track alignment would be made to improve the driver experience, and that bleachers and bleacher canopy shading will be relocated to be situated along the track straightaway to improve viewing opportunities. Additionally, the County understands that the applicant has made a commitment to provide a dedication of \$1,000,000 for trail improvements and/or aesthetic improvements to the staging area and trails disclosed and evaluated in the RTMP. In total, the County understands that the improvements to park infrastructure, reimbursements for park staff time, and the dedication total approximately \$1.75 million.

COMMENT A5-9

- 6) Consider that there could be measures taken to at least partially mitigate or address the significant and unavoidable impacts to visual resources within PCSVRA, including a dedication by project proponents to develop additional recreation facilities in portions of the park unit where visual resources are less impacted. DPR is working with DESRI on such measures.

RESPONSE A5-9

The County is aware that Section 15021(a) of the CEQA Guidelines “establishes a duty for public agencies to avoid or minimize environmental damage where feasible.” A public agency has a duty to adopt feasible mitigation measures if such measures would substantially lessen any significant effects that a project would have on the environment (State CEQA Guidelines Section 15021[a][2]). The County appreciates the additional mitigation suggested by DPR and it is the County’s understanding that the project applicant has made a commitment to DPR to provide a dedication of \$1,000,000 for trail improvements and/or aesthetic improvements within the PCSVRA boundary, which could be used to create new trails in different areas of the park (as covered by the PCSVRA’s Road and Trail Management Plan) that would allow OHV riders to recreate in areas where the viewshed would not be adversely affected by facilities associated with the proposed project. The County understands that the funding contributions would be intended to provide new trails for recreationists in areas where the SVRA viewshed would not be affected. However, the County does not control how any potential funding contributions would be implemented, and because there is no feasible mitigation that would reduce the visual impact from existing SVRA trails in the southwestern portion of the SVRA, the impacts to the scenic viewshed in this area would remain significant and unavoidable.

COMMENT A5-10

- 7) DPR has identified an existing and problematic location of a SMUD power pole at the corner of White Rock Road and the PCSVRA entrance road. This power pole makes it challenging for existing park users hauling trailers to make the turn into the park off eastbound White Rock Road. The tight turning radius may also create problems for large trucks and construction vehicles during the construction phase of the project. We recommend that relocation of this power pole be evaluated in the FEIR, and that DESRI work with SMUD to facilitate this move. DPR is working with SMUD and DESRI on this issue and can provide more information on the desired relocation of this power pole.

RESPONSE A5-10

Implementation of MM-TC-3 would address potential traffic hazards during construction and decommissioning. This ensures that adverse impacts on local and regional roadways are mitigated during construction.

The applicant team has proposed to relocate the power pole (or poles, dependent on engineering parameters) within the upland right-of-way associated with White Rock Road. The project applicant has stated that they are committed to working with PCSVRA to improve the park user experience through this and the other commitments described in A5-7. This pole relocation would be intended to foster a better user experience via improved ingress and egress to the PCSVRA in the long term. As the County understands that the applicant is assisting in this relocation effort due to their shared relationship between SMUD and PCSVRA, the relocation of this power pole and the environmental impacts of the relocation have been described in Chapter 13. All applicable mitigation measures from the EIR will be incorporated during the power pole relocation.

COMMENT A5-11

The sections below include specific DPR comments on the DEIR for each chapter:

Chapter 2 – Project Description**RESPONSE A5-11**

This comment is introductory in nature and describes the comments to be made in the comment letter.

COMMENT A5-12**Page 2-1****Generation Tie Line and SMUD Switchyard**

The gen-tie line is located on the PCSVRA property and is not merely parallel to the property boundary. Both the gen-tie line and the switchyard would be located on State property within PCSVRA and will require land use rights to be granted by the State with the approval of CA State Parks.

“The gen-tie line would use existing dirt and paved access roads where available, but improvements, such as widening or clearing existing dirt roads, and new road sections may be required for construction. These areas would be restored after construction is completed”.

Restoration should include native plantings, restoration of pre-project grade, and soil stabilization to prevent erosion and wind driven soil loss. Prairie City SVRA staff would like to be included in restoration planning species selection and the methods utilized for this part of the project.

RESPONSE A5-12

The comment is noted. In the description on Page 2-1 of the DEIR, additional information has been added to include “Restoration of the gen-tie line corridor following construction will be completed to restore the corridor pre-construction grades. Long term soil stabilization outside of existing PCSVRA trails will occur utilizing perennial native vegetation. The applicant will coordinate with the PCSVRA to confirm preferred seed mixes for the final site stabilization at the gen-tie line and switchyard.”

COMMENT A5-13**Page 2-3**

Project site map should include PCSVRA boundary to clearly depict relationship of project facilities to PCSVRA.

RESPONSE A5-13

In response to this comment, the DEIR has been revised to modify the boundary of the PCSVRA. See response to comment A5-7. The Sacramento County GIS system has been updated to incorporate this information moving forward.

COMMENT A5-14**Page 2-4**

Portion of project, including gen-tie line and switchyard are located on PCSVRA property.

RESPONSE A5-14

The DEIR states on Page 2-4, “A gen-tie line would extend approximately 1.3 miles to provide an interconnection to the SMUD 230 kV powerline that runs through the Prairie City SVRA”, which is consistent with the commenters comment. Additionally, figures have been updated denoting that the switchyard is located on PCSVRA property.

COMMENT A5-15**Environmental Setting****Page 2-8**

Plate PD-4: Vegetation and Land Cover types within the Solar Development Area and Project site show Zone 1 Urban/Developed. This is a riding area within the park and is not developed beyond the park operational facilities. Please remove the triangle which includes Zone 1 Dispersed Riding and Park Operation facilities from this map and others as it is not part of the project. The existing easement section west of the switchyard should also be removed as it is not part of this project.

RESPONSE A5-15

It is noted that the triangle area referenced by DPR is not part of the proposed project site. The proposed action on DPR property will be limited to the gen-tie line, switchyard, and associated kart track improvements along the southern boundary of the state park as described in the DEIR. However, as the triangle area was included in preliminary studies and evaluations, and its inclusion has no bearing on the final proposed action, changes to Plate PD-4 are not required.

COMMENT A5-16**Page 2-19**

The land on which the switchyard will be located will not be owned by SMUD. The State will grant an exclusive easement for the switchyard property, but DPR would remain the Fee Title Holder. Please correct.

RESPONSE A5-16

Please refer to responses A5-6 and A5-14.

COMMENT A5-17

Page 2-19

Prairie City State Vehicular Recreation Area

The Kart Track office/pro shop would not be relocated approximately 100 feet north. This building cannot be moved so a new 2,400 square foot split block constructed building will be built and the existing proshop will be demolished and removed.

“Track improvements would be carried out at the discretion of state parks, and state parks would be responsible for any additional surveys, permits, or permissions associated with the improvements”.

RESPONSE A5-17

In response to this comment, the DEIR has been revised to clarify that the current pro shop would be removed, and a new structure would be constructed. The DEIR has been updated to note that this work and other kart track improvements as described in response A5-7 will be carried out by the applicant.

COMMENT A5-18

This is incorrect. DESRI is responsible for this work with oversight and consultation from DPR.

RESPONSE A5-18

The comment is noted, and the DEIR text has been revised to reflect the requested change.

COMMENT A5-19

Page 2-19

The correct name is Prairie City State Vehicular Recreation Area.

Not only has the applicant coordinated with PCSVRA, the project proponents need to obtain land use rights from the State for the project facilities within PCSVRA.

RESPONSE A5-19

In response to this comment, the DEIR has been revised to clarify the name as “Prairie City State Vehicular Recreation Area”. The County understands that the applicant and PCSVRA have been collaborating for multiple years to ensure that the gen-tie line and switchyard were incorporated into the RTMP, and to determine improvements to

PCSVRA property. The final gen-tie and switchyard alignment will be subject to the issuance of a right-of-entry permit and easement documents, which based on discussion with the PCSVRA, is standard practice to issue only following the conclusion of the CEQA process. The DEIR acknowledges that the project applicant will need to obtain the necessary permissions from the State to complete improvements within the PCSVRA property.

COMMENT A5-20

Chapter 3 – Aesthetics

California State Parks has been working with the project proponent on potential land use rights to accommodate portions of the project on PCSVRA lands since 2020. State Parks responded to the Notice of Preparation for the project with a letter to Sacramento County on March 15, 2022. In that letter State Parks specifically identified concerns about impacts to visual resources including glare, lighting and effects on existing recreational uses at PCSVRA. PCSVRA has granted access to the project proponents' consultants for studies and surveys for the project and environmental review. Given all of the above, the Gold Fields District believes that **significant and unavoidable** impacts to visual resources in a unit of the CA State Park system can be partially mitigated via a dedication to specific aesthetic improvements to onsite resources at the park and/or a dedication to develop additional recreation opportunities in portions of the park where visual resources are not impacted.

RESPONSE A5-20

Please see response to comment A5-9.

COMMENT A5-21

Page 3-2

The DEIR states that:

“The northern portion of the project site is adjacent to, and partially within, an easement over the southern end of the Prairie City State Vehicular Recreation Area (SVRA), which is owned and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division.”

Some of the proposed project facilities, specifically the gen-tie line, does fall within an existing easement area, however, the gen-tie line is not one of the rights granted for that existing easement area. The proposed switchyard would largely be located outside of any existing easement areas. Both the gen-tie line and the switchyard require new land use rights to be granted by the State of California.

RESPONSE A5-21

The County appreciates the relative position of the proposed gen-tie line and switchyard with regards to easements and land use rights, and notes that the detailed information provided by the commenter is contained in Chapter 2, “Project Description,” and therefore does not need to be redefined throughout the topic area sections of the DEIR. Please see also response to comment A5-12.

COMMENT A5-22**Page 3-4**

The boundary of PCSVRA is incorrect and does not include the Ehnisz Property where the switchyard is located. Looking at this map, readers would think that the switchyard is outside the park. Please correct the park boundaries here and elsewhere within the DEIR. Prairie City SVRA GIS staff are happy to provide you with an updated park boundary layer for these updates.

RESPONSE A5-22

The DEIR exhibits have been modified to reflect the current PCSVRA boundary, including Plate AE-1.

COMMENT A5-23**Page 3-15**

The picture labeled KOP 9c refers to the former shooting range. This shooting range is still used regularly for DPR law enforcement staff and allied law enforcement agencies. Please correct this here and other location which reference the “former shooting range”.

RESPONSE A5-23

All references in DEIR Chapter 3, “Aesthetics” to the “former shooting range” have been revised to “active shooting range” (DEIR pages 3-15, 3-16, 3-17, 3-19, 3-20, 3-22, and 3-42).

COMMENT A5-24**Pages 3-42 to 3-47****Deer Creek Hills Preserve**

It should be noted that DPR owns a 668-acre portion of Deer Creek Hills. This State-owned land within Deer Creek Hills is a subunit of Prairie City SVRA. This land is managed and operated by Sacramento County Regional Parks through an Operating Agreement. Sacramento County and Sacramento Valley Conservancy own in joint tenancy adjacent lands which comprise the larger Deer Creek Hills Preserve. The State-owned property lies closest to the CCARP in the northwest corner of the preserve and

directly east/northeast of Scott Road. State Parks also owns a conservation easement on Barton Ranch to prevent and protect against housing development on the property. It is DPR's understanding that the CCARP does not conflict with the conservation easement held by DPR on the Barton Ranch lands.

RESPONSE A5-24

The County appreciates the information provided by DPR, which has been added to the text on DEIR pages 3-2 and 3-3 (in Chapter 3, "Aesthetics").

The comment also states that DPR owns a conservation easement on Barton Ranch that prevents housing development, and states that it is DPR's belief that the proposed project does not conflict with the conservation easement. Text has been added to DEIR page 3-2 noting DPR's conservation easement at the Barton Ranch. The County appreciates DPR's concurrence that the proposed project does not conflict with the conservation easement.

COMMENT A5-25

The DEIR documents significant and unavoidable impacts to scenic vistas within PCSVRA. The DEIR suggests that there are no feasible mitigation measures for these impacts. The Gold Fields District of CA State Parks suggests that mitigation measures could be developed that provide additional recreational opportunities in portions of the SVRA that would not be impacted by the project, as a means of mitigating the diminished experience in the areas of significant but unavoidable impacts. A mitigation dedication to the park could be utilized to develop and enhance other areas within the park that are not affected by the diminished aesthetic impacts to the park.

RESPONSE A5-25

Please see response to comment A5-9. See Master Response N.

COMMENT A5-26

Pages 3-59 – 3-64.

The DEIR also documents and identifies significant impacts that substantially degrade the existing visual character of portions of PCSVRA, including the viewshed from a number of PCSVRA trails. As discussed in the DEIR some viewsheds within PCSVRA including the popular "Overlook" group day use area will change from high to low quality in aesthetic appeal. The DEIR concludes that this impact is **Significant**. "No mitigation measures are available to reduce this impact creating a **Significant and Unavoidable** impact to viewsheds within the SVRA".

RESPONSE A5-26

Please see response to comment A5-9. See Master Response N.

COMMENT A5-27

Again, the DEIR concludes that these impacts are **significant and unavoidable** and cannot be mitigated. State Parks recommends that the County and project developer consider working with State Parks on a dedication to develop and construct new trails and other recreation opportunities within PCSVRA in portions of the park unit that will be less affected by the visual impacts of the project as a means to mitigate the impacts to trails and recreation opportunities where impacts to the viewshed are **significant and unavoidable**.

RESPONSE A5-27

Please see response to comment A5-9. See Master Response N.

COMMENT A5-28**Grant Line Road/White Rock Road**

The DEIR states:

“There would be no change to foreground or middle ground views other than the new 20-foot-wide private gravel roadway, and the existing panoramic views of the Sierra Nevada foothills would be unchanged”.

There are no plans for a private road. Please correct. Access will be provided through easements granted and will not be “Private”.

RESPONSE A5-28

The County appreciates this clarification provided by DPR, and the text on DEIR page 3-60 has been changed to remove the word “private.” In response to this comment, the DEIR has been revised to remove reference to the 20-foot-wide private gravel roadway. Access to the switchyard will be obtained via the primary park entrance road.

COMMENT A5-29**Prairie City SVRA Access Road**

The projects aesthetics while looking west toward the switchyard from the access road do not consider the view of Mt. Diablo which will be affected by the switchyard’s placement and infrastructure. This impact should be analyzed.

RESPONSE A5-29

Mt. Diablo is situated in the Coast Ranges, southeast of Walnut Creek in the San Francisco Bay Area. Mt. Diablo is approximately 65 miles southwest of the project site. Mt. Diablo is not visible in west-facing views toward the proposed switchyard from the PCSVRA access road, as shown in KOP 2 (in DEIR Chapter 3, “Aesthetics,” on page 3-7). Therefore, no changes to the DEIR analysis are required.

COMMENT A5-30**Pages 3-64 – 3-68**

The DEIR identifies significant impacts to PCSVRA due to new sources of light including nighttime lighting. The DEIR identifies that there are some nighttime activities at PCSVRA including events at the different tracks. PCSVRA also offers nighttime interpretive programs and events including star gazing which would be impacted by the new nighttime sources of light resulting from the project.

RESPONSE A5-30

The County appreciates this information provided by DPR regarding additional nighttime events, and DEIR page 3-68 has been revised to state that PCSVRA hosts nighttime interpretive programs and events including star gazing, which could also be affected by project-related nighttime lighting. DEIR Mitigation Measure AE-4 requires preparation of a lighting plan to reduce impacts associated with glare and skyglow during nighttime construction, decommissioning, and operational activities. The lighting plan would require that construction areas that are 500 feet or closer to roadways and SVRA facilities must be screened and construction lighting must be shielded and directed downward; and permanent operational lighting would either be motion-controlled or operated manually via a switch, would utilize low-intensity LED fixtures, and would be shielded so the light is directed downward. Therefore, Mitigation Measure AE-4 appropriately addresses and reduces all nighttime lighting impacts created by the proposed project to a less-than-significant level.

COMMENT A5-31**Chapter 9 – Hazards and Hazardous Materials****Impact HAZ-4: Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan****Pages 9-33**

The DEIR states:

“Emergency access during project construction and operation would be provided from the new access road west of the proposed switchyard, and then along a portion of the existing Prairie City SVRA access road along the southern end of the SVRA, and from there into the project site. Emergency access would also be available from several new project access roads that would extend onto the site east and west from Scott Road”.

“In the immediate project vicinity, any employees who may be present on the project site could use either the Prairie City SVRA access road, which connects with White Rock Road for east-west movement, or the project’s western access road which connects with Grant Line Road (north-south) and White Rock Road”.

There is not a new access road west of the switchyard as part of this plan. Additionally, there is not an existing road which connects to Grant Line Road from within the park. Please correct.

RESPONSE A5-31

The County is aware that there is no access road between the PCSVRA and Grant Line Road.

COMMENT A5-32

Chapter 11 – Land Use and Planning

Page 11-1

The DEIR fails to disclose that existing uses of portions of the project area include PCSVRA and the off-road recreation use that occurs within PCSVRA, a park unit of the California State Park System.

PCSVRA is not just a surrounding land use, portions of the project would be located on PCSVRA lands.

RESPONSE A5-32

Chapter 11, Page 11-1 of the DEIR has been updated to clarify that the gen-tie line and switchyard are located within and along the southern boundary of the PCSVRA. This information is disclosed elsewhere in Chapter 11. For example, page 11-11 notes that the gen-tie line “would run 1.3 miles west along the southern boundary of the Prairie City SVRA.”

COMMENT A5-33

Page 11-2

Under Regulatory Setting/State, the DEIR fails to disclose that the portions of the project that fall within PCSVRA are governed by existing land use management plans, specifically the Prairie City SVRA General Plan (2016) and the Prairie City SVRA Road and Trail Management Plan (2024).

These plans have their own land use designations and policies that govern PCSVRA. PCSVRA is not subject to County regulations. The failure to identify these plans in the DEIR is a significant omission.

The mission of California State Parks is:

“The mission of California State Parks is to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.”

RESPONSE A5-33

The Prairie City SVRA is acknowledged and discussed throughout the DEIR. The commenter has not identified an inconsistency between the proposed project and DPR's land use planning documents. Regardless, an inconsistency between a project and a land use plan does not in and of itself mean that the proposed project will result in a potentially significant impact. The DEIR identifies potentially significant impacts to the Prairie City SVRA and recommends feasible mitigation to reduce those impacts. With the mitigation measures identified in the DEIR, aesthetic impacts to the Prairie City SVRA will remain significant and unavoidable. In response to commenter's request for a project consistency analysis with the Prairie City SVRA General Plan and Trail Management Plan, the FEIR has been revised to incorporate a land use consistency discussion related to the Prairie City SVRA General Plan and RTMP (see Appendix A to the FEIR).

COMMENT A5-34

The management of State Vehicular Recreation Areas is governed by the California Public Resources Code 5090, which includes the following:

"Areas shall be developed, managed, and operated for the purpose of providing the fullest appropriate public use of the vehicular recreational opportunities present, in accordance with the requirements of this chapter, while providing for the conservation of cultural resources and the conservation and improvement of natural resource values over time." (from PRC 5090.43)"

RESPONSE A5-34

As discussed above, the applicant has been coordinating with the DPR regarding proposed project operations to ensure against interference with DPR's management of the Prairie City SVRA.

COMMENT A5-35

The purpose of PCSVRA is:

"The purpose of Prairie City State Vehicular Recreation Area is to offer high-quality off highway vehicle (OHV) and other recreational opportunities, and to provide OHV and special event venues, while protecting and interpreting on-site natural resources."

RESPONSE A5-35

Please refer to responses to comments A5-3 and A5-33.

COMMENT A5-36**Page 11-8 & 9 – Impact and Analysis****Consistency with Plans, Policies and Regulations**

The CCARP switchyard would be located in a portion of Zone 6 (aka the Ehnisz property), which is designated for both off-highway vehicle use in the RTMP, including motorcycles, ATVs and ROVs and for non-motorized trail use for mountain bikes around the perimeter of the zone.

The Ehnisz property was purchased in order to provide additional off-highway vehicle recreation opportunities at PCSVRA.

In early consultation with the CCAR developer, State Parks was provided with a footprint for a proposed switchyard which paralleled the south boundary of the SVRA.

State Parks utilized that proposed footprint in developing the Road and Trail Management Plan for the park unit. This siting has been revised and DPR and the applicant are currently working together to minimize the impact of the switchyard footprint and access to the switchyard on future park uses and facilities. Specifically, the proposed switchyard should be evaluated for consistency and any conflicts with the planning recommendations below from the PCSVRA RTMP:

Z6-3 - Construct and maintain a new staging area and new motorcycle, trials motorcycle, and ATV trails around the outer perimeter of the ROV trails...

Z6-5 - If there is demand for camping, allow for construction of a small campground (up to 15 campsites) at, or near, the future staging area and include shade ramadas and picnic tables. Provide restroom and shower facility for campers...

RESPONSE A5-36

Refer to response A5-8 and A5-9.

COMMENT A5-37

To mitigate this impact, State Parks recommends the County and project proponent work with State Parks to create a dedication to plan, develop and construct a staging/parking area, switchyard access route and other associated facilities, including restroom and shade ramadas, designed and located so the switchyard does not conflict with these recreation facilities and these recreation uses can be accommodated in this area as identified in the RTMP.

RESPONSE A5-37

Refer to responses A5-33 and A5-36.

COMMENT A5-38

Chapter 10 - Hydrology and Water Quality

Page 10-24

Groundwater Drawdown in Nearby Wells

The DEIR states:

“The Prairie City SVRA groundwater supply well and various Aerojet groundwater extraction and treatment wells and groundwater monitoring wells are local to the project site and therefore could be affected. The potential well interference effect would need to be evaluated in the future based on well locations, aquifer properties, and proposed pumping rates”

The sole water source for Prairie City SVRA is a well located near the parks water treatment plant and adjacent to the maintenance yard. This well is a vital and key part of the park’s operation and if there are measurable reductions to water quantity and quality due to new wells in the aquifer, the impact could be significant on the park’s ability to meet water demands. The impact to the Prairie City SVRA well production should be carefully analyzed when considering location(s) of any newly developed wells to support CCARP.

RESPONSE A5-38

The comment quotes from DEIR page 10-24 regarding the potential for new project-related water supply well(s) to result in drawdown at the Prairie City SVRA water supply well, and which also states that the potential well interference effect would need to be evaluated in the future based on well locations, aquifer properties, and proposed pumping rates. The comment further notes that this Prairie City SVRA groundwater well is a vital and key part of the park’s operation and if there are measurable reductions to water quantity and quality due to new wells in the aquifer, the impact could be significant on the park’s ability to meet water demands. Therefore, DPR requests that the impact to the Prairie City SVRA well production be carefully analyzed when considering location(s) of any newly developed wells to support the proposed project. DEIR Mitigation Measure HYD-2 (pages 10-26 and 10-27) requires preparation of a groundwater hydrologic study that would utilize exact well locations and projected pumping amounts as part of groundwater modeling to investigate whether the potential location of the proposed or existing groundwater well(s) and the amount of groundwater withdrawal that would be necessary to serve the proposed project would cause significant drawdown of the existing groundwater table such that existing groundwater wells would be adversely affected. Mitigation Measure HYD-2 further requires the applicant to demonstrate that appropriate permits have been obtained for a permanent source of on-site or off-site water supply that would not result in a localized drawdown of the groundwater table such that other existing nearby wells would be affected (including the potable water supply well at the Prairie City SVRA). Furthermore, Mitigation Measure HYD-2 requires that if the results of hydrologic modeling show that groundwater drawdown would occur, the project would not be allowed to install a new groundwater well. Therefore, implementation of Mitigation Measure HYD-2 would appropriately reduce any potential effects from project-related groundwater drawdown on nearby wells to a less-than-significant level.

COMMENT A5-39

Existing Conditions

Page 12-10

Plate NOI-2: Noise Monitoring Locations and Sensitive Receptors.

The map shows one sensitive receptor as an office which is actually the scoring tower at the Pro-AM MX Track. There are closer sensitive receptors which should be analyzed including but not limited to State housing, the Northern Communication Center, Prairie City SVRA Sector Office, Resources Office, Maintenance Office, kart track, Environmental Training Center, and American Quarter Midget Track.

RESPONSE A5-39

In response to the comment received, the FEIR has been revised to incorporate the sensitive receptors identified by the commenter. Please see EIR pages 12-9 and 12-23. As detailed in this revised discussion, the receptors identified by the commenter would experience lower levels of noise impact during construction and blasting compared to the noise levels reported in the DEIR for sensitive receptors that are closer to areas where noise would be generated. Mitigation Measures NOI-1a and NOI-1b would reduce noise impacts experienced in these areas and there is no new impact or any impact that is more severe compared to that reported in the DEIR.

COMMENT A5-40

If you have any questions regarding this letter, please contact Peter Jones, Prairie City SVRA Sector Manager at (916)790-4546 or Jim Micheaels, Gold Fields District Senior Park and Recreation Specialist at (916) 439-8504. Thank you.

RESPONSE A5-40

The County appreciates the review of the DEIR.

LETTER A6

Department of Toxic Substances Control, dated May 5, 2025

COMMENT A6-1

The Department of Toxic Substances Control (DTSC) reviewed the Draft Environmental Impact Report (DEIR) for PLNP2021-00191 Coyote Creek Agrivoltaic Ranch Project (Project) and requests consideration of the following comments:

The proposed Project includes the construction, operation, and decommissioning of an approximately 200-megawatt photovoltaic solar energy generating facility and associated battery energy storage system (BESS) in unincorporated Sacramento County.

The DEIR describes the proposed Project location, current land uses, surrounding properties, Project details, and identifies potential environmental impacts of the Project. The DEIR also includes recommendations for mitigation measures to reduce or avoid potentially significant impacts and protect resources.

RESPONSE A6-1

The comment is noted.

COMMENT A6-2

Plate PD-2: Project Setting of the DEIR shows the location of the proposed Project. The proposed Project location overlaps with portions of the Aerojet-General Corporation Superfund Site (Aerojet Superfund Site) Operable Units (OUs) 5 and 7, which are undergoing active investigation and cleanup.

The proposed Project must not in any way introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the Aerojet Superfund Site. Any party that causes or exacerbates the contamination could potentially be held liable for the contamination.

RESPONSE A6-2

The Central Valley Water Board and USEPA provided approval letters based on previously submitted project plans in accordance with the land use covenant.⁵ Please see responses to comments A4-3 and A4-4.

⁵ Central Valley Regional Water Quality Control Board, 2024 (January 18), RESPONSE TO LETTER REQUESTING APPROVAL OF PROPOSED COYOTE CREEK AGRIVOLTAIC RANCH SOLAR PROJECT INFRASTRUCTURE, AEROJET SUPERFUND SITE, RANCHO CORDOVA, SACRAMENTO COUNTY. United States Environmental Protection Agency, 2024 (March 4), RESPONSE TO LETTER REQUESTING APPROVAL OF PROPOSED COYOTE CREEK AGRIVOLTAIC RANCH SOLAR

COMMENT A6-3**AEROJET-GENERAL CORPORATION SUPERFUND SITE**

The Aerojet Superfund Site is located south of Folsom Boulevard and generally north of White Rock Road between Prairie City Road to the east and the Folsom Canal to the west. Aerojet Rocketdyne, Inc. (Aerojet) and its subsidiaries operated at the approximately 8,500-acre facility in Sacramento County from the 1950s; operations primarily included solid rocket motor manufacturing and testing, liquid rocket engine manufacturing and testing, and chemical manufacturing. These operations resulted in the release of hazardous substances/materials, including trichloroethene (TCE), perchlorate, and N-nitrosodimethylamine (NDMA), resulting in impacted soil, groundwater, and soil vapor. Sitewide preliminary characterization was completed in the 1990s, and additional investigation and cleanup activities have been undergoing at the Site since then under the oversight of the United States Environmental Protection Agency (USEPA) as lead agency, and the DTSC and California Central Valley Regional Water Quality Control Board (RWQCB) as supporting agencies.

RESPONSE A6-3

Please see response to comment A4-2.

COMMENT A6-4***Perimeter Groundwater Operable Unit 5, Zone 3***

As described in the DEIR and shown on Plate PD-5 of the DEIR, a portion of the Project overlaps with Zone 3 of the Perimeter Groundwater Operable Unit (PGOU), OU-5 of the Aerojet Superfund Site. Groundwater monitoring, extraction, and treatment are conducted at PGOU to monitor and contain the groundwater contaminant plume and prevent the plume from spreading. Aerojet groundwater monitoring wells and extraction wells are located on or near the planned location for the Project. The protection of these wells is necessary to the success of the groundwater remedy.

RESPONSE A6-4

Please see response to comment A4-3.

COMMENT A6-5

Additionally, in 2012 a land use covenant (LUC), referred to as the Former Ehnisz Property LUC, was recorded on a portion of PGOU Zone 3 that overlaps with the proposed Project location. The Former Ehnisz Property LUC is recorded with the Sacramento County Recorder, Book 20121126, Page 006. The Former Ehnisz Property LUC includes environmental restrictions related to groundwater and requires written

PROJECT INFRASTRUCTURE, AEROJET SUPERFUND SITE, RANCHO CORDOVA, SACRAMENTO COUNTY.

approval by the USEPA and RWQCB for certain developments and uses, including the development of permanent roadways and surface water drainage features, and installation of infrastructures, equipment, and/or facilities related to wells or pumping stations.

RESPONSE A6-5

Please see responses to comments A4-5 and A4-6.

COMMENT A6-6

The DEIR discusses the Aerojet Superfund Site OU-5 groundwater remedy, monitoring and extraction well locations, potential environmental hazards, and proposed mitigation measures to minimize the potential hazards and impacts of the Project's location overlapping OU-5. The DEIR also describes the Ehnisz LUC and the coordination with Aerojet and the Aerojet Superfund Site remediation agencies to maintain compliance with the LUC and prevent impacts to the OU-5 remedy. The mitigation measures proposed related to the Aerojet Superfund Site include the following:

- HAZ-2a: Prohibit New Groundwater Wells and Use of Existing Groundwater Wells Within the Contaminant Plume Consultation Zone.
- HAZ-2b: Prepare and Implement a Health and Safety Plan.
- HAZ-2c: Coordinate with Aerojet to Close, Relocate, or Avoid Monitoring Wells.

RESPONSE A6-6

The County appreciates DTSC's concurrence.

COMMENT A6-7

DTSC supports these mitigation measures and appreciates the efforts by the Project proponent to ensure no conflict with the ongoing Aerojet Superfund Site groundwater remedy.

RESPONSE A6-7

The County appreciates DTSC's concurrence.

COMMENT A6-8

As a regulatory agency overseeing cleanup at the Aerojet Superfund Site, please include DTSC among the agencies requiring notification under mitigation measure HAZ-2b if evidence of previously undiscovered soil or groundwater contamination is encountered within the area overlapping the Aerojet Superfund Site.

RESPONSE A6-8

The text of the second bullet point in Mitigation Measure HAZ-2b on DEIR page 9-30 has been modified to include DTSC among the agencies requiring notification.

COMMENT A6-9***Island Operable Unit 7, Area 39***

Portions of the Project site may overlap with Area 39 of the Island Operable Unit (IOU), OU-7 of the Aerojet Superfund Site. Area 39 was used by Aerojet between 1970 and 1972 as a burn area for chemical waste. Area 39 is in the southern portion of the Prairie City State Vehicular Recreation Area (SVRA). OU-7 is currently undergoing a Sampling and Analysis Plan Addendum for supplemental sampling in support of the completion of the Remedial Investigation. Once the Remedial Investigation is completed, a Feasibility Study will be prepared, followed by USEPA issuing a Proposed Plan for the cleanup of OU-7, then a Record of Decision (ROD).

RESPONSE A6-9

Once the Remedial Investigation is completed, a Feasibility Study will be prepared, followed by USEPA issuing a Proposed Plan for the cleanup of OU-7, then a Record of Decision. The County appreciates the information provided by DTSC regarding Area 39, and this information has been added as new text on DEIR page 9-9 (in Chapter 9, “Hazards and Hazardous Materials”).

COMMENT A6-10

Area 39 and/or OU-7 are not mentioned in the DEIR. The Hazards and Hazardous Materials section of the DEIR discusses the Aerojet contaminated groundwater plume but does not discuss Area 39 which has soil contamination and for which the remedial investigation has not been completed. Area 39 appears to be overlapping and adjacent to the north of the Project area, based on comparison of the DEIR's Plate HAZ-1, which shows Area 39, to Plate HAZ-2 which includes an outline of the Project site. A thorough evaluation of the potential hazards and environmental impacts of the Project overlapping Area 39 of the Aerojet Superfund Site should be included in the environmental impact report.

RESPONSE A6-10

Please see response to comment A4-4.

COMMENT A6-11

DTSC appreciates the opportunity to comment on the DEIR for Coyote Creek Agrivoltaic Ranch Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please contact Susan Scudder at (916) 255-3601, or Susan.Scudder@dtsc.ca.gov.

RESPONSE A6-11

The County appreciates the comments submitted by DTSC and remains committed to work with DTSC and other regulatory agencies to ensure that the proposed project would not expose people or the environment to hazardous materials.

LETTER I1

Karen Benson, dated April 15, 2025.

COMMENT I1-1

When I heard and read about the Sacramento Planning Commission meeting to vote on the draft plan for the Coyote Creek project, I was stunned!! This is an unconscionable plan!

RESPONSE I1-1

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT I1-2

Demolishing 4500+ ancient Blue Oak trees and hundreds of acres of habitat of numerous, valuable species for a solar farm is an outrageous thought as well as a disgraceful and abhorrent project.

RESPONSE I1-2

Please refer to DEIR Chapter 6, “Biological Resources,” and Master Response J. The commenter’s opposition to the project is noted.

COMMENT I1-3

An essential corridor containing homes of countless living plants, animals, and priceless Blue Oaks, plus vibrant, natural beauty will become a devastated, ugly War Zone.

RESPONSE I1-3

Please refer to DEIR Chapter 6, “Biological Resources,” and Master Response J. The commenter’s opposition to the project is noted.

COMMENT I1-4

Please reject this painful, destructive action and allow nature and essential living beings to continue to thrive in their natural habitat.

RESPONSE I1-4

The commenter’s opposition to the project is noted.

LETTER I2

Paul Davis, dated April 17, 2025.

COMMENT I2-1

The Barton Ranch/Scott Rd area is one of the last truly rural areas in Sacramento County. It is filled with beautiful vistas, old growth oak forests, cattle grazing and the occasional farm. I do not believe that citizens have ANY idea of the scope and size of this project. This solar project will DESTROY this entire area. Why not build it down by Rancho Seco or South of Elk Grove where no one will see it? Or behind the landfill?

It's as if planners went looking for one of the last unspoiled areas in the county and said "Yep! This is where it should go." Widespread environmental destruction disguised as "green".

This project should immediately be put on hold and better locations selected.

RESPONSE I2-1

The County followed CEQA requirements regarding public notification of the proposed project. Regarding potential impacts to scenic vistas and oak forests, refer to Master Responses J and N. Regarding alternative project site locations, refer to Master Response D.

LETTER I3

Paul Davis, dated April 17, 2025.

COMMENT I3-1

I see that you're the "Environmental Analyst" for the Coyote Creek Solar project. As a layperson, I do not see any way that this project can be described other than a TOTAL environmental disaster for the Barton Ranch/Scott Road area. As a person who travels Scott Rd. to my home in Rancho Murieta frequently, this area is one of the last truly unspoiled parts of the county. Surely, this solar "farm" could be put some else (out by the airport, south of Elk Grove) where no one has to look at it.

Where is the Sierra Club? Where is the Sacramento Wilderness Conservancy? This project needs to be stopped.

RESPONSE I3-1

Refer to Master Responses D and N.

LETTER I4

Steve Schweigerdt, dated April 11, 2025.

COMMENT I4-1

I am writing to express my concerns regarding the proposed Coyote Creek solar project. This ill conceived project occurs in once of the few scenic areas of the county with rolling hills covered in blue oak woodlands and wide open spaces near Deer Creek Hills. Blasting hillsides, removing oak forests with trees that are hundreds of years old, and covering the land with industrial solar production will mar the area far into the future. I concur with ECOS comments regarding impacts and loss of habitat, and want to emphasize the need to protect blue oak woodlands and the scenic corridor. A much smaller project footprint that utilizes flat and disturbed portions of the property would be an appropriate contribution to our solar needs.

RESPONSE I4-1

Refer to Master Response J regarding biological resources, Master Response N regarding visual resources, and Master Response D regarding alternatives.

COMMENT I4-2

Furthermore, myself and others had requested the inclusion of a "River to Hills" wildlife corridor and recreational access trail to connect the American River Parkway and Deer Creek Hills Preserve. This is missing from the DEIR and needs to be remedied. A trail corridor through the area is included in the SACOG Regional Trail Network and the County Bicycle Master Plan and should be a condition of any approval of a change of use for this property.

RESPONSE I4-2

The commenter's suggestion for a new "River to Hills" trail is noted. However, trail proposal in the vicinity of the project site has not been brought forward to the County for consideration or approval. The environmental analysis presented in the County's EIR is focused on the potential impacts of the proposed project, and no analysis of a possible future trail is required, and no change to the DEIR is needed. Please also refer to Master Response K.

COMMENT I4-3

Attached are comments from SABA, Friends of Folsom Parkways, Sacramento Running Association, and others that were compiled by Nate Doberneck and need to be included in the record.

RESPONSE I4-3

These comment letters have been coded separately, and responses thereto are provided as part of this FEIR.

LETTER I5

Steve Schweigerdt Attachments, dated April 11, 2025.

COMMENT I5-1

I am writing to ask for the inclusion of a permanent trail corridor through or around the Coyote Creek solar farm project. In studying the project, it appears groups of solar panels will be individually fenced around the property. The areas in between the fenced zones are appropriate for wildlife corridors and for a multi-use trail.

RESPONSE I5-1

The commenter's suggestion for a new trail is noted. However, no trail proposal in the vicinity of the project site has not been brought forward to the County for consideration or approval. The environmental analysis presented in the County's EIR is focused on the potential impacts of the proposed project, and no analysis of a possible future trail is required, and no change to the DEIR is needed. Please also refer to Master Response K.

COMMENT I5-2

As you may be aware, a proposed trail through this area, called the Deer Creek Trail, is included in Sacramento County's 2011 Bicycle Master Plan. Without a trail easement on the solar farm property, this goal cannot be realized. There is simply no way to connect the American River Parkway to Deer Creek Hills without it. Potential south county trails such as Laguna Creek or Cosumnes River are similarly cut off from the Parkway without this trail corridor.

RESPONSE I5-2

There is not a trail planned within the project site. No proposal in the vicinity of the project site has not been brought forward to the County for consideration or approval. The environmental analysis presented in the County's EIR is focused on the potential impacts of the proposed project, and no analysis of a possible future trail is required, and no change to the DEIR is needed. Please also refer to Master Response K.

COMMENT I5-3

A paved bicycle trail along Alder Creek will allow cyclists to leave the American River Parkway on the south side of Lake Nimbus, near the Folsom Auto Mall, and pedal to the Prairie City Road/White rock corridor. The City of Folsom plans additional bicycle connections to Alder Creek from the northeast.

RESPONSE I5-3

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-4

In its 2010 development approval, Teichert Aggregates agreed to provide a 150' wide trail easement through the quarry immediately north of the solar farm and southeast of Alder Creek. If Teichert can provide an easement while operating a quarry, the developers of the solar farm can do the same.

RESPONSE I5-4

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-5

Even though the exact trail route through the solar farm property is currently unknown, there is time to negotiate a route which is acceptable to the property owners, the developers and the trails community. Looking at the maps, a likely route might cut through the north end of the project before skirting the project's east boundary, winding along the small hills and blue oaks before connecting to the north of the Deer Creek Hills preserve.

RESPONSE I5-5

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-6

In addition, the El Dorado trail, which currently runs from the Sacramento County Line to the town of Camino, ends in the area. From there, it may one day be possible to ride into the Sierra and all the way to Lake Tahoe. Wouldn't that be grand?

RESPONSE I5-6

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-7

I have no quarrel with the solar farm. We need locally produced renewable energy. However, regional trail connectivity is an important consideration for planning this site, and past efforts to build bike connections for the south/east county should not be abandoned.

RESPONSE I5-7

The commenter's support for renewable energy is noted. Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-8

The Coyote Creek Agrivoltaic Ranch development near Scott Road lies on land that is included in both Sacramento County's 2011 Bicycle Master Plan and in Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve. Please preserve

this future opportunity for interconnection between the American River bike trail and the Deer Cr. Hills trails.

RESPONSE I5-8

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-9

I am a bicycle rider and docent at DCH. I frequently ride both sides of this potential interconnect and would support its preservation. Without a trail easement on the solar farm property, there is no way to connect these areas for cyclists. We're counting on you to identify the easement on project approval documents.

RESPONSE I5-9

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-10

Sacramento Area Bicycle Advocates (SABA) urges Sacramento County to include a trail easement through the Coyote Creek Agrivoltaic Ranch to connect the future Deer Creek Trail to the American River Parkway via the Teichert Quarry (which has an easement) and the Alder Creek Parkway Trail. The Coyote Creek Agrivoltaic Ranch is a proposed solar farm covering 2,555 acres in eastern Sacramento County. Groups of solar panels will be individually fenced around the property, and areas in between the fenced zones are appropriate for wildlife corridors and a multi-use trail.

A proposed trail through this area, called the Deer Creek Trail, is included in both Sacramento County's 2011 Bicycle Master Plan and in Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve. Without a trail easement on the solar farm property, there is no way to connect these areas for cyclists.

RESPONSE I5-10

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-11

In its 2010 development approval, Teichert Aggregates agreed to provide a 150' wide trail easement through its 586-acre quarry immediately north of the solar farm and southeast of Alder Creek. If Teichert can provide an easement as a condition of approval, the developers of the solar farm should do the same.

If we are going to meet climate goals which include extending our trail system so that people can get to places for work, daily tasks or recreation, it is important that we are forward thinking about connections like this trail easement. We strongly urge you to include the trail easement through the Coyote Creek Agrivoltaic Ranch.

RESPONSE I5-11

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-12

I hope this letter finds you in good health and high spirits. I am writing on behalf of the greater Sacramento running community, its numerous running clubs, and tens of thousands of active local runners to express our enthusiastic support for the inclusion of a trail corridor in the Coyote Creek solar project to enable trail connections from Folsom/Alder Creek trail networks and El Dorado Hills trail networks to Deer Creek trail networks in accordance with Sacramento County's 2011 Bicycle Master Plan and Sacramento Valley Conservancy's Master Plan. As an advocate for outdoor recreation and environmental conservation, I believe that the proposed trail corridor would bring numerous benefits to our community and the natural landscape of Sacramento County.

RESPONSE I5-12

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-13

Trails serve as crucial connectors, fostering a sense of community and encouraging physical activity and well-being among residents. By creating a trail corridor within the Coyote Creek solar project, we would be providing an opportunity for people of all ages and abilities to access and enjoy the beauty of our region while promoting a healthier lifestyle. The presence of a designated trail would enhance our community's recreational options, offering a safe and inviting space for walking, jogging, cycling, and other outdoor activities.

Furthermore, the Coyote Creek solar project presents a unique opportunity to strike a balance between renewable energy generation and environmental preservation. By incorporating a trail corridor into the project design, we can showcase the commitment of Sacramento County to sustainable development and responsible land use. This synergy between clean energy and outdoor recreation will undoubtedly contribute to the overall well-being and quality of life for our residents.

RESPONSE I5-13

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-14

Additionally, the trail corridor in the Coyote Creek solar project would promote environmental education and awareness. It would allow residents and visitors to witness the coexistence of renewable energy infrastructure and the natural ecosystem. This experiential learning opportunity has the potential to inspire future generations to take an active role in environmental stewardship and renewable energy initiatives.

RESPONSE I5-14

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-15

I understand that any project must address concerns related to environmental impact, public safety, and aesthetic considerations. I trust that the planning department will take these factors into account during the evaluation and implementation of the trail corridor. With appropriate measures and collaboration, we can ensure that the proposed trail aligns with the project's objectives while minimizing any potential negative impacts.

RESPONSE I5-15

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-16

In conclusion, I wholeheartedly endorse the inclusion of a trail corridor in the Coyote Creek solar project, ultimately facilitating important trail connections from The American River Parkway, California State Parks, Folsom parks, El Dorado Hills, Deer Creek, and Cosumnes River trails. This endeavor would not only enhance our community's recreational opportunities but also showcase Sacramento County's commitment to sustainable development. I urge the Sacramento County Planning Department to carefully consider and support this initiative, thereby contributing to a brighter and more resilient future for our region.

RESPONSE I5-16

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-17

Thank you for your time and consideration. Please do not hesitate to contact me if you require any further information or if I can be of assistance in any way. I look forward to witnessing the positive impact that the Coyote Creek solar project and the trail corridor will have on our community.

RESPONSE I5-17

The County appreciates the commenter's review and input.

COMMENT I5-18

I want to comment on the Coyote Creek Solar Project. First it is an industrial use that is incompatible with the rural and agricultural values of the area along Scott Road. It's one of the few scenic remaining areas in Sacramento County and a solar farm ruins it. Blue Oaks take hundreds of years to grow into an intact woodland like Deer Creek Hills and we should not allow any be removed in that area.

RESPONSE I5-18

See Chapter 4 for a comprehensive evaluation of potential agricultural resources impacts. See Master Response N for visual effects. See Master Response B2 for oak tree impacts and Master Response J for additional biological resources impacts. The commenter's objection to the proposed project is noted.

COMMENT I5-19

If the County does approve a solar farm, please ensure that a wildlife and recreational trail corridor is provided through the property. It's important to connect mountain bike trails like the El Dorado and Deer Creek Hills together so that eventually we have a recreational area in our County.

RESPONSE I5-19

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-20

I was recently at the Mountain Bike Monday kickoff for Deer Creek Hills and we had 25 people come out to ride in the heat. There is huge demand for free multi use trails in the area and Sacramento County really lacks anyplace other than Deer Creek Hills for multiuse trails since they are banned in the Parkway. Runners and hikers would also be drawn to the area. Please add a trail and wildlife corridor of substantial width as a condition of approval.

RESPONSE I5-20

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-21

Nate, the following should answer some of your questions concerning the rationale for the trail alignment provided by SVC:

The trail alignment provided is conceptual and will need to be refined to address creek crossings, etc. A trail alignment close to the Scott Road corridor makes sense because it will be more shaded with denser woodlands, lower elevations, and more appealing topography as compared to farther east which is higher elevation, consisting of mostly grassland, less shade and no known future plans for public access or amenities. A more westerly trail alignment would better tie into the Deer Creek Hills master plan and proposed DCH amenities.

RESPONSE I5-21

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-22

The Deer Creek Hills Masterplan calls for a connection through the Deer Creek Hills Northwest access area. DCH phase II calls for investigation of trail linkages between the DCH trail system and existing and proposed regional trail corridors. It also suggests adding service amenities for public access. The Northwest Area of DCH adjoins a portion of Scott Road on the west and Latrobe Road on the south. There are approximately 27,658 feet of trails in this nearly 1,050-acre portion of the Preserve. This section of the Preserve encompasses a broad diversity of topography and vegetation types creating a wide range of visitor experiences. This section of the property is relatively wooded in comparison to other sub-areas on site. This diversity contributes to the Northwest Area being the optimum choice for potential expansion of public uses.

RESPONSE I5-22

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-23

Linking DCH to the Alder Creek project area at the western side of the Preserve makes the most sense. Also, the Long Term Management Plan and related conservation Easement for the White Rock Road Preserve has an allowance for a future trail connector through the preserve. The White Rock Road Preserve is bordered by White Rock Rd. on the north and Scott Rd. on the west, extending approximately 1.3 miles from White Rock Rd. south along the east side of Scott Rd.

Therefore, a trail alignment close to Scott Rd. will provide the best connection between the White Rock Rd. Preserve and Deer Creek Hills.

RESPONSE I5-23

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-24

The Friends of Folsom Parkways has a 30+ year history of trail and open space advocacy in the City of Folsom and surrounding areas. Our members are active trail users by bike and foot and have seen the very tangible benefits that trails and open space preservation have brought to the City of Folsom. We have seen great success in Folsom by advocating for preservation of rights of way for trails when development projects have come forward. Our trails already connect with both the American River Parkway and the El Dorado Trail, and will soon connect with the Alder Creek trail through the future Easton Development. Inter-connected communities are vital to a future of active transportation and fewer vehicle miles on our roads and highways.

RESPONSE I5-24

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-25

The potential for a Deer Creek Trail from the Rancho Murrieta and Deer Creek area to the City of Folsom would be an absolutely incredible amenity for Sacramento County. Imagine the potential to ride this wonderful section of our county in a safe manner. The trail would be utilized by people from all over the region and certainly could be a major draw for people who already travel to this area to ride on the many trails in the region. Of course, this area of incredible woodlands is home to many wildlife species and wildlife corridors are essential to preserving the natural beauty of this area.

RESPONSE I5-25

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-26

Now is certainly the time to assure the trail right of way exists and to condition the Coyote Creek Agrivoltaic Ranch solar project to 1) preserve the right of way for a trail through or adjacent to the solar project, and 2) condition the project to build a trail or access roads in the project that could be jointly utilized by trail users and the project. While the project puts in its roads to maintain the solar farm, it is a natural to also utilize those roads as part of the trail. Conditioning the project in this manner is a great benefit to the taxpayers and residents of the county and will help to further the economic benefits of this potential trail.

RESPONSE I5-26

Please see the responses to comments I5-1 and I5-2 and Master Response K.

COMMENT I5-27

We urge the County to further the vision of the Sacramento County's 2011 Bicycle Master Plan and the Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve by conditioning this project for trail right of way and to assure that the wildlife can safely navigate this area by assuring wildlife corridors exist. Thank you for your consideration. We would like to be kept abreast of further developments on this project by notifying me and the Friends at president@friendsoffolsomparkways.org.

RESPONSE I5-27

Please see the responses to comments I5-1 and I5-2 and Master Response K. The commenter can visit the project website and sign up to receive email updates. <https://planning.saccounty.gov/Pages/Coyote-Creek-Agrivoltaic-Ranch.aspx>.

LETTER I6

Lisa Westwood, dated March 13, 2025.

COMMENT I6-1

I noticed a couple of errors in the TCR section of the CCAR EIR that is currently circulating. Both are on page 14-28. The first error is that the text cites the Archaeological Resources Inventory Report as being prepared by ECORP in 2024. That is incorrect. ECORP did not do any archaeological work for the project; our role was limited to the built environment (buildings and structures). Dudek was the firm that completed the archaeological studies, so that intext reference will need to be changed.

Second, there is a reference to "AB 53 consulting tribes" - this should be AB 52.

RESPONSE I6-1

The requested changes have been made to DEIR pages 14-29 and 14-30 in Chapter 14, "Tribal Cultural Resources," as part of this FEIR.

LETTER I7

Stan Van Vleck, dated April 8, 2025.

COMMENT I7-1

The Van Vleck Ranch is a proud, family-owned operation that has been ranching in this region since 1856. Our deep roots in California's history reflect a commitment to preserving working landscapes for future generations. For nearly a decade, we've leased the Barton Ranch from the Mosier family—the site of the proposed Coyote Creek Agrivoltaic Ranch Project.

RESPONSE I7-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I7-2

While the project will reduce the acreage, we lease for cattle grazing at Barton Ranch, I write on behalf of the Van Vleck family in full support of the Coyote Creek Agrivoltaic Ranch Project.

We support this project because it provides a stable, sustainable income for the Mosier family, enabling them to continue ranching in Sacramento County. The innovative approach of combining solar energy generation with sheep grazing—while continuing cattle operations outside the solar footprint—allows the family to retain ownership of their land without being forced to sell it.

RESPONSE I7-2

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I7-3

Without this project, the Barton Ranch would likely be sold and developed for urban uses. The land could command up to ten times the market rate of agricultural value if sold outright, and would almost certainly be converted to housing, commercial, or industrial uses—bringing far greater environmental impacts than solar operations.

Solar energy, in this case, is not a trade-off with agriculture—it is a partner. This project allows the Mosier family to sustain ranching not just during the life of the solar project, but for generations to come. It ensures this land—and other family-held ranches—remain in agriculture well into the future.

RESPONSE I7-3

As noted throughout the EIR, the project site is currently zoned as AG-80 by Sacramento County. Permitted uses within the AG-80 zoning designation include raising and harvesting crops, commercial bee keeping, primary processing of agricultural products, stables and corrals, roadside crop sales, single-family dwelling units, farm worker housing, parks, wildlife preserves, and gas and oil wells. Uses permitted with approval of a Use Permit include agricultural equipment repair, maintenance, and manufacturing; food processing industries; large wineries; places of worship; private schools; campgrounds; hunting clubs; major utilities; solar energy facilities; wind turbine facilities; and wireless communication towers. The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I7-4

At Van Vleck Ranching, we understand this well. We've successfully used mitigation investments to support our operations. These investments help offset the economic volatility of agriculture while preserving the working lands and ecological benefits they provide. This same opportunity now exists for the Mosier family: to generate reliable income while protecting the land and continuing their legacy of ranching.

In fact, Van Vleck Ranching is contributing 480 acres of endangered species mitigation for this very project. This parcel, located directly southwest of the solar site, will be permanently protected for agricultural use and environmental stewardship. Together with on-site mitigation, this land will form a connected corridor that supports both grazing and habitat preservation for the long term.

RESPONSE I7-4

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I7-5

In closing, the Coyote Creek Agrivoltaic Ranch Project delivers far more than renewable energy. It protects our agricultural heritage, supports rural families, restores critical habitats, and advances climate-smart land management—all while continuing to feed our communities.

On behalf of our ranching family, I respectfully urge you to support this project when it comes before you later this year. Thank you for your time and consideration.

RESPONSE I7-5

The comment does not pertain to the environmental analysis contained in the DEIR. The County acknowledges the support for the proposed project as, expressed by Van Vleck Ranch.

LETTER I8

Form Letters, dated April 24, 2025.

COMMENT I8-1

Stop the land grab. Save our off road park. Coyote creek. Deir. Prairie city is our only. Close. Play area. For off roading

RESPONSE I8-1

This comment does not pertain to the environmental analysis contained in the DEIR. However, the County notes that Barton Ranch is a willing participant in the proposed project, and would continue to retain ownership of the land. Furthermore, the land where the proposed switchyard and gen-tie line would be located would continue to be owned by the California Department of Parks and Recreation. The Prairie City SVRA Road and Trail Management Plan notes that State Parks is currently considering a proposal to grant easement rights to accommodate the proposed project, generally denoting the gen-tie corridor and switchyard location for the project. See also Master Responses I and N.

LETTER I9

Justin, dated April 24, 2025.

COMMENT I9-1

Let's keep California beautiful. I have been involved with the Sierra for almost 55 years. Open space is valuable and should not be used by a solar farm, that destroys local habitats. Prairie City is unique and should not be changed as the local community uses it and have been driven up there many times from Marin County.

RESPONSE I9-1

Please refer to Master Responses I and J. The commenter's opposition to the project is noted.

LETTER I10

Alan Cook, dated April 22, 2025.

COMMENT I10-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I10-1

Refer to Master Response I.

COMMENT I10-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I10-2

Refer to Master Response N.

COMMENT I10-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I10-3

Refer to Master Responses I and L.

COMMENT I10-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I10-4

Refer to Master Response I.

COMMENT I10-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I10-5

Refer to Master Responses I and J.

LETTER I11

Bert Buttinelli, dated April 23, 2025

COMMENT I11-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I11-1

Refer to Master Response I.

COMMENT I11-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I11-2

Refer to Master Response N.

COMMENT I11-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I11-3

Refer to Master Response I.

COMMENT I11-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I11-4

Refer to Master Response I.

COMMENT I11-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I11-5

Refer to Master Response I.

LETTER I12

Blair Swallow, dated April 23, 2025

COMMENT I12-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I12-1

Refer to Master Response I.

COMMENT I12-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I12-2

Refer to Master Response N.

COMMENT I12-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I12-3

Refer to Master Response I.

COMMENT I12-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I12-4

Refer to Master Response I.

COMMENT I12-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I12-5

Refer to Master Response I.

LETTER I13

Brian Potter, dated April 22, 2025

COMMENT I13-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I13-1

Refer to Master Response I.

COMMENT I13-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I13-2

Refer to Master Response N.

COMMENT I13-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I13-3

Refer to response Master Response I.

COMMENT I13-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I13-4

Refer to Master Response I.

COMMENT I13-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I13-5

Refer to Master Response I.

LETTER I14

Chris Thompson, dated April 23, 2025

COMMENT I14-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I14-1

Refer to Master Response I.

COMMENT I14-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I14-2

Refer to Master Response N.

COMMENT I14-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I14-3

Refer to Master Response I.

COMMENT I14-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I14-4

Refer to Master Response I.

COMMENT I14-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities must be respected and protected.

RESPONSE I14-5

Refer to Master Response I.

LETTER I15

Dan Ortega, dated April 22, 2025

COMMENT I15-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I15-1

Refer to Master Response I.

COMMENT I15-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I15-2

Refer to Master Response N.

COMMENT I15-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I15-3

Refer to Master Response I.

COMMENT I15-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I15-4

Refer to Master Response I.

COMMENT I15-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I15-5

Refer to Master Response I.

LETTER I16

Dan Powers, dated April 22, 2025

COMMENT I16-1

As an OHV recreationist, I am EXTREMELY concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I16-1

Refer to Master Response I.

COMMENT I16-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I16-2

Refer to Master Response N.

COMMENT I16-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I16-3

Refer to Master Response I.

COMMENT I16-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully Page 2 of 2 in Comment Letter I16 2 informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the

commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I16-4

Refer to Master Response I.

COMMENT I16-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I16-5

Refer to Master Response I.

LETTER I17

Erik Forberg, dated April 22, 2025

COMMENT I17-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I17-1

Refer to Master Response I.

COMMENT I17-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I17-2

Refer to Master Response N

COMMENT I17-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I17-3

Refer to Master Response I.

COMMENT I17-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I17-4

Refer to Master Response I.

COMMENT I17-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I17-5

Refer to Master Response I.

LETTER I18

Gary Egan, dated April 22, 2025

COMMENT I18-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I18-1

Refer to Master Response I.

COMMENT I18-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I18-2

Refer to Master Response N.

COMMENT I18-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I18-3

Refer to Master Response I.

COMMENT I18-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I18-4

Refer to Master Response I.

COMMENT I18-5

Page 2 of 2 in Comment Letter I18 2 While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I18-5

Refer to Master Response I.

LETTER I19

Howard Phelps, dated April 24, 2025

COMMENT I19-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I19-1

Refer to Master Response I.

COMMENT I19-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I19-2

Refer to Master Response N.

COMMENT I19-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I19-3

Refer to Master Response I.

COMMENT I19-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I19-4

Refer to Master Response I.

COMMENT I19-5

Page 2 of 2 in Comment Letter I19 2 While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I19-5

Refer to Master Response I.

LETTER I20

Jeri Heiser, dated April 27, 2025

COMMENT I20-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I20-1

Refer to Master Response I.

COMMENT I20-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I20-2

Refer to Master Response N.

COMMENT I20-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I20-3

Refer to Master Response I.

COMMENT I20-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I20-4

Refer to Master Response I.

COMMENT I20-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I20-5

Refer to Master Response I.

LETTER I21

John Begin, dated April 22, 2025

COMMENT I21-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I21-1

Refer to Master Response I.

COMMENT I21-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I21-2

Refer to Master Response N.

COMMENT I21-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I21-3

Refer to Master Response I.

COMMENT I21-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I21-4

Refer to Master Response I.

COMMENT I21-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I21-5

Refer to Master Response I.

LETTER I22

Johnnie Smith, dated April 22, 2025

COMMENT I22-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park. The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I22-1

Refer to Master Response I.

COMMENT I22-2

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I22-2

Refer to Master Response N.

COMMENT I22-3

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I22-3

Refer to Master Response I.

COMMENT I22-4

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I22-4

Refer to Master Response I.

LETTER I23

Larry Henle, dated April 24, 2025

COMMENT I23-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I23-1

Refer to Master Response I.

COMMENT I23-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I23-2

Refer to Master Response N.

COMMENT I23-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I23-3

Refer to Master Response I.

COMMENT I23-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I23-4

Refer to Master Response I.

COMMENT I23-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I23-5

Refer to Master Response I.

LETTER I24

Mark Booker, dated April 24, 2025

COMMENT I24-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I24-1

Refer to Master Response I.

COMMENT I24-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I24-2

Refer to Master Response N.

COMMENT I24-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I24-3

Refer to Master Response I.

COMMENT I24-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I24-4

Refer to Master Response I.

COMMENT I24-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I24-5

Refer to Master Response I.

LETTER I25

Ted Cabral, Government Affairs Officer, AMA District 36, undated.

COMMENT I25-1

On behalf of AMA District 36, a leading advocate for responsible off-highway vehicle (OHV) recreation in Northern California, we submit the following public comment regarding the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch project, located adjacent to the Prairie City State Vehicular Recreation Area (SVRA).

RESPONSE I25-1

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I25-2

Visual and Recreational Impacts

The DEIR confirms that the proposed project will have a “significant and unavoidable” adverse visual impact on scenic vistas observed from Prairie City SVRA. As one of the most visited OHV recreation areas in California, Prairie City supports a broad community of recreational users and high-profile events such as the Hangtown Motocross Classic. Visual degradation caused by nearby industrial-scale solar infrastructure undermines the open space experience valued by riders and spectators alike and could have long-term consequences for visitor satisfaction and event viability.

RESPONSE I25-2

Refer to Master Responses I and N.

COMMENT I25-3

Procedural Oversight: Lack of OHMVR Commission Review

Pursuant to California Public Resources Code Section 5090.24(a), actions that may affect the use and enjoyment of SVRAs must be reviewed by the California State Parks OHMVR Commission. The failure to present this project for Commission review represents a serious oversight and limits the opportunity for public engagement on a project that may materially alter a state-designated recreational resource.

RESPONSE I25-3

Refer to Master Response I.

COMMENT I25-4**Water Quality and Turbidity Impacts**

The DEIR insufficiently addresses the water quality impacts associated with the removal of native vegetation across more than 2,700 acres of project site. The scale of land disturbance increases the potential for excessive stormwater runoff and erosion, especially during winter storm events. These processes are likely to generate high turbidity and sediment loading, which could threaten the Coyote Creek watershed, the Cosumnes River, and downstream water bodies within the California Delta.

RESPONSE I25-4

As presented in DEIR Chapter 2, “Project Description,” the proposed project would result in development on approximately 1,412 acres of the project site. The remaining approximately 1,292 acres would not be developed. DEIR Chapter 10, “Hydrology and Water Quality,” contains a thorough and complete analysis of the project’s potential construction and operational impacts from stormwater runoff, erosion, and transport of pollutants to downstream waterbodies. Refer to Master Response L, Master Response E, and Master Response G.

COMMENT I25-5

Increased turbidity poses several concerns:

- Habitat degradation for aquatic and riparian species.
- Reduced water clarity and quality affecting regional surface water systems.
- Potential conflict with state water quality standards under the Clean Water Act.
- Cumulative impacts to sensitive ecosystems during peak storm cycles.

RESPONSE I25-5

DEIR Chapter 10, “Hydrology and Water Quality,” contains a thorough and complete analysis of the project’s potential construction and operational impacts from stormwater runoff, erosion, and transport of pollutants to downstream waterbodies. Refer to Master Response L, Master Response E, and Master Response G.

COMMENT I25-6

Given the scale of this project and the removal of vegetative cover, a full hydrological and sediment transport analysis should be required. Best Management Practices (BMPs) listed in the DEIR are vague and do not provide a detailed assurance of compliance or mitigation during high-volume runoff events.

RESPONSE I25-6

Refer to Master Response L, Master Response E, and Master Response G.

COMMENT I25-7

The proposed 100 MW battery storage system poses a severe environmental and public safety risk, particularly in the event of a catastrophic fire. The Moss Landing Energy Storage Facility in Monterey County experienced two major incidents in 2022 and 2023 involving lithium-ion battery fires that resulted in:

- Emission of toxic gases and particulate matter into surrounding communities.
- Deposition of hazardous heavy metals (including nickel, cobalt, and manganese) into surrounding soils and waterways.
- Respiratory and health impacts for nearby residents.
- Emergency shutdowns and long-term environmental investigations.

RESPONSE I25-7

Refer to Master Response M.

COMMENT I25-8

Should a similar event occur at the Coyote Creek Agrivoltaic Ranch, runoff from contaminated fire suppression water could drain into the Coyote Creek watershed, which connects to the Cosumnes River and ultimately the California Delta—a critical component of the state’s drinking water supply for millions of Californians. The release of toxic heavy metals and battery chemical residues into these waters poses an unacceptable public health risk and could result in long-term ecological damage to sensitive wetlands, agricultural water sources, and municipal treatment systems.

RESPONSE I25-8

Refer to Master Response M.

COMMENT I25-9

The DEIR fails to address the downstream contamination potential from such an incident, offering no adequate mitigation or containment strategies to prevent toxic materials from reaching waterways. Considering the Moss Landing case, the inclusion of large-scale battery storage so close to a major recreation area and water resource corridor demands significantly more analysis and safeguards.

RESPONSE I25-9

Refer to Master Response M.

COMMENT I25-10**Financial and Operational Concerns**

There is concern that costs associated with dust control, fire response, or long-term landscape degradation could fall on the OHV Trust Fund, a public resource meant exclusively for maintaining and expanding OHV access. Furthermore, any easements or

utility corridors crossing into Prairie City SVRA should be subject to full public disclosure and park-user review.

RESPONSE I25-10

Refer to Master Response I.

COMMENT I25-11

Request for Action

1. Delay certification of the DEIR until the project is formally presented to the California State Parks OHMVR Commission for review and comment.
2. Conduct a comprehensive hydrological study analyzing turbidity, sediment flow, and stormwater impacts on the Coyote Creek watershed, Cosumnes River, and California Delta.
3. Reassess the battery storage system component and require a full environmental risk analysis that includes downstream contamination scenarios based on the Moss Landing fires.
4. Explicitly prohibit any use of OHV Trust Funds or SVRA property for project-related mitigation, infrastructure, or emergency response.
5. Ensure robust environmental buffers and runoff controls to protect Prairie City SVRA and nearby sensitive ecosystems, including California's water infrastructure.

RESPONSE I25-11

Refer Master Responses I, J, L, and M, and Master Responses E and G.

COMMENT I25-12

AMA District 36 supports the advancement of renewable energy, but it must not come at the cost of degrading public recreational lands, polluting critical water supplies, or undermining community and ecological safety.

RESPONSE I25-12

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

LETTER I26

Nicolas Mertes, dated April 22, 2025

COMMENT I26-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I26-1

Refer to Master Response I.

COMMENT I26-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I26-2

Refer to Master Response N.

COMMENT I26-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I26-3

Refer to Master Response I.

COMMENT I26-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I26-4

Refer to Master Response I.

COMMENT I26-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I26-5

Refer to Master Response I.

LETTER I27

Paul Paniagua, dated April 23, 2025

COMMENT I27-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I27-1

Refer to Master Response I.

COMMENT I27-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I27-2

Refer to Master Response N.

COMMENT I27-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I27-3

Refer to Master Response I.

COMMENT I27-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I27-4

Refer to Master Response I.

COMMENT I27-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I27-5

Refer to Master Response I.

LETTER I28

Peter Levinson, dated April 22, 2025

COMMENT I28-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I28-1

Refer to Master Response I.

COMMENT I28-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I28-2

Refer to Master Response N.

COMMENT I28-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I28-3

Refer to Master Response I.

COMMENT I28-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I28-4

Refer to Master Response I.

COMMENT I28-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I28-5

Refer to Master Response I.

LETTER I29

Richard Capp and family, dated April 23, 2025

COMMENT I29-1

As family OHV recreationists, I am very concerned about a proposal to site a 2,704-acre, 200- megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I29-1

Refer to Master Response I.

COMMENT I29-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I29-2

Refer to Master Response N.

COMMENT I29-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I29-3

Refer to Master Response I.

COMMENT I29-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I29-4

Refer to Master Response I.

COMMENT I29-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I29-5

Refer to Master Response I.

LETTER I30

Roni Gray, dated April 22, 2025

COMMENT I30-1

My husband and I are members of the Diablo Four Wheel Jeep Club out of Concord, CA. We both love being outdoors and exploring in our Jeeps. As a club and individually we recreate at Prairie City SVRA several times a year, gathering with friends and family to practice our off-roading skills.

RESPONSE I30-1

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I30-2

I am concerned that the DEIR has not addressed several issues including the long term impact of major industrial power facility adjacent to Prairie City might affect the long-term viability of Prairie City SVRA staying open for casual OHV recreation and what might be imposed onto the SVRA including what costs would be shouldered by the OHV Trust Fund.

RESPONSE I30-2

Refer to Master Response I.

COMMENT I30-3

I respectfully ask that you pause this process until after it is officially presented at the June 11-12, 2025 CA OHMVR Commission meeting.

RESPONSE I30-3

Refer to Master Response I.

LETTER I31

Scott Gray, dated April 24, 2025

COMMENT I31-1

I am a member of the Diablo Four Wheel Jeep Club out of Concord, CA. I love being outdoors and exploring in my Jeep with other members of the club. As a club and individually I recreate at Prairie City SVRA several times a year, gathering with friends and family to practice our off-roading skills.

RESPONSE I31-1

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I31-2

I am concerned that the DEIR has not addressed several issues including the long term impact of major industrial power facility adjacent to Prairie City might affect the long-term viability of Prairie City SVRA staying open for casual OHV recreation and what might be imposed onto the SVRA including what costs would be shouldered by the OHV Trust Fund.

RESPONSE I31-2

Refer to Master Response I.

COMMENT I31-3

I respectfully ask that you pause this process until after it is officially presented at the June 11-12, 2025 CA OHMVR Commission meeting.

RESPONSE I31-3

Refer to Master Response I.

LETTER I32

Steve Behar, dated April 22, 2025

COMMENT I32-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I32-1

Refer to Master Response I.

COMMENT I32-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I32-2

Refer to Master Response N.

COMMENT I32-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I32-3

Refer to Master Response I.

COMMENT I32-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I32-4

Refer to Master Response I.

COMMENT I32-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I32-5

Refer to Master Response I.

LETTER I33

Steve Sullivan, dated April 24, 2025

COMMENT I33-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I33-1

Refer to Master Response I.

COMMENT I33-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I33-2

Refer to Master Response N.

COMMENT I33-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I33-3

Refer to Master Response I.

COMMENT I33-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I33-4

Refer to Master Response I.

COMMENT I33-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I33-5

Refer to Master Response I.

LETTER I34

Ole Stortroen, dated April 24, 2025

COMMENT I34-1

I feel that the DEIR for the Coyote Creek Photovoltaic Ranch Project has some serious faults in that the Prairie City SVRA was not adequately involved in the process. Were negative impacts from the SVRA addressed? Were potential negative impacts to the SVRA because of the Project addressed?

RESPONSE I34-1

Potential project impacts of the proposed project, including impacts to the Prairie City SVRA were evaluated throughout all chapters of the DEIR. With regards to issues related to changes in park facilities required as part of the project, refer to Master Response I. With regard to visual changes, see Master Response N.

COMMENT I34-2

I recreate at this facility and enjoy many of the competition events that are held there.

RESPONSE I34-2

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I34-3

One of my concerns is a possible reduction of areas that are used currently in the SVRA due to buffers adjacent to the Project. A large part of the SVRA was closed several years ago due to the "ferry shrimp" habitat. The SVRA needs all of the land that is available to it.

RESPONSE I34-3

The project does not propose any buffers related to the Prairie City SVRA or any actions that would reduce the amount of land or the level of facilities available for SVRA operations. Refer to Master Response I.

COMMENT I34-4

Another concern of mine is the potential of dust control. At competition events the tracks are constantly being watered, both for better competition and for dust. The DEIR does not address the potential of the impact of dust on the Project. Is there an adequate water supply to maintain the Project's needs? Who is going to be responsible for the cost of the Project's needs? With a large residential and commercial project going into development nearby, will there be enough water available?

RESPONSE I34-4

Refer to Master Response I regarding dust. Water supply for the project was evaluated in a Water Supply Analysis (Dudek 2024a) attached to the DEIR as Appendix HY-1 and evaluated in DEIR Impact HYD-2 (DEIR Chapter 10, “Hydrology and Water Quality”), as well as the analysis related to Utilities and Service Systems (DEIR Chapter 17, “Summary of Impacts and Their Disposition”). As detailed in the DEIR, there would be sufficient water to supply the project’s construction, operation, and decommissioning needs. Water for development in the Folsom South of 50 Specific Plan Area referenced by the commenter would be supplied by different sources not related to the proposed project (i.e., surface water imported from diversions on the Sacramento River and from the City of Folsom’s water rights for surface water from the American River, not local groundwater supplies). See also Master Response L.

COMMENT I34-5

This project needs to be paused until it can be thoroughly presented to the OHMVR Commission and get the Commission's input. This could be done at the next Commission meeting dated June 11 and 12, 2025.

RESPONSE I34-5

Refer to Master Response I.

LETTER I35

Stuart Wik, dated April 23, 2025

COMMENT I35-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I35-1

Refer to Master Response I.

COMMENT I35-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I35-2

Refer to Master Response N.

COMMENT I35-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I35-3

Refer to Master Response I.

COMMENT I35-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I35-4

Refer to Master Response I.

COMMENT I35-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I35-5

Refer to Master Response I.

LETTER I36

Trevor Sawyer, dated April 23, 2025

COMMENT I36-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I36-1

Refer to Master Response I.

COMMENT I36-2

The Draft Environmental Impact Report (DEIR) supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I36-2

Refer to Master Response N.

COMMENT I36-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I36-3

Refer to Master Response I.

COMMENT I36-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I36-4

Refer to Master Response I.

COMMENT I36-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I36-5

Refer to Master Response I.

LETTER I37

William Willis, dated April 25, 2025

COMMENT I37-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704- acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I37-1

Refer to Master Response I.

COMMENT I37-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I37-2

Refer to Master Response N.

COMMENT I37-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I37-3

Refer to Master Response I.

COMMENT I37-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I37-4

Refer to Master Response I.

COMMENT I37-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I37-5

Refer to Master Response I.

LETTER I38

Barbara Dugal, dated May 5, 2025

COMMENT I38-1

The destruction of over 1,400 acres of oak woodland/grassland habitat, the removal of up to 4,787 50-150 year old oak trees, the loss of vernal pools, and related habitat is unacceptable. Because of the age of these trees and the large number of trees, there is no way to mitigate these, and other, significant impacts.

RESPONSE I38-1

Refer to Master Response J.

COMMENT I38-2

Pursuant to the County's Tree and Preservation ordinances, Sec. 19.12.020...For at least several centuries prior to the arrival of the first Spanish explorers in California, native oak trees existed as dominant and magnificent features in the landscape of the Central Valley of California. These trees provided a predominant food staple for original Indian inhabitants, and a major source of firewood and building material for early explorers and settlers. Over the years, the vast majority of these trees have been cleared to accommodate agriculture, burned as firewood and removed to facilitate urban development. Only a small vestige of the original oak woodland forests remains today. The removal of oak trees continues to the present time, and occurs at a much faster pace than natural regeneration. Thus, it has become imperative that an ordinance be established to preserve and protect remaining native oak trees as significant, integral, and outstanding examples of the historical heritage of Sacramento County.

RESPONSE I38-2

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I38-3

Furthermore, it is recognized that the preservation of trees enhances the natural scenic beauty, sustains the long term potential increase in property values which encourages quality development, maintains the original ecology, retains the original tempering effect of extreme temperatures, increases the attractiveness of the County to visitors, helps to reduce soil erosion, and increases the oxygen output of the area which is needed to combat air pollution.

RESPONSE I38-3

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I38-4

For these reasons, in order to promote the health, safety, and general welfare, to preserve and protect significant historical heritage values, to enhance the beauty of the County of Sacramento, and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the Board of Supervisors adopts this ordinance, establishing basic standards and measures for the preservation and protection of trees.

Therefore, it shall be the policy of the County to preserve all trees possible through its development review process. (SCC 480 § 1, 1981).

RESPONSE I38-4

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted. Potential conflicts with the County's tree preservation ordinance are addressed under Impact BR-5 in the DEIR (starting on page 6-103).

COMMENT I38-5

The data, analysis, etc., that was conducted by which the "No Project" alternative was eliminated needs to be provided in the EIR.

RESPONSE I38-5

DEIR Chapter 16, "Alternatives," discusses all alternatives that were analyzed in detail including the No Project Alternative. Refer to Master Response D.

COMMENT I38-6

Cumulative Impacts:

The County needs to analyze the potential significant cumulative impact from the proposed project and other proposed projects in Sacramento County that also involves the removal of trees and related habitat. The list of proposed and/or approved projects that will contribute to loss of habitat in the Sacramento area grows by the day. A few of these projects include the following.

Along the American River, the **US Corps Of Engineers** proposes to destroy/remove approximately 700 trees, including heritage oaks, wildlife habitat and recreational access for the public.

Rancho Cordova, (Kassis property) there is a proposal to fill in 20 acres of the American River floodway raising the grade 10 feet to mass 29 million-dollar homes along the bluff overlooking the American River and Parkway. The remaining acreage on the lower terrace will be developed with an additional 188 dwellings instantly obliterating approximately 300 trees including an historic walnut orchard. If this project moves forward, it will destroy critical habitat for the diversity of wildlife living in and on the River and Parkway.

RESPONSE I38-6

The commenter did not provide the name of the U.S. Army Corps of Engineers project, but for purposes of this response the County assumes the commenter is referring to the American River Common Features project. This levee improvement project is intended to remediate existing deficiencies and strengthen the levee to reduce the potential for levee failure during a future flood event. The trees that would be removed consist of trees that grew up through the levee sides (which represent a serious hazard for potential levee destabilization), as well as some landscape trees that were inappropriately planted too close to the levee by private landowners. Removal of these trees within and adjacent to the levee is not related to removal of native oak woodlands at the project site. Furthermore, as stated in the cumulative analysis related to biological resources contained on DEIR page 17-48 (Chapter 17, “Summary of Impacts and Their Disposition”), the removal of oak trees and oak woodlands at the project site would result in a significant and unavoidable cumulative impact. Therefore, adding another project to the list of cumulative projects considered in the analysis solely because of tree removal would not change the cumulative impact analysis or the conclusion contained in the DEIR. Thus, the American River Common Features project has not been added to the list of cumulative projects.

The Kassis Property Project, known as the Trumark at Kassis (PLND—0623-0073), in the City of Rancho Cordova has not advanced to the CEQA environmental review stage. The latest project update provided by the City of Rancho Cordova states the project is not able to initiate the CEQA process due to inconsistencies with General Plan policies (Trumark at Kassis [PLND-0623-0073] Consistency Review per SB 330)(City of Rancho Cordova 2023). Therefore, the Trumark at Kassis Project is not reasonably foreseeable and was not carried forward into the DEIR cumulative projects review.

DEIR Chapter 17, Cumulative Impact Analysis of Biological Resources, analyzes the cumulative impacts on the environment from implementation of the project combined with other related past, present, and reasonably foreseeable projects, including projects that could affect similar biological resources such as tree removal. The cumulative analysis in the DEIR concluded that while implementation of the mitigation measures contained in the DEIR would be sufficient to reduce the project-level impact on loss of oak trees and oak woodlands to a less-than-significant level, the temporal loss of oak species prior to replacement contributes to the ongoing regional and statewide loss of oak woodlands. This temporal loss is a significant cumulative impact, and the temporal loss of 54.61 acres of oak canopy area is cumulatively considerable. There is no feasible mitigation available. Therefore, the DEIR found that this impact would be significant and unavoidable (see DEIR page 17-48).

COMMENT I38-7

3. Airport South Industrial Project - This project has direct impacts from habitat loss to over 100 species of birds that migrate within the Pacific Flyway in the Fall and Spring, and the many species of birds that winter and breed in the area.

RESPONSE I38-7

The Airport South Industrial Project would be located southeast of the intersection of Powerline Road and Interstate 5, approximately 25 miles northwest of the project site. Given the distance from the project site, this project suggested by the commenter is not relevant to the project's cumulative impact analysis and therefore has not been added to DEIR Chapter 17.

COMMENT I38-8

Alternatives - The CEQA Guidelines provide that the discussion of alternatives in an EIR should focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project" (CEQA Guidelines Section 15126.6[b]).

Sacramento County has of thousands of acres that have already lost their habitat value and would provide excellent locations for utility-scale solar. New green energy development is essential for reducing fossil fuel emissions – but it's critical that important undeveloped landscapes and the wildlife that live there are not destroyed in pursuit of these projects. Therefore, these previously disturbed lands need to be reviewed and analyzed. The project objectives also state "optimize use of existing electrical distribution and other infrastructure...to minimize environment impacts of new construction. An analysis needs to be conducted what would the environmental impacts be utilizing another site that would involve construction of the required infrastructure.

RESPONSE I38-8

DEIR Chapter 16, "Alternatives," presents a thorough and complete analysis of alternatives as required by the CEQA statutes and guidelines, including alternative locations. Refer to Master Response J regarding biological resources and Master Response D.

COMMENT I38-9

SMUD

As outlined in the Attainment of Project Objectives, the project is projected to provide a local supply of solar energy for the Sacramento County region to implement the County of Sacramento General Plan applicable to renewable energy. The EIR "assumes" that SMUD will in fact purchase the power from the proposed project. However, that is not a certainty.

Additional analysis needs to be undertaken in the event SMUD chooses not to purchase the power. Further, Coyote Creek is particularly destructive and violates SMUD's own environmental solar siting guidelines. SMUD's own reliability studies have also shown that the 200 MW project will not be required to meet its Zero Carbon goals and to begin shutting down the existing gas power plants.

RESPONSE I38-9

Refer to Master Response D regarding alternatives, which notes that SMUD has executed and maintained a Power Purchase Agreement for the proposed project and the evaluation of alternatives. See also Master Response D.

LETTER I39

Chris Silveira, dated May 5, 2025

COMMENT I39-1

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

RESPONSE I39-1

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I39-2

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project.

RESPONSE I39-2

Refer to Master Response I.

COMMENT I39-3

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust

Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity

- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

RESPONSE I39-3

Refer to Master Response I.

COMMENT I39-4

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires

the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

RESPONSE I39-4

Refer to Master Response I.

LETTER I40

Rose Winn, California Four Wheel Drive Association, dated May 5, 2025

COMMENT I40-1

California Four Wheel Drive Association (Cal4Wheel) is writing to provide feedback for the [Coyote Creek Agrivoltaic Ranch Draft Environmental Impact Report](#), hereto forward referred to as the DEIR. Many of our members and supporters live near and/or recreate at the Prairie City SVRA (PCSVRA), which is located as an adjacent property to the proposed solar project at Coyote Creek Agrivoltaic Ranch. This letter of comment shall not supplant the rights of other Cal4Wheel agents, representatives, clubs, or individual members from submitting their own comments; the County of Sacramento should consider and appropriately respond to all comments received for the DEIR.

RESPONSE I40-1

The FEIR contains responses to all comments on the DEIR that were received by the County.

COMMENT I40-2

Cal4Wheel is a non-profit organization, representing over 3,500 members, that champions responsible off-highway vehicle (OHV) recreation and encourages a strong conservation ethic and individual stewardship. We advocate for responsible use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access by working collaboratively with public land managers and other recreationists. Our members use OHVs of all forms, as well as other motorized methods, to enjoy federally and state managed public lands throughout California, including CA State Parks managed public lands such as PCSVRA. Cal4Wheel members visit PCSVRA for motorized recreation, and to participate in non- motorized and human-powered activity such as sightseeing, photography, dark sky celestial observation, wildlife and nature study, camping, and other similar pursuits on a frequent and regular basis throughout every season of the year. Additionally, our member clubs enjoy holding events on PCSVRA. Cal4Wheel members and supporters have concrete, definite, and immediate plans to continue such activities at PCSVRA throughout the future.

RESPONSE I40-2

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-3

We recognize the positive health and social benefits that can be achieved through outdoor recreation. We also recognize that motorized recreation provides business owners and local communities with significant financial stimulus. Of great importance to the impetus

for this comment letter: our members are directly affected by the County of Sacramento's decisions concerning land use on property that is adjacent to PCSVRA, including and especially, decisions that impact the scope of public access for outdoor recreation at PCSVRA.

RESPONSE I40-3

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-4

Our members subscribe to the tenets of:

- Public access to public lands now, and for all future generations
- Active stewardship to maintain conservation of public lands, and safety for those who enjoy them
- Conservation of ecological, cultural, and archeological resources in balance with implementation of the Congressional (federal) and Public Resource Code (state) mandates for multiple-use public land management
- Sharing our natural heritage

RESPONSE I40-4

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-5

Cal4Wheel members as well as the general public desire access to public lands now and in the infinite foreseeable future. Restricting access today deprives our children of the opportunity to enjoy the many natural wonders of public lands. Cal4Wheel members and the general public are deeply concerned about the condition of the environment and public safety. They desire safe means to access public lands to engage in conservation efforts as well as outdoor recreation. The public desires to share our natural heritage now and in the future. How can our children learn about and appreciate our natural heritage when access to public lands is eliminated or restricted due to County of Sacramento (County) activity, when landscapes are allowed to be industrialized due to construction of utility-scale solar projects, and when public lands are degraded in value for the general public based on the imposition of County decisions that override and eradicate effective implementation of public enjoyment and recreation on public lands?

RESPONSE I40-5

Refer to Master Response I regarding public access to the Prairie City SVRA and temporary, short-term closures in limited areas during project construction. No public access to public lands would be limited in the long term, and short-term closures would result in an improved kart-track experience at the Prairie City SVRA.

COMMENT I40-6

Cal4Wheel supports the concept of managed recreation and believes it is prudent to identify areas where off-highway vehicle (OHV) use is appropriate. Recreation, especially [recreation off of paved or gravel roads, is the leading cause of growth in visitors to public lands](#)². This is a longstanding trend, and it is critical to note, California has led the nation as the state with the highest percentage of population and number of participants in OHV recreation since 2008. The US OHV market is worth more than \$10 billion, and California represents over 10 percent of that market share. It is clear that public interest in OHV recreation is a dominant value and preferred mode of outdoor recreation for residents across the USA, and especially, in California.

RESPONSE I40-6

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-7

[CA State Parks manages 1.59 million acres of public land in California](#)³, encompassing 280 state parks. Within the state park system, only 9 of those 280 parks are State Vehicular Recreation Areas (SVRAs) that are dedicated to motorized recreation. The 9 SVRAs comprise 141,740 acres, which is less than 9 percent of the state park system. Outside of state parks, there is 48 million acres of federally managed public land in California. More than 50 percent of those 48 million acres are 100 percent closed to OHV access through designation as Wilderness, Wilderness Study Areas, Roadless Conservation Areas, Areas of Critical Environmental Concern, National Conservation Areas, Wildlife Refuges, and similar categories of environmentally-dominant classification. Additionally, large volumes of public land acreage have been eliminated from both motorized access and all public access due to the construction of utility-scale renewable energy (solar, wind, rare mineral extraction) projects. Within the remaining 50 percent of federally- managed public lands, the vast majority of OHV access is restricted to a continually shrinking set of designated routes. **Across the state of California, the 9 SVRAs that comprise a mere 141,740 acres represent a mere 0.2 percent of public lands that are designated for the purpose of OHV recreation.** These numbers are provided to demonstrate early in this discussion, that the volume of state park land that is available for OHV recreation is an exceptionally tiny fraction of California's state parks and public lands. Thus, the 9 SVRAs that are open for OHV access are truly precious to OHV enthusiasts and the OHV industry.

RESPONSE I40-7

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-8

California's public lands offer the primary source for the public to enjoy outdoor recreation. Reduction or elimination of public access to CA State Parks managed land thus bears the potential to increase user conflicts and resource damage by removing sufficient recreation access to public lands for all forms of recreation, including OHV. Additionally, degradation of the natural and cultural values of CA State Parks managed public lands diminishes the quality of the outdoor experience for our members, as well as the general public.

RESPONSE I40-8

Refer to Master Responses I, F and J.

COMMENT I40-9

As currently written, the DEIR provides an imbalanced set of proposed changes that will directly, immediately, and severely impose negative impacts on PCSVRA management that will unnecessarily restrict or close public access to motorized recreation at PCSVRA. The County of Sacramento neglected to fulfill both legal and administrative requirements as stipulated by CEQA and California's Public Resource Code (PRC). The SCP omits content specific to known and anticipated correlation between operation of a solar development immediately adjacent to operation of an existing OHV facility. We thus voice concern that the DEIR as drafted is insufficient to ensure viable operation of PCSVRA for perpetuity.

RESPONSE I40-9

The County appreciates the concerns raised by Cal4Wheel regarding access to the Prairie City SVRA. However, as discussed in Master Response I, while short-term, temporary closures are necessary to accommodate construction of the gen-tie line and for the kart track improvements, once these activities are complete, the project-related infrastructure in the Prairie City SVRA would not result in any permanent trail closures or result in substantial alterations to physical park infrastructure, and would not alter public access to the SVRA facilities. Furthermore, the improvements at the kart track would result in an improved user experience for recreationists. The County has provided public notices and opportunities for public comment on the Notice of Preparation and the DEIR in accordance with CEQA requirements. In addition, as discussed in Master Response I, the project applicant held an open house on October 13th, 2021 at the Rancho Murietta County Club and maintains a public website for the project. Therefore, no change to the DEIR is required. Refer to Master Response I.

COMMENT I40-10

Cal4Wheel has reviewed the DEIR and asserts that the County of Sacramento is legally and procedurally compelled to resolve issues in the following Plan components:

1. Violation of California Public Resource Code
2. Failure to comply with CEQA requirements

3. Lack of analysis and mitigation for dust-related issues
4. CEQA regulations specific to economic and social impacts
5. Failure to assess long-term impact on OHV recreation and powersports events
6. Failure to protect PCSVRA from unnecessary encroachment
7. False assertion of government ownership of state-managed public lands

RESPONSE I40-10

Refer to responses to comments I40-11 through I40-74.

COMMENT I40-11

In summary reference to the items noted above, with additional detail for each following within this comment letter, we support any additional comments from individuals, groups, associations, and the general public that encourage the County of Sacramento to construct, manage, and maintain the proposed solar project in manner that will sustain the existing, legally protected values of PCSVRA for the use and enjoyment of present and future generations. We strongly advocate against any components of the DEIR that would diminish or eliminate public access to PCSVRA now or in the future, and/or diminish the quality of the outdoor recreation experience at PCSVRA for Cal4Wheel membership and the general public.

RESPONSE I40-11

Refer to Master Response I.

COMMENT I40-12

County of Sacramento Legal Obligations Under PRC § 5090.24(a) and CEQA

The proposed Coyote Creek Agrivoltaic Ranch project - a 2,704-acre, 200-megawatt solar and battery energy storage facility in unincorporated Sacramento County - raises significant legal and procedural concerns under California Public Resources Code (PRC) § 5090.24(a), particularly regarding its proximity to PCSVRA. Given the project's adjacency to PCSVRA, the County of Sacramento, as the lead agency under the California Environmental Quality Act (CEQA), is legally obligated to ensure that the project does not adversely affect the SVRA's operations and to involve the Off-Highway Motor Vehicle Recreation (OHMVR) Commission in the planning process.

RESPONSE I40-12

Refer to Master Response I.

COMMENT I40-13

PRC § 5090.24(a) mandates that the OHMVR Commission be fully informed about all governmental activities affecting the Off-Highway Motor Vehicle Recreation program. This includes the Coyote Creek Agrivoltaic Ranch, which, due to its proximity and

potential impacts, directly affects the operations of PCSVRA. Furthermore, PRC § 5090.24(c) requires the Commission to hold public hearings to receive comments on proposed substantial acquisition or development projects near SVRAs. These provisions ensure that any significant projects adjacent to SVRAs undergo thorough review and public input to safeguard the interests of off-highway vehicle recreation⁴.

RESPONSE I40-13

Refer to Master Response I.

COMMENT I40-14

The DEIR indicates that a 1.3-mile, 230-kilovolt gen-tie line would run parallel to the boundary of PCSVRA. This infrastructure will directly impact several recreational features within the SVRA, including the Mini MX Track, Quarter Midget Track, Kart Track, Feldspar Trail, Placer Trail, and the District Office. Such proximity raises concerns about noise, visual intrusion, and potential restrictions on recreational activities, which the DEIR must thoroughly assess and mitigate.

RESPONSE I40-14

DEIR Chapter 12, “Noise,” presents a thorough analysis of the project’s potential noise impacts. With regards to visual intrusion, refer to Master Response N and DEIR Chapter 3, “Aesthetics.” Potential project-related impacts on recreation, including the short-term temporary closure of the kart track, are described in the analysis of Public Services under the heading “Parks,” on DEIR pages 17-25 and 17-26, and under the heading “Recreation,” on DEIR page 17-27. As explained therein, it is the County’s understanding that the kart-track facilities would be modified to better accommodate the construction of the project’s gen-tie line. Changes were necessary to accommodate the placement of a gen-tie pole via moving bleachers and non-permanent garage-pit area, as well as the track’s office. Other improvements are not necessary for gen-tie construction and operation, but are a commitment by the applicant to improve the user experience for go-kart track users beyond what is required for the gen-tie line. The improvements are entirely contained within the area currently fenced for the kart track or in the adjacent parking lot, and kart track improvements would be carried out at the discretion of State Parks. Refer also to Master Response I.

COMMENT I40-15

Under CEQA, lead agencies must evaluate and disclose the environmental impacts of proposed projects and consider feasible alternatives or mitigation measures. Given the potential impacts on Prairie City SVRA, the County of Sacramento is required to consult with the OHMVR Commission and the Department of Parks and Recreation during the environmental review process. This consultation ensures that the concerns of the SVRA and its users are adequately addressed. Moreover, CEQA mandates public participation, and the County must provide opportunities for public comment, particularly from stakeholders and users of Prairie City SVRA.

RESPONSE I40-15

The County agrees that CEQA requires the County to evaluate and disclose the environmental impacts of proposed projects and consider feasible alternatives or mitigation measures. The DEIR, augmented by this FEIR, fulfills these obligations. The comment also states that the County must provide opportunities for public comment, particularly from stakeholders and users of Prairie City SVRA. Refer to Master Response I.

COMMENT I40-16

Failure for this project to comply with PRC § 5090.24(a) and CEQA requirements will lead to legal challenges. In *Friends of Mammoth v. Board of Supervisors* (1972)⁵, the California Supreme Court held that public agencies must consider environmental impacts before project approval, emphasizing the importance of public involvement and thorough environmental review. Similarly, in *Laurel Heights Improvement Association v. Regents of the University of California* (1988)⁶, the court underscored the necessity of detailed environmental analysis and public disclosure. These cases highlight the legal imperative for the County to engage in comprehensive environmental review and public consultation, particularly when projects may affect public recreational resources like PCSVRA.

RESPONSE I40-16

The County has complied with all legal and procedural requirements contained in the CEQA statutes and guidelines. Refer to Master Response I.

COMMENT I40-17

The County of Sacramento has a legal and ethical responsibility to ensure that the Coyote Creek Agrivoltaic Ranch project does not adversely impact PCSVRA. Compliance with PRC § 5090.24(a) and CEQA requires thorough environmental analysis, public involvement, and coordination with the OHMVR Commission. By adhering to these requirements, the County may uphold the integrity of public recreational resources and maintain public trust in the environmental review process.

RESPONSE I40-17

Refer to Master Response I.

COMMENT I40-18

As of today's date, the County of Sacramento has not presented project Scoping nor the DEIR before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a). It is critical that the County, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to PCSVRA.

RESPONSE I40-18

Refer to Master Response I.

COMMENT I40-19

We exert the exigence that the County must immediately cease all progression to advance the DEIR towards final draft and implementation in order to first complete their legal obligation to conduct a hearing, as a public meeting, before the OHMVR Commission. CEQA mandates public participation, and the County must provide meaningful opportunities for public comment, particularly from stakeholders and users of PCSVRA. While the current comment period does allow stakeholders and users of PCSVRA to submit comments, the County has neglected to fully inform the OHMVR Commission and stakeholders of the range of impacts to PCSVRA. Therefore, the County has intentionally obfuscated both the Commission and members of the public from making relevant, informed, actionable comments on this project.

RESPONSE I40-19

Refer to Master Response I.

COMMENT I40-20**DEIR Lack of Analysis and Mitigation for Dust-Related Issues**

The DEIR fails to analyze and disclose a significant environmental issue: the interaction between dust generated by standard recreational activity at the neighboring PCSVRA and the proposed solar facility operations. This omission poses not only a threat to the integrity of the solar project but more importantly, raises legal, financial, and operational risks for California State Parks and the Off-Highway Vehicle (OHV) Trust Fund, which supports PCSVRA.

RESPONSE I40-20

Under CEQA, a lead agency is not required to analyze the impacts of existing environmental conditions on the project; rather, CEQA requires that an EIR evaluate the potential environmental impacts of the project on the environment. Therefore, the DEIR is not required to evaluate the potential for dust generated by OHV use at the Prairie City SVRA to affect the proposed project. However, for informational purposes, the County notes that, as discussed in the Prairie City General Plan DEIR (State Parks 2016, Section 3.2, “Air Quality,” pages 3.2-13 through 3.2-17), fugitive dust is the largest source of particulate matter emissions at Prairie City SVRA.⁶ It is generated by vehicles in the unpaved staging, camping, and parking areas of the SVRA, and by OHV tires spinning and lifting soil into the air in the unpaved recreation areas. The soil’s silt and moisture

⁶ California State Parks Off-Highway Motor Vehicle Recreation Division. 2016. Prairie City State Vehicular Recreation Area General Plan, Environmental Impact Report. State Clearinghouse No. 2013062008.

content, vehicle weight and speed, and weather conditions affect the quantity of particulate matter (such as dust) that is generated. To limit fugitive dust, Prairie City SVRA limits vehicle speeds in the unpaved, non-OHV-riding areas (e.g., parking, camping, and staging areas). The SVRA also implements fugitive dust mitigation practices that involve the use of water and dust suppressants on a regular schedule and as needed; the application of moisture retention chemicals to the soil; and the amendment of track soils with sand, topsoil, and rice hulls as needed. In addition, State Parks implements OM Goal 6 and OM Guidelines 6.3 and 6.5, which contain specific measures to reduce dust generated in the SVRA. Incidental dust generated by OHV riding on dispersed trails that may settle onto the project's solar panels would be addressed by the project applicant through solar panel washing. As discussed in DEIR Chapter 12, "Hydrology and Water Quality," and the project's Water Supply Assessment (Dudek 2024a, attached to the DEIR as Appendix HY-1), water for solar panel washing would not be obtained from the Prairie City SVRA well or from any other location within the SVRA, and no State Parks or any other government funds would be used to fund the project's water supply, which would be paid for by the project applicant. Refer also to Master Response I.

COMMENT I40-21

Under CEQA, environmental documents must thoroughly examine a project's potential to cause physical environmental changes (Cal. Pub. Res. Code § 21002.1). The DEIR (Section 3, Air Quality) references general dust mitigation during project construction but fails to assess or disclose the implications of dust generated from PCSVRA – an existing facility known for its motorized off-highway vehicle (OHV) activities, which may produce dust during regular operation.

RESPONSE I40-21

Refer to response to comment I40-20.

COMMENT I40-22

The omission contradicts CEQA Guidelines § 15126.2(a), which requires analysis of all phases of a project and identification of "any significant environmental effects the project might cause." In addition, § 15144 mandates that a "sufficient degree of analysis" be provided to inform the public and decision-makers. The DEIR does not include a dust transport model, analysis of prevailing wind patterns, or studies of particulate deposition from SVRA activities onto solar panels.

RESPONSE I40-22

The generation of dust from recreational activities at the Prairie City SVRA is an existing condition that the proposed project would not alter or exacerbate. Refer to response to comment I40-20.

COMMENT I40-23

Notably absent from the DEIR is a discussion of dust-related maintenance and mitigation for the solar panels, which could require frequent cleaning or advanced filtration systems to maintain energy output. According to a 2019 study in *Renewable Energy*, dust accumulation can reduce solar photovoltaic efficiency by up to 25 percent, depending on local conditions. Nowhere in the DEIR is there mention of:

- How often the panels would require cleaning due to adjacent recreational dust.
- The estimated costs of such cleaning or performance loss.
- Who bears financial responsibility for this maintenance.

RESPONSE I40-23

As discussed in DEIR Chapter 2, “Project Description,” washing of the project’s solar panels would occur one to four times per year, depending on site conditions. Panel washing would require 14 days per wash cycle to complete. Refer also to response to comment I40-20.

COMMENT I40-24

This is critical because PCSVRA, California State Parks, and the OHV Trust Fund must not be held liable for these costs. The DEIR’s silence creates ambiguity that could later be used to transfer fiscal or operational responsibility to public land managers, thus violating public trust.

RESPONSE I40-24

Refer to response to comment I40-20 and Master Response I.

COMMENT I40-25

The County of Sacramento is held to legal obligations to prevent unfair liability. As noted previously, California Public Resources Code § 5090.24(a) clearly states that the OHMVR Commission must be informed of government activities affecting OHV lands. Failure to analyze potential liability or operational interference violates this statute, especially given that this project site directly borders an existing, active OHV park.

RESPONSE I40-25

Refer to Master Response I and response to comment I40-20.

COMMENT I40-26

Additionally, CEQA Guidelines § 15131(a) state that economic and social changes must be considered when they are linked to physical changes in the environment. The burden of maintaining solar infrastructure due to external dust sources (such as OHV activity) is a foreseeable economic effect with potentially physical implications, which may include decreased energy output or increased water usage for cleaning the solar panels.

RESPONSE I40-26

Refer to response to comment I40-20 and Master Response I.

COMMENT I40-27

If costs or operational restrictions were ever shifted to Prairie City SVRA, it would cause economic and social changes (potentially including, but not limited to, reduction in OHV programming or staffing) stemming from environmental interaction - thereby requiring analysis under CEQA.

RESPONSE I40-27

Refer to Master Response I. No long-term restriction of Prairie City SVRA operations would occur and no costs for project construction or operation would be shifted to the Prairie City SVRA.

COMMENT I40-28

Furthermore, the DEIR fails to model prevailing wind directions that could carry dust from the SVRA to the solar facility. Wind studies are standard practice in air quality assessments, and this omission undermines the DEIR's integrity under CEQA Guidelines § 15151, which require an EIR to be "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." Without wind mapping, the County of Sacramento cannot possibly understand or mitigate how OHV recreation may affect solar operations. This failure invites unnecessary litigation and project delays.

RESPONSE I40-28

Refer to response to comment I40-20.

COMMENT I40-29

In *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344⁷. The court held that a DEIR that failed to disclose foreseeable environmental impacts was legally inadequate. Similarly, in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692⁸, the court ruled that an EIR must evaluate reasonably foreseeable environmental effects and not simply rely on *assumption* or omission. These cases establish that failure to analyze predictable impacts—like dust—renders a DEIR non-compliant with CEQA, opening the County to potential lawsuits and CEQA challenges.

RESPONSE I40-29

Refer to response to comment I40-20.

COMMENT I40-30

To bring the EIR into CEQA compliance and fulfill the County's public obligations, the Final EIR must:

1. Conduct and include a comprehensive wind and dust transport study between PCSVRA and the proposed solar infrastructure.
2. Evaluate the potential operational impacts of dust deposition on solar panels and energy output.
3. Identify specific mitigation measures, such as panel cleaning protocols and cost estimates.
4. Explicitly state that California State Parks, Prairie City SVRA, and the OHV Trust Fund will bear no financial, legal, or operational liability for solar maintenance or performance loss tied to regional dust sources.
5. Consult with the OHMVR Commission, as required by Public Resources Code § 5090.24(a), and document that consultation in the Final EIR.

RESPONSE I40-30

Refer to response to comment I40-20 and Master Response I.

COMMENT I40-31

Environmental review under CEQA is not just a bureaucratic formality - it is a legal safeguard to protect public resources and the public interest. The DEIR for the Coyote Creek Agrivoltaic Ranch fails to meet that standard. Until these dust-related deficiencies are remedied in the Final EIR, the County of Sacramento will not have fulfilled its legal obligation to protect PCSVRA, its users, and California's public recreation infrastructure.

RESPONSE I40-31

The County agrees that CEQA requires the County to evaluate and disclose the environmental impacts of proposed projects. The DEIR, augmented by this FEIR, fulfills these obligations. Refer to response to comment I40-20.

COMMENT I40-32**CEQA Regulations Specific to Economic and Social Impacts**

The California Environmental Quality Act (CEQA) requires a comprehensive analysis of potential environmental impacts from proposed projects, including not only direct physical effects but also related economic and social impacts when they contribute to changes in the physical environment. While CEQA does not mandate a separate analysis of purely economic or social effects; it does require the examination of such impacts when they result in or contribute to physical environmental changes (CEQA Guidelines § 15131). This means that if a project leads to economic downturns, displacement of communities, or changes in land use that in turn affect the physical environment, those impacts must be considered in the draft document that is provided to the public for public comment.

RESPONSE I40-32

The proposed project would not result in economic or social impacts that would lead to changes in the physical environment.

COMMENT I40-33

Key provisions of CEQA regarding economic and social impacts include:

CEQA Guidelines § 15131 – Economic and Social Effects

CEQA states that “economic or social effects of a project shall not be treated as significant effects on the environment.” However, when an economic or social impact triggers a physical environmental effect that effect must be analyzed and provided for public review and comment. For example: if the County approves construction of utility-scale renewable energy projects next to an existing legislatively- sanctioned State Vehicular Recreation Area wherein restriction or degradation of OHV recreation leads to a loss of tourism revenue, which then results in business closures and abandoned buildings, leading to urban decay, CEQA requires an analysis of that physical deterioration.

RESPONSE I40-33

The proposed project would not result in degradation of OHV recreation, would not result in loss of tourism revenue, and would not result in business closures or abandoned buildings. Therefore, no analysis related to social or economic impacts from the proposed project is required. See Master Response I.

COMMENT I40-34**CEQA Guidelines § 15064(e) – Determining Significant Effects**

CEQA states that “economic or social changes resulting from a project shall not be treated as significant effects on the environment.” However, if economic changes indirectly lead to physical changes, those secondary effects must be studied. For example: restrictions or degradation of an OHV recreation area will result in increased illegal trail use elsewhere, leading to unregulated environmental damage in previously undisturbed areas. This example is apt to the conditions present at PCSVRA, as this SVRA is surrounded by lands in which OHV access is already severely restricted or completely banned. Closures and restrictions on OHV recreation at the legislatively-designated motorized recreation area may compel some OHV enthusiasts to seek out other places to ride nearby, either willfully or from lack of knowledge of current land access restrictions. This could result in damage to natural resources outside of PCSVRA – and per CEQA – this must be analyzed and provided for public review and comment.

RESPONSE I40-34

The proposed project would not result in restrictions or degradation of the Prairie City OHV recreation area, and therefore would not result in increased illegal trail use

elsewhere leading to secondary environmental damage. No additional analysis in the DEIR is required. See Master Response I.

COMMENT I40-35

CEQA Case Law Interpretation

In "Bakersfield Citizens for Local Control v. City of Bakersfield" (2004) 124 Cal.App.4th 1184, the court ruled that an EIR must analyze the urban decay resulting from economic impacts of a project because such decay could have significant environmental consequences.

RESPONSE I40-35

The proposed project would not have any economic impacts and would not result in urban decay. Therefore, no analysis in the DEIR is required. See Master Response I.

COMMENT I40-36

In "Communities for a Better Environment v. California Resources Agency" (2002) 103 Cal.App.4th 98, the court reaffirmed that if economic impacts create conditions that affect the environment, they must be disclosed and analyzed in the EIR.

RESPONSE I40-36

The proposed project would not result in any economic impacts, and therefore would not have secondary physical impacts on the environment from economic impacts. Thus, no analysis in the DEIR is required. See Master Response I.

COMMENT I40-37

CEQA Guidelines § 15382 – Definition of Significant Effect on the Environment

This section within CEQA defines a significant effect as "a substantial, or potentially substantial, adverse change in the environment." Economic consequences, such as job losses leading to population shifts, increased commuting, or changes in local land use, can contribute to environmental degradation that must be studied under CEQA.

RESPONSE I40-37

The proposed project would not result in economic impacts, including but not limited to job losses, population shifts, increased commuting, or economic effects from changes in local land use. Therefore, no analysis in the DEIR is required. See Master Response I.

COMMENT I40-38

Public land use policies that restrict or eliminate recreation - such as OHV and camping closures - can have significant economic and social consequences that trigger physical environmental changes that explicitly require CEQA analysis. Restriction or degradation of OHV access at PCSVRA will inevitably lead to economic decline and urban decay. A

reduction in OHV recreation and camping at PCSVRA will harm local businesses, including gas stations, hotels, repair shops, and rental services. If businesses close, vacant commercial spaces may deteriorate, leading to blight and increased environmental hazards. CEQA requires the County of Sacramento to include robust analysis within the DEIR to define how these conditions will create a significant impact on the physical environment. Furthermore, recreation displacement leads to increased environmental damage elsewhere. If areas within PCSVRA are closed or restricted to OHV access, riders may move to unauthorized locations, leading to erosion, habitat destruction, and unregulated trail expansion. CEQA mandates that the DEIR must assess these indirect but foreseeable environmental effects.

RESPONSE I40-38

No project-related long-term closures at the Prairie City SVRA would occur; only temporary, short-term closure for gen-tie line installation and the kart-track improvements. Therefore, the proposed project would not result in economic or social consequences that would trigger physical environmental changes, and no further analysis in the DEIR is required. Refer also to Master Response I.

COMMENT I40-39

Under CEQA, economic and social changes must be considered when they contribute to physical environmental impacts. Within the DEIR, the County of Sacramento must evaluate not just direct ecological effects, but also the broader economic consequences that may lead to environmental deterioration. Failure to analyze these factors is an explicit and willful legal violation of CEQA's requirements, as established in both its statutory provisions and case law precedents.

RESPONSE I40-39

Refer to response to comment I40-38.

COMMENT I40-40

To remedy this gross omission within the DEIR and ensure a thorough CEQA analysis, the County of Sacramento must retract the current DEIR, pause any further progression towards making a final decision on the draft plan, conduct economic and social impacts analysis as required by CEQA, and then re-issue the revised DEIR for public review and comment. It is only through this modification of process that the County can make a balanced decision that adequately addresses economic and social impacts, thereby avoiding unintended consequences. Neglect on the part of the County to conduct analysis of economic and social impacts as noted above is a willful violation of current law and public statute, which opens up the County to a myriad of risk in litigation and administrative review.

RESPONSE I40-40

Refer to response to comment I40-38.

COMMENT I40-41**Failure to Assess Long-Term Impact on OHV Recreation and Powersports Events**

The DEIR neglects to evaluate a critical issue: the long-term viability of Prairie City SVRA and the future of OHV recreation and powersports events like the Hangtown Motocross Classic and NorCal Rock Racing's Ultra4 Stampede. As previously noted, CEQA requires analysis of foreseeable environmental and operational impacts. Under CEQA, an EIR must assess the project's potential to cause significant direct, indirect, and cumulative environmental effects (Cal. Pub. Res. Code § 21002.1; CEQA Guidelines § 15126.2). These impacts include effects on nearby land uses, especially when public recreational lands are involved.

RESPONSE I40-41

The proposed project would have no long-term impact on recreation or sports events. Refer to Master Response I.

COMMENT I40-42

Yet, the DEIR lacks any meaningful discussion of how constructing and operating a utility-scale industrial solar facility may affect:

- Soundscape compatibility with motorsports activities.
- Visual and aesthetic buffers between energy infrastructure and recreational use.
- Dust and air quality interaction.
- Public access logistics, including traffic interference during construction.
- Public safety and liability concerns.

RESPONSE I40-42

The presence of the proposed project adjacent to the Prairie City SVRA would not result in any soundscape incompatibility because the proposed project is an unmanned solar facility. With respect to the project's impacts on visual and aesthetic resources, refer to Master Response N and DEIR Chapter 3, "Aesthetics." Potential project-related impacts on recreation, including the short-term temporary closure of the kart track, are described in the analysis of Public Services under the heading "Parks," on DEIR pages 17-25 and 17-26, and under the heading "Recreation," on DEIR page 17-27. With regards to dust, refer to response to comment I40-20. With regards to traffic concerns during project-related construction, refer to DEIR Chapter 13, "Traffic and Circulation." The commenter has not specified any public safety or liability concerns. No further analysis in the DEIR is required. Refer also to Master Response I.

COMMENT I40-43

This omission directly contradicts CEQA Guidelines § 15151, which requires that an EIR provide "*a sufficient degree of analysis to provide decisionmakers with information which*

enables them to make a decision which intelligently takes account of environmental consequences."

RESPONSE I40-43

Refer to response 140-42.

COMMENT I40-44

Impacts on OHV and powersports events must be addressed in the DEIR. PCSVRA is not just a local riding area - it is a regionally and nationally recognized recreation destination, home to some of the most prestigious powersports events in the United States. Events like the Hangtown Motocross Classic, one of the longest-running rounds of the Pro Motocross Championship, and the Ultra4 Stampede, part of the NorCal Rock Racing Series, bring thousands of spectators and riders and inject significant economic activity into the surrounding region. The DEIR fails to analyze how:

- The presence of an adjacent solar facility might trigger future regulatory pressure to restrict motorsports noise levels.
- Construction activity and increased traffic could disrupt event access or diminish the SVRA's appeal as a venue.
- Long-term infrastructure or security measures (fencing, surveillance, transmission lines) might visually or physically encroach on the SVRA boundary, interfering with trail maintenance, emergency access routes, or spectator overflow areas.

RESPONSE I40-44

During project operations, the proposed solar facility would only require limited operations and maintenance activities that would have no impact on operation of the Prairie City SVRA. The presence of the proposed project adjacent to the Prairie City SVRA would not trigger future regulatory pressure to restrict motorsports noise levels because the proposed project is an unmanned solar facility not a residential or commercial project. DEIR Chapter 2, "Project Description," states that closures during project-related construction at the kart track would be short-term and temporary and would be coordinated with Prairie City SVRA staff, and the physical environmental impacts from these short-term closures are evaluated in DEIR Chapter 13, "Traffic and Circulation," and in the analysis of Public Services under the heading "Parks," on DEIR pages 17-25 and 17-26, and under the heading "Recreation," on DEIR page 17-27 (Chapter 17, "Summary of Impacts and Their Disposition"). Project-related fencing, security measures, and operations and maintenance activities are discussed in DEIR Chapter 2, "Project Description," and are evaluated throughout all chapters of the DEIR as part of the whole of the action. Refer also to Master Response I.

COMMENT I40-45

The failure to examine these foreseeable consequences is inconsistent with CEQA Guidelines § 15126.2(a), which requires a project proponent to consider the

environmental effects of locating the project near existing facilities that may be affected by the project.

RESPONSE I40-45

Contrary to the commenter's assertion, CEQA Guidelines Section 15126.2(a) does not require than an EIR consider the environmental effects of "locating a project near existing facilities that may be affected." This section of the CEQA Guidelines provides guidance as to how significant environmental impacts should be evaluated. The DEIR evaluated the potential physical impacts of the project on the environment, including recreation at the Prairie City SVRA, as specifically discussed in the analysis of Public Services under the heading "Parks," on DEIR pages 17-25 and 17-26, and under the heading "Recreation," on DEIR page 17-27 (Chapter 17, "Summary of Impacts and Their Disposition"). Refer also to response I40-44.

COMMENT I40-46

Public resources code § 5090.24(a) requires consultation with ohv authorities. Under PRC § 5090.24(a), government agencies and project proponents must consult with the OHMVR Division and Commission regarding land uses that may affect OHV areas. There is no evidence that the County of Sacramento, or the project developer, consulted with PCSVRA managers, the OHMVR Division, or State Parks to determine whether project design or implementation could endanger the future viability of the SVRA. This lack of consultation represents a procedural flaw and a potential legal deficiency under state law.

RESPONSE I40-46

Refer to Master Response I.

COMMENT I40-47

Several legal precedents require evaluation of indirect and cumulative impacts. California case law reinforces the requirement to analyze indirect impacts on public land use and recreation. In *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, the California Supreme Court affirmed that reasonably foreseeable indirect impacts - even those not directly caused by the project - must be disclosed and analyzed. Similarly, in *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, the court invalidated an EIR for failing to address how a nearby development would impact surrounding land uses. Applying this legal standard, the DEIR's silence on how PCSVRA might be economically, socially, or operationally harmed by the project renders it vulnerable to legal challenge.

RESPONSE I40-47

In particular, the cites to *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, asserting that the court invalidated an EIR for failing to address how a nearby development would impact surrounding land uses. The commenter asserts that applying this legal standard, the DEIR's silence on how Prairie City SVRA might be economically,

socially, or operationally harmed by the project renders it vulnerable to legal challenge. Refer to Master Response I and responses to comments I40-8 through I40-46. No change to the DEIR is needed.

COMMENT I40-48

The county must analyze and mitigate long-term recreational impacts. To comply with CEQA and uphold its public trust responsibilities, the County of Sacramento must revise the Final EIR to:

- Analyze operational conflicts between the solar facility and current/future SVRA uses.
- Model sound and dust transport that could impact solar infrastructure or motorsports viability.
- Assess event traffic management overlap between construction timelines and major SVRA events.
- Coordinate with State Parks and OHMVR to ensure all potential encroachments or conflicts are identified and resolved.
- Include enforceable mitigation measures that prevent future solar development pressures from resulting in operational reductions or closures of the SVRA.

RESPONSE I40-48

Refer to Master Response I and responses to comments I40-8 through I40-46. No change to the DEIR is needed.

COMMENT I40-49

Most importantly, the County must explicitly state that Prairie City SVRA, State Parks, and the OHV Trust Fund bear no financial or legal liability related to the presence or operation of the solar facility.

RESPONSE I40-49

Refer to Master Response I.

COMMENT I40-50

It is critical for the County of Sacramento and the project Planning Team to understand that PCSVRA is a vital public resource for OHV recreation, youth rider development, and motorsports culture in California. The failure of the DEIR to consider the impacts on this facility is not only a violation of CEQA, but also a disservice to the public. The Final EIR must rectify these omissions and provide a legally adequate, environmentally responsible, and recreationally protective assessment of the project.

RESPONSE I40-50

No change to the DEIR is needed. Refer to Master Response I and responses to comments I40-8 through I40-46.

COMMENT I40-51**Failure to Analyze Critical Water Supply Impacts**

A remarkable gap within the DEIR is evident in that it ignores critical impacts to local water supply, which is an area of analysis that is required by CEQA. Water supply issues are an existing concern within the immediate and broader geographic region where this project site is proposed. Additionally, water scarcity is an area of concern for PCSVRA specifically. PCSVRA depends on a stable and sufficient water supply for dust suppression on trails and tracks, maintenance of event facilities, cleaning and cooling of infrastructure, public health and sanitation at high-use events, among other uses. PCSVRA already faces ongoing water supply limitations, particularly in drought years. Yet, the DEIR for the adjacent solar facility fails to analyze whether the new development will exacerbate those existing water issues.

RESPONSE I40-51

A Water Supply Analysis (Dudek 2024a) and a Groundwater Resources Study (Dudek 2024b) were prepared for the proposed project and attached to the DEIR as Appendix HY-1. DEIR Impact HYD-2 in Chapter 12, “Hydrology and Water Quality,” contains a thorough and complete analysis related to the project’s water supply. As indicated on page 10-26 of the DEIR, Mitigation Measure HYD-2 requires preparation of a groundwater hydrologic study to investigate whether the potential location of the proposed or existing groundwater well(s) and the amount of groundwater withdrawal that would be necessary to serve the proposed project would cause significant drawdown of the existing groundwater table such that existing groundwater wells would be adversely affected. HYD-2 further requires the applicant to demonstrate that appropriate permits have been obtained for a permanent source of on-site or off-site water supply that would not result in a localized drawdown of the groundwater table such that other existing nearby wells would be affected (including the potable water supply well at the Prairie City SVRA). Implementation of Mitigation Measure HYD-2 would reduce the project’s impact from groundwater drawdown on neighboring wells (if any) by requiring that hydrologic modeling be performed to demonstrate that such drawdown would not occur before issuance of project permits. Therefore, no change to the DEIR is needed. Additionally, DEIR Impact HYD-2 (page 10-26) discussed that there are adequate off-site groundwater resources to meet the project’s construction and decommissioning water needs. Cumulative impacts related to groundwater supply are evaluated on DEIR pages 17-60 through 17-62 (Chapter 17, “Summary of Impacts and Their Disposition”). Refer also to Master Response I, Master Response L, Master Response E, and Master Response G. No change to the DEIR is needed.

COMMENT I40-52

Again, as noted previously, CEQA clearly requires thorough analysis of environmental resource conflicts. Under CEQA Guidelines §15126.2(a), the EIR must disclose “any significant environmental effects which may result from locating the project near sensitive land uses.” The DEIR’s failure to analyze whether solar panel washing, construction water

use, or operational maintenance needs will compete with Prairie City SVRA's limited water supply constitutes a violation of CEQA's disclosure requirements.

RESPONSE I40-52

Refer to response to comment I40-51 and Master Response I. No change to the DEIR is needed.

COMMENT I40-53

Additionally, California Public Resources Code §21061 and §21083 require that lead agencies ensure that an EIR evaluates a project's indirect and cumulative environmental impacts, including resource competition. No such analysis appears in the DEIR, despite the obvious interrelationship between the two sites.

RESPONSE I40-53

Refer to response to comment I40-51, Master Response I, Master Response L, and Master Responses E and G. No change to the DEIR is needed.

COMMENT I40-54

Additionally, no mitigation measures or water coordination plans have been proposed by the DEIR. Solar panel cleaning and construction grading often require nontrivial water usage, particularly in dry, dusty climates such as Sacramento County's Sierra foothills. However, the DEIR fails to:

- Quantify projected water usage during construction and operations,
- Identify proposed sources of water for the project,
- Address the proximity of existing groundwater wells or water delivery infrastructure,
- Explore any mitigation measures to prevent competition with Prairie City SVRA's needs.

RESPONSE I40-54

Refer to response to comment I40-51, Master Response I, Master Response L, Master Response E, and Master Response G. No change to the DEIR is needed.

COMMENT I40-55

This omission violates CEQA's requirement to identify feasible mitigation measures (§21081(a) and Guidelines §15126.4) to minimize significant environmental impacts.

RESPONSE I40-55

Refer to response to comment I40-51, Master Response I, and Master Response E. No change to the DEIR is needed.

COMMENT I40-56

A myriad of precedent-setting cases require disclosure of resource competition. In the case of *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court ruled that an EIR must analyze whether sufficient long-term water supplies exist and whether there is potential for conflict with existing uses. The court held that failing to provide such analysis constitutes an inadequate environmental review under CEQA. Similarly, in *Environmental Defense Fund, Inc. v. Coastside County Water Dist.* (1972) 27 Cal.App.3d 695, the court emphasized that a public agency has a duty to ensure that existing users are not adversely impacted by newly approved projects that could affect shared environmental resources. Applying these precedents, the County of Sacramento has a legal obligation to determine whether the Coyote Creek project would diminish or disrupt PCSVRA's already constrained water supply, and if so, develop enforceable solutions.

RESPONSE I40-56

Refer to response to comment I40-51, Master Response I, Master Response L, and Master Responses E and G. No change to the DEIR is needed.

COMMENT I40-57

Public resources code §5090.24(a) requires interagency coordination. PCSVRA is operated by California State Parks and funded through the Off-Highway Vehicle (OHV) Trust Fund. Under California Public Resources Code §5090.24(a), state and local agencies are required to coordinate and cooperate on planning matters that affect SVRAs. There is no evidence in the DEIR that the County of Sacramento consulted with SVRA managers or State Parks officials about existing water shortages or potential project impacts. The failure to engage in such required coordination is not only a procedural error but a potential legal liability under the Public Resources Code.

RESPONSE I40-57

Refer to response to comment I40-51, Master Response I, and Master Responses E and G. No change to the DEIR is needed.

COMMENT I40-58

The final EIR must address the following deficiencies in order to comply with CEQA and California law:

- 1. Quantify water demand for all phases of the project—construction, operation, and panel maintenance.**
- 2. Identify sources of water and analyze the availability and sustainability of those sources.**
- 3. Assess cumulative impacts on the region's water supply, including potential reductions in water availability for Prairie City SVRA.**
- 4. Consult with California State Parks and the OHMVR Division to determine**

potential conflicts and mitigation strategies.

5. Include enforceable mitigation measures, such as off-site water sourcing, storage tanks, or dry-cleaning technologies for solar panels.
6. Clarify in writing that State Parks, the OHV Trust Fund, and Prairie City SVRA are not financially or operationally responsible for addressing any future water conflicts caused by the solar project.

RESPONSE I40-58

Refer to response to comment I40-51, Master Response I, Master Response L, and Master Responses E and G. No change to the DEIR is needed.

COMMENT I40-59

The DEIR presents a one-sided analysis that fails to acknowledge or mitigate the real risk of water resource conflict with a critical piece of California's public recreation infrastructure. Under CEQA and California Public Resources Code, the County of Sacramento is legally required to address this omission in the Final EIR - and to ensure that the operations and sustainability of Prairie City SVRA are not undermined in the process.

RESPONSE I40-59

Refer to response to comment I40-51, Master Response I, Master Response L, and Master Responses E and G. No change to the DEIR is needed.

COMMENT I40-60

Failure to Protect PCSVRA From Unnecessary Encroachment

The DEIR fails to account for another critical and foreseeable impact: displacement of off-highway vehicle (OHV) riders and its ripple effects on other OHV recreation sites and environmental resources across the region. As drafted, the project threatens not only the integrity of PCSVRA, but the broader off-road recreation system, with implications that require deeper environmental analysis under the CEQA and California Public Resources Code.

RESPONSE I40-60

As discussed in the DEIR, the proposed project would not result in displacement of OHV riders and therefore would have no effect on other OHV recreation sites in the region. Potential project-related impacts on recreation, including the short-term temporary closure of the kart track, are described in the analysis of Public Services under the heading "Parks," on DEIR pages 17-25 and 17-26, and under the heading "Recreation," on DEIR page 17-27. Refer also to Master Response I.

COMMENT I40-61

As history has proven, displacement inevitably leads to resource overload at other OHV sites. PCSVRA serves tens of thousands of off-roaders annually and hosts major events like the Hangtown Motocross Classic and Ultra4 Stampede. If solar facility infrastructure is placed within or adjacent to PCSVRA's boundaries, it may reduce the usable area for OHV activities, lead to safety conflicts between recreational users and facility operations, and trigger a loss of capacity for hosting large public events. This displacement of users will inevitably increase pressure on other OHV areas, many of which are smaller, more ecologically sensitive, or already at use capacity. The result: new, unintended environmental impacts at other locations, including damage to wildlife habitats, cultural sites, and overuse of trails.

RESPONSE I40-61

Refer to response to comment I40-60 and Master Response I.

COMMENT I40-62

Once again, we must emphasize the need for the County of Sacramento to abide by the CEQA requires to analyze indirect and cumulative impacts. Under CEQA Guidelines §15126.2(a), agencies must evaluate not just direct impacts, but “reasonably foreseeable indirect physical changes in the environment.” Displacing a large user base from PCSVRA to other OHV areas is such an indirect impact.

RESPONSE I40-62

Refer to response to comment I40-60 and Master Response I.

COMMENT I40-63

Moreover, CEQA Guidelines §15130 mandates a robust cumulative impacts analysis. The increased burden on other OHV sites - especially when compounded by other land access restrictions—meets the threshold for cumulative effects and must be disclosed in the EIR. The DEIR's failure to assess this foreseeable displacement impact renders it legally deficient.

RESPONSE I40-63

As discussed in the evaluation of project impacts related to parks and recreation contained in the DEIR, the proposed project would not result in displacement of OHV riders and therefore would have no effect on other OHV recreation sites in the region. No cumulatively significant impact would not occur (see DEIR Chapter 17, “Summary of Impacts and Their Disposition,” pages 17-25 through 17-27).

COMMENT I40-64

Per PRC §5090.24(a), PCSVRA must be protected from encroachment. California Public Resources Code §5090.24(a) requires that: “State agencies and local and federal

agencies shall cooperate to ensure that laws, regulations, and programs relating to off-highway vehicle recreation are implemented in a manner that will maintain the long-term viability of lands within the system.” Placing industrial infrastructure within or along the boundary of Prairie City SVRA violates this directive, undermining the area's long-term recreational viability. The County of Sacramento, as the lead agency, is obligated to coordinate with California State Parks and must exclude Prairie City SVRA lands from the development area in accordance with this statutory mandate.

RESPONSE I40-64

As discussed in Master Response I, the Prairie City SVRA Road and Trails Management Plan disclosed the gen-tie line and switchyard location, indicating that ongoing coordination with State Parks has occurred over multiple years. No long-term park closures would occur, and only a temporary short-term closure for gen-tie line installation and the kart-track improvements would occur.

COMMENT I40-65

Legal precedent demonstrates that ignoring secondary impacts is grounds for rejection. In *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, the court held that failing to analyze indirect impacts violated CEQA, even where the project proponent argued that those impacts were speculative. Likewise, in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, the court emphasized that cumulative impacts must be meaningfully addressed, not dismissed due to uncertainty or lack of data. These cases reinforce that a shift in recreation patterns caused by land-use changes must be assessed, and potential resource degradation at alternative sites must be disclosed and mitigated.

RESPONSE I40-65

Refer to response to comment I40-60 and Master Response I.

COMMENT I40-66

In order to rectify this deficiency in the DEIR, our recommendation is for PCSVRA to be excluded from all project activity. To comply with CEQA and uphold the public interest, the County of Sacramento must formally exclude:

- All land within the legal boundary of Prairie City SVRA,
- Any easements, rights-of-way, or infrastructure that could interfere with OHV operations,
- Any project components that pose a safety or functional conflict with OHV uses.

RESPONSE I40-66

Refer to Master Response I.

COMMENT I40-67

The Final EIR must include specific language ensuring that PCSVRA is not subject to project encroachment, either directly or through spillover effects such as dust, fencing, traffic reconfiguration, or visual disruption.

RESPONSE I40-67

Refer to responses to comments I40-20 and I40-44, and Master Response I.

COMMENT I40-68

This project, while aligned with renewable energy goals, cannot come at the expense of California's legally protected and publicly treasured OHV recreation areas. The displacement of users from PCSVRA to other OHV sites is a significant indirect impact that the DEIR fails to address in violation of CEQA, PRC §5090.24(a), and multiple legal precedents. The County must act to preserve recreational access, protect natural and cultural resources, and comply with state law by removing all PCSVRA-adjacent and internal lands from the project footprint.

RESPONSE I40-68

Refer to response to comment I40-60 and Master Response I.

COMMENT I40-69**False Assertion of Government Ownership of State-Managed Public Lands**

It is important for the County of Sacramento and the Planning Team for this project to understand that State Park lands in California are public lands, meaning they are not owned by the State, rather they are owned by the citizens as a collective. The California Department of Parks and Recreation (California State Parks) is the managing authority, but it does not "own" the land in a private sense. Rather, the department manages these lands on behalf of the public, ensuring they are protected, conserved, and available for public use under the framework of state law.

RESPONSE I40-69

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-70

The California Public Resources Code (Sections 5001–5077) defines the roles and responsibilities of the State Parks Department, emphasizing its duty to manage the parks for public benefit, preservation, and enjoyment. This aligns with the concept that state parks are public assets held in trust for current and future generations.

RESPONSE I40-70

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-71

Additionally, state parks in California are classified under the broader concept of public trust lands, which means they are managed in the public interest, reflecting shared ownership by all citizens. By legal statute, the land belongs to the people of California, with the State Parks Department merely acting as the permitted land manager that happens to currently hold responsibility for facilitating operation of these legally endowed public lands that are owned wholly by the citizens of California.

RESPONSE I40-71

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-72

Thus, we are alarmed and disappointed that there are statements within the DEIR that assert that the CA State Parks “owns” PCSVRA, which is in fact, merely managed by CA State Parks. Additional statements within the DEIR attribute ownership of public lands to other state and federal agencies. In order to protect the vested rights and ownership that American citizens possess through the endowment of our treasured public lands, and to ensure accurate language that aligns with PRC and the US Constitution, each of these false statements within the DEIR must be corrected. Erroneous references to state or federal ownership of public lands are found in the following:

- DEIR Chapter 3: Aesthetics, Existing Land Uses. Page 148, second paragraph, first sentence:
 - *“The northern portion of the project site is adjacent to, and partially within, an easement over the southern end of the Prairie City State Vehicular Recreation Area (SVRA), which is owned and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division.”*
 - This must be corrected to state “...the Prairie City State Vehicular Recreation Area (SVRA), public land that is owned by the citizens of California, and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division ...”
- DEIR Chapter 11: Land Use and Planning. Environmental Setting. Existing Land Uses. Page 504, first paragraph, first sentence:
 - *“The northern portion of the project site is adjacent to, and partially within, an easement over the southern end of the Prairie City State Vehicular Recreation Area (SVRA), which is owned and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division.”*
 - This must be corrected to state “...the Prairie City State Vehicular Recreation Area (SVRA), public land that is owned by the citizens of California, and

operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division ...”

RESPONSE I40-72

As stated by State Parks in its comment letter coded as A-5, comment A5-1, “Portions of the CCARP [Coyote Creek Agrivoltaic Ranch Project] fall within land *owned and managed* by DPR [State Parks]” (emphasis added). Therefore, the changes to the DEIR requested by the commenter have not been made. The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-73

Please note, the examples noted above do not reflect a complete list of all false assertions of state-owned public lands within the DEIR. There may be additional erroneous references to state or federal ownership of public lands throughout the DEIR and supporting documents. The items in need of correction as noted above are not intended to be a comprehensive list of all such references. The examples cited above, along with all additional erroneous references, must be corrected.

RESPONSE I40-73

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-74

Again, it is critical for the County of Sacramento to bear in mind that state and federal agencies do not own our public lands. State and federally managed lands are a part of the public endowment, as all public lands are owned by the citizens of the USA (the public); CA State Parks, the Forest Service, the BLM, and all other state and federal agencies are merely contracted to manage those lands within the defined scope of limited authority that is granted by PRC, the US Congress, and the US Constitution. Thus, we assert the exigence that the County of Sacramento must correct each item of erroneous language that states implicitly or explicitly that any state or federal agency owns our public lands.

RESPONSE I40-74

Please see response to comment I40-72. The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I40-75

We would like to close by once again calling your attention to the vested interest that Cal4Wheel, other members of the outdoor recreation sector, local business owners, and the general public have as vested stakeholders of CA State Parks and PCSVRA. We encourage the County of Sacramento to uphold their legal obligation to alignment with

CEQA and Public Resource Code PRC through draft, final decision, and implementation of this project.

RESPONSE I40-75

Refer to responses to comment I40-8 through I40-72. No change to the DEIR is needed.

COMMENT I40-76

California Four Wheel Drive Association would like to be considered an interested public for the proposed DEIR. Information can be sent to the following address and email address:

RESPONSE I40-76

The commenter can visit the project website and sign up to receive email updates. <https://planning.saccounty.gov/Pages/Coyote-Creek-Agrivoltaic-Ranch.aspx>.

LETTER I41

Don Amador, MIC Government Relations Office, dated April 30, 2025

COMMENT I41-1

On behalf of the Motorcycle Industry Council¹ (MIC), Specialty Vehicle Institute of America² (SVIA), and Recreational Off-Highway Vehicle Association³ (ROHVA) – together referenced as the Associations, thank you for the opportunity to provide comments on the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report (DEIR).

¹ The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

² The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

³ The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at <https://rohva.org/ansi-standard/>

RESPONSE I41-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I41-2

The Associations have a long-standing interest in the protection of the values and natural resources found on lands within the planning area and regularly work with land managers to provide recreation opportunities, preserve resources, and promote cooperation among public land visitors. The Associations also prioritize educating its members and the public about responsible off-highway vehicle (OHV) recreation.

RESPONSE I41-2

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I41-3

The popularity and value of recreation at Prairie City State Vehicular Recreation Area (SVRA) cannot be denied. Fresno State University's recently published economic study - https://ohv.parks.ca.gov/?page_id=26656 - showed recreational users in Prairie City SVRA: Generated more than \$59 million in economic output in the state, supported 385 jobs, and generated over \$9 million in tax revenues, including nearly \$4.9 million in state and county tax revenue.

RESPONSE I41-3

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I41-4

The Associations are concerned there has been very little if any meaningful outreach to the Prairie City SVRA OHV racing and casual use communities about this proposal to site a large 2,704 acre 200-megawatt solar facility next to the SVRA.

RESPONSE I41-4

Refer to Master Response I.

COMMENT I41-5

The project's 230-kilovolt (kV) gen-tie line would be approximately 1.3 miles long and would parallel the boundary of the SVRA. The gen-tie line would connect with a new switchyard that would be constructed to interconnect into the Sacramento Municipal Utility District. Following the construction of the switchyard, SMUD would own and operate the switchyard facilities.

RESPONSE I41-5

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I41-6

The Associations believe that while many Californians support sustainable solar projects, many further believe that impacts to existing open space recreation facilities should be minimized and the trail opportunities respected and protected from encroachment by industrial facilities.

In fact, the DEIR states on page 3-47... *"Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable."*

RESPONSE I41-6

Refer to Master Response I.

The comment also asserts that the DEIR supports these concerns because it states on page 3-47, "...because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable." Refer to Master Response N.

COMMENT I41-7

This project, as currently presented, would directly interfere with SVRA Park Operations and seriously degrade the public's use and enjoyment of the facility and would be in conflict with Public Resources Code Section 5090.43 as cited below.

PRC § 5090.43 - (a) State vehicular recreation areas consist of areas selected, developed, and operated to provide off-highway vehicle recreation opportunities. State vehicular recreation areas shall be selected for acquisition on lands where the need to establish areas to protect natural and cultural resources is minimized, the terrain is capable of withstanding motorized vehicle impacts, and where there are quality recreational opportunities for off-highway motor vehicles. Areas shall be developed, managed, and operated for the purpose of providing the fullest appropriate public use of the vehicular recreational opportunities present, in accordance with the requirements of this chapter, while providing for the conservation of cultural resources and the conservation and improvement of natural resource values over time.

RESPONSE I41-7

Refer to Master Response I.

COMMENT I41-8

The Associations also believe the project proponents failed to meaningfully engage with the California State Park Off-Highway Motor Vehicle Recreation Commission to daylight the project's impact to the Park Program and public uses which is in conflict with Public Resources Code Section 5090.24 [that] (a) requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program”

RESPONSE I41-8

Refer to Master Response I.

COMMENT I41-9

The Associations believe the DEIR failed to address how siting a major industrial power facility adjacent to Prairie City SVRA could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events such as the Hangtown Motocross Classic or the UTV Ultra4 4900 Open Class Event.

RESPONSE I41-9

Refer to Master Response I.

COMMENT I41-10

The Associations believe the DEIR did not meaningfully analyze how the project would impact Park Operations that depend on access to adequate water supplies for casual use

and competition events. The solar project offers no solution and would only compound the existing water shortage problems.

RESPONSE I41-10

The comment provides no evidence that the Prairie City SVRA is experiencing a water shortage. Refer to response to comment I40-51 and Master Response I, Master Response L, and Master Responses E and G.

COMMENT I41-11

The Associations believe the DEIR did not meaningfully address what dust-related (generated by routine operations and public uses) solar project mitigation or maintenance requirements (i.e. washing solar panels) would be imposed onto the SVRA and what the associated costs or fiscal demands placed on the OHV Trust Fund would be.

RESPONSE I41-11

No requirements or costs would be imposed on the SVRA. Refer to response to comment I40-20 and Master Response I

COMMENT I41-12

The Associations believe this project needs to be fully vetted in an official public forum where the commission and OHV community can provide input and share their concerns about this highly controversial proposal that jeopardizes the long-term viability of OHV use at the SVRA.

The Associations request the county/project proponents ask Parks to place this project on the June 11- 12, 2025 CA State Parks OHMVR Commission meeting.

RESPONSE I41-12

Refer to Master Response I.

LETTER I42

Amy Granat, Access For All LLC, undated.

COMMENT I42-1

I would like to comment on the above-referenced project, on behalf of myself and the off-road community that enjoys recreating at Prairie City State Vehicular Recreation Area (PCSVRA). As an advocate for the greater motorized recreation community for over 20 years, I object to this project because Sacramento County clearly violated the California Environmental Quality Act (CEQA) requirements for public notification¹ as detailed on the Sacramento County Planning and Environmental Review website.

¹ https://planning.saccounty.gov/applicants/Pages/FAQ_ER.aspx#:~:text=Public%20review%20is%20considered%20one,for%20comments%20for%20each%20project.

RESPONSE I42-1

The County implemented all CEQA requirements for public notification for the proposed project, as noted on the County website cited by the commenter, and the DEIR has been prepared in accordance with the CEQA statutes and guidelines.

COMMENT I42-2

As the lead agency for this proposal, Sacramento County neglected to follow its own rules and regulations and failed to inform the off-road community that recreates in PCSVRA. Meaningful input from the off-road community was clearly lacking throughout the process as required by CEQA, although this is precisely the group of individuals that would be most highly affected by the project.

RESPONSE I42-2

Refer to Master Response I.

COMMENT I42-3

Under the section entitled Significant Effects Which Cannot Be Avoided starting on page 171, it is noted; “...*implementation of the proposed project would result in a substantial adverse effect on multiple scenic vistas from within the Prairie City State Vehicular Recreation Area (SVRA). Therefore, the impact is significant. Even with mitigation measure recommended in the EIR, there are no feasible mitigation measures that would fully avoid this impact or reduce the impact to less than significant. Hence, the impact is significant and unavoidable.*”² The proposal continues to explain the serious impacts that would affect the off-road community from the proposal that cannot be mitigated throughout this section. It is incomprehensible that the project acknowledges a significant and unavoidable consequence in the proposal but has failed to involve the affected public from the very beginning of the project.

² https://planning.saccounty.gov/Documents/Coyote%20Creek%20Agrivoltaic%20Ranch/DEIR/17- Coyote%20Creek_Summary%20of%20Impacts%20and%20Disposition_DEIR_FINAL.pdf

RESPONSE I42-3

The comment is noted. Refer to Master Responses I and N.

COMMENT I42-4

As per the direction on the Sacramento County Planning and Environmental Review website, the affected public, including the off-road community, should have been present during the planning process from the very beginning. Instead, the community finds itself scrambling at the last minute to submit substantive comments on a proposed project only *after* the Draft Environmental Impact Report has been released and the details of the project largely finalized. This puts the off-road community in a difficult position – this community has the greatest potential for unavoidable negative impacts and yet has not been consulted once throughout the development of the proposal.

RESPONSE I42-4

The County followed all public notice requirements as contained in the CEQA statutes and guidelines, including a Notice of Preparation circulated for a 30-day public review period beginning on January 19, 2022, during which time written comments could be submitted, as well as notice of a public meeting where public comments could be submitted on February 9, 2022. Refer to Master Response I.

COMMENT I42-5

Involving the off-road community in this project from the very beginning could have been easily accomplished by communicating more fully with PCSVRA and California State Parks during the development of this proposal. PCSVRA keeps a detailed record of all the individuals that have provided public comments on previous projects in the park, including the recently completed Road and Trail Management Plan. But Sacramento County neglected to fully pursue this avenue, which again, is a violation of the intent of CEQA and the regulations published on its own website.

RESPONSE I42-5

Refer to Master Response I.

COMMENT I42-6

There is further concern that the proposed project would interfere with and significantly impact the recently completed PCSVRA Road and Trail Management Plan. This plan was developed with meaningful input from the off-road community starting from the inception of the project. This plan holds significant importance to the off-road community, yet the Coyote Creek Agrivoltaic Ranch Project would negatively affect the ability of PCSVRA to implement the planned road and trail improvements throughout the park. The prospect

that a project that lacks significant public involvement – Coyote Creek Agrivoltaic Ranch Project - would negatively impact an approved project that had significant public participation – PCSVRA Road and Trail Management plan is at the very least absurd, if it wasn't such a clear violation of CEQA.

RESPONSE I42-6

The proposed project would not affect the implementation of the Road and Trails Management Plan at the SVRA. As noted in Master Response I, the proposed gen-tie line and the switchyard were identified in the Prairie City SVRA Road and Trails Management Plan. Refer to Master Response I.

COMMENT I42-7

Because of the clearly stated CEQA violations and failure to notify and involve the public, Sacramento County must remand this document and involve the off-road community fully from the very inception of the project and develop a project that does not significantly impact this community to such a great extent.

RESPONSE I42-7

The comments by Access for All have not provided evidence of any CEQA violations. With regards to public notice, refer to response to comment I42-4 and Master Response I.

LETTER I43

Diane Ross-Leech, dated May 5, 2025

COMMENT I43-1

Thank you for the opportunity to provide comments on the subject Project related to my role as a Commissioner on the CA Department of Parks and Recreation (CDPR) Off-Highway Motor Vehicle Recreation (OHMVR) Commission, as a Board Trustee of the CA State Parks Foundation, and as a Board member with the National Audubon Society (although I am not speaking on behalf of these organizations). I support the state's 2030 goal of meeting our energy needs with increased renewable sources along with the state's goal to protect and enhance our overall biodiversity of our lands, waters and species.

RESPONSE I43-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I43-2

As you are aware, the CDPR is a Responsible Agency under CEQA and a Trustee Agency for the CA State Parks under its management and stewardship. I would expect the Project proponents to honor this relationship and provide the CDPR an opportunity to provide comments on the project's DEIR prior to public notice as is customary. In addition, the project proponents did not bring this project to the OHMVR Commission as required by PRC Section 5090.24 (a) that requires the OHMVR Commission to be fully informed regarding all government activities affecting the OHMVR program. A hearing before the Commission would be appropriate to better inform all OHV recreational riders, competitive riders, and power sports businesses impacted by this project.

RESPONSE I43-2

Refer to Master Response I.

COMMENT I43-3

Impacts to the Prairie City State Vehicle Recreation Area (SVRA):

The siting of a major industrial electric power generation facility adjacent to a popular CA State Park is significant. I am very concerned about the estimated 12-month construction period for the proposed project and its impact on recreational use as well as the long-term viability of the Prairie SVRA.

RESPONSE I43-3

Potential project-related impacts on recreation, including the short-term temporary closure of the kart track, are described in the analysis of Public Services under the

heading “Parks,” on DEIR pages 17-25 and 17-26, and under the heading “Recreation,” on DEIR page 17-27. Refer also to Master Response I.

COMMENT I43-4

Since the proposed project will have temporary and permanent impacts on the operation of the SVRA, I would expect the project to address these impacts specifically with the Park’s management team to ensure they are addressed adequately and follow a similar strategy for any other sensitive resource issue – avoid, minimize and mitigate the impacts. These impacts include water supply and usage for solar panel cleaning that may impact the park’s water source and usage; blasting and excessive noise activities that could impact (and scare) recreational users of the park; dust related to the project construction and maintenance that may affect park visitors; the new easement needed for the project’s electrical switchyard and gen-tie facilities and the potential impact to existing and planned facilities identified in the Prairie City SVRA General Plan, and Road and Trail Management Plan. These significant issues need to be addressed specifically and adequately in the DEIR so that the recreational usage and experience at the Prairie City SVRA is not adversely impacted, including financial impacts, from the proposed project.

RESPONSE I43-4

Regarding water supply, refer to response to comment I40-20, Master Response L, Master Response E, and Master Response G. Regarding impacts from blasting noise, refer to DEIR Chapter 12, “Noise.” Regarding impacts from project dust, refer to DEIR Chapter 5, “Air Quality.” There would be no conflicts between the easement for the gen-tie line and Prairie City SVRA operations, as discussed in Master Response I. As also noted in Master Response I, the project applicant has been coordinating with the Prairie City SVRA for many years. CEQA does not apply to social and economic impacts, but rather focuses on the potential physical impacts, direct and indirect, of the project. Furthermore, the proposed project would not result in economic impacts that could be caused by physical environmental impacts (CEQA Guidelines Section 15384), because no long-term park closures would occur, and only a temporary short-term closure for gen-tie line installation and the kart-track improvements would occur. Refer also to Master Response I.

COMMENT I43-5

Impacts to Native Vegetation, Native Trees and Oak Woodlands:

There is likely no perfect place to build a large new solar energy facility in the Sacramento Valley that meet all the conditions required by Sacramento County. However, the significant and unavoidable impacts to native trees and blue oak woodlands, especially heritage oaks, are unconscionable! These 100-year-old blue oaks and native oaks are rare and irreplaceable. The mitigation proposed for replacement of heritage blue oak and native oak trees is inadequate and doesn’t factor in the time value of the habitat lost while the acorn grows and provides some habitat in 5-10 years?!? The maximum number of heritage blue oak and native oak trees should be preserved through site specific adjustments for the location of the solar panels’ arrays. In addition, the proposed

Alternative 2 Project should be preferred since it minimizes some impacts to heritage blue oak and native oak trees.

RESPONSE I43-5

Refer to Master Response J regarding biological resources and Master Response D. DEIR Chapter 17, Cumulative Impact Analysis of Biological Resources, analyzes the cumulative impacts on the environment from implementation of the project combined with other related past, present, and reasonably foreseeable projects, including projects that could affect similar biological resources such as tree removal. The cumulative analysis in the DEIR concluded that while implementation of the mitigation measures contained in the DEIR would be sufficient to reduce the project-level impact on loss of oak trees and oak woodlands to a less-than-significant level, the temporal loss of oak species prior to replacement contributes to the ongoing regional and statewide loss of oak woodlands. This temporal loss is a significant cumulative impact, and the temporal loss of 54.61 acres of oak canopy area is cumulatively considerable. There is no feasible mitigation available. Therefore, the DEIR found that this impact would be significant and unavoidable (see DEIR page 17-48). No change to the DEIR is needed.

COMMENT I43-6

Impacts to Raptors and Migratory Birds:

The significant grading, blasting, and leveling of the rolling hills covered with oak woodlands will negatively impact many sensitive and protected species as detailed in the DEIR. The removal of thousands of trees in the solar

development area also will negatively affect raptors and migratory birds displacing nesting activities and opportunities. There is no mitigation proposed in the DEIR for loss of nesting habitat which will impact future populations of raptors and migratory birds.

RESPONSE I43-6

DEIR Chapter 6, “Biological Resources,” evaluated potential impacts to raptors, migratory birds, and nesting birds and identifies mitigation measures to reduce impacts to a less-than-significant level. Refer also to Master Response J.

COMMENT I43-7

Impacts to Sensitive/Protected Plants and Animals:

I would expect the project proponent will be able to avoid all impacts to vernal pools and other important wetland and riparian features through site specific adjustments for the location of the solar panels’ arrays. These sensitive aquatic resources are rare and irreplaceable.

I support all the recommendations provided by the CA Department of Fish and Wildlife to improve the avoidance and minimization measures required for the proposed project.

RESPONSE I43-7

Refer to Master Response J and Master Response B9.

COMMENT I43-8

Impacts to Traditional Cultural Resources:

It is sad that some of the last remnants of the Tosewin Oak Woodland Traditional Cultural Property will have a significant and unavoidable impact from the proposed project that substantially alters the historical values and elements which is also spiritually significant to living descendants of the many native tribes living in the area. I would hope that the project proponent would continue to consult and work with the native tribes to explore what additional enhancements to the ecology or interpretation, or other measures could help to lessen the impact.

RESPONSE I43-8

Refer to responses to comments T1-1 through T2-11.

COMMENT I43-9

Thank you for the opportunity to comment and provide my perspective and recommendations.

RESPONSE I43-9

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

LETTER I44

Richard and Diane Hutchens, dated May 3, 2025

COMMENT I44-1

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

RESPONSE I44-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I44-2

Our family as well as our Four-Wheel Drive Club has been going to Prairie City SVRA for 20 years. It's been a huge part of our off-road experience. Doing instructing during our club's Safety Clinics or bringing my children as new drivers to learn off roading. What and how they learned at Prairie City was instrumental in how they drive still today. Enjoying all our camping trips a lot of which you would never see if it wasn't for Four-Wheeling. Thanks to Prairie City as a huge part of our lives for all these years, I can't express enough the importance of this place – AS IS!

RESPONSE I44-2

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I44-3

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project.

RESPONSE I44-3

Refer to Master Response I.

COMMENT I44-4

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

RESPONSE I44-4

Refer to response to comment I40-20 and Master Response I.

COMMENT I44-5

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

RESPONSE I44-5

Refer to Master Response I.

LETTER I45

Don Durbin, Sr., dated May 5, 2025

COMMENT I45-1

All Star Karting was not on the notification list for the DEIR. I am responding, as I was notified of the extension to respond.

RESPONSE I45-1

Refer to responses to comment I45-2 through I45-6.

COMMENT I45-2

My name is Donald Durbin Sr., I am the concessionaire with my partner Donald Durbin Jr. operating the Prairie City Kart Track located within the California State Park, Prairie City SRVA.

RESPONSE I45-2

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I45-3

Since our first meeting with the Barton Ranch folks in 2021, we have had numerous meetings each year since. To this date we have made various business decisions and plans according to the needs of this project.

RESPONSE I45-3

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I45-4

In 2024 things began to settle and the impact on our site and with customers became clearer, we felt we could now have some conversations with our clientele. We have built some excitement and concerns. – “When is it going to happen?” “How long is it going to take?” We do not have those answers, but we are trying to remain flexible.

RESPONSE I45-4

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I45-5

Based on our agreement with the Sacramento Valley Energy Center who is facilitating the construction, we now have plans to look at and want to proceed.

RESPONSE I45-5

The County acknowledges the commenter's support for the improvements that would be made at the kart track as part of the proposed project.

COMMENT I45-6

At the first meeting we closed, shook hands agreeing to "cooperate and get the job done". I think cooperation has been mutual with State Parks, Barton Ranch representatives along with All Star Karting.

RESPONSE I45-6

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

LETTER I46

Nicholas Haris, Director of Government Relations, American Motorcyclist Association, dated May 1, 2025

COMMENT I46-1

The AMA is a not-for-profit, dedicated to pursue, protect and promote the interests of motorcycling. Established in 1924, the AMA represents the interests of motorcyclists nationwide. However, this document shall not preclude any of our districts, clubs or individual members, approx. 20,000 of whom reside in California, from submitting their own comments.

RESPONSE I46-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I46-2

Our members, who enjoy recreating and competing at the Prairie City State Vehicular Recreation Area (SVRA), are very concerned with the proposed Coyote Creek Agrivoltaic Ranch Project and its potential to restrict or even ultimately result in the closure of this long-cherished SVRA. Originally opened in 1972 as McGills Cycle Park, this facility has hosted countless events and represents a long-standing partnership between the OHV community and State Parks, who took over management from Sacramento County in 2008.

RESPONSE I46-2

Refer to Master Response I.

COMMENT I46-3

The popularity and economic benefits of recreation at the facility cannot be denied. In fact, Fresno State University's recently published economic study showed ongoing use at the SVRA resulted in more than \$59 million in economic output, including supporting 385 jobs, and generated over \$9 million in tax revenues, including nearly \$4.9 million in state and county tax revenue.

RESPONSE I46-3

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I46-4

The AMA is also very concerned with the lack of meaningful public outreach to the surrounding riding and racing organizations. As a former Placerville resident myself, I

have contacted numerous residents, and all have expressed surprise when I have informed them about this proposal. Likewise, after speaking with members of the California Off-Highway Motor Vehicle Recreation (OHMVR) Commission, it appears they have largely been ignored by the project's proponents. This represents a significant oversight and is in direct conflict with Public Resources Code Section 5090.24 [that] (a) requires the commission to *“be fully informed regarding all governmental activities affecting the program.”*

RESPONSE I46-4

Refer to Master Response I.

COMMENT I46-5

The Draft Environmental Impact Report fails to explain or even substantially acknowledge the potential negative impacts a large industrial site and electrical generating facility will have on the SVRA or residents. This popular park unit is home to world class OHV events such as the Hangtown Motocross Classic and the UTV Ultra4 4900 Open Class Event, as well as numerous AMA District 36 races. While many Californians support sustainable solar projects, impacts on existing open space, parks/recreational facilities and the surrounding viewsheds must be minimized.

RESPONSE I46-5

Refer to Master Response I, Master Response J, and Master Response N.

COMMENT I46-6

This project, as currently presented, would result in numerous unavoidable and direct impacts on park services and operations and would reduce public use and enjoyment of the facility. These impacts would be in conflict with Public Resources Code Section 5090.43 as cited below.

RESPONSE I46-6

Refer to Master Response I.

COMMENT I46-7

PRC § 5090.43 - (a) State vehicular recreation areas consist of areas selected, developed, and operated to provide off-highway vehicle recreation opportunities. State vehicular recreation areas shall be selected for acquisition on lands where the need to establish areas to protect natural and cultural resources is minimized, the terrain is capable of withstanding motorized vehicle impacts, and where there are quality recreational opportunities for off-highway motor vehicles. Areas shall be developed, managed, and operated for the purpose of providing the fullest appropriate public use of the vehicular recreational opportunities present, in accordance with the requirements of this chapter, while providing for the conservation of cultural resources and the conservation and improvement of natural resource values over time.

RESPONSE I46-7

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I46-8

The AMA is also concerned that the DEIR does not meaningfully disclose or address project impacts to ongoing parks maintenance and operations, many of which rely on limited water resources which would be further strained by this proposal. In fact, the project DEIR offers no long-term solution and would only exacerbate the existing water shortage issues, especially given concerns that dust-related impacts would require additional site maintenance.

RESPONSE I46-8

See responses to comment I40-20 and I40-51, Master Response I, Master Response L, and Master Response E.

COMMENT I46-9

Equally significant, the environmental consequences as the result of a fire once the site becomes operational must be given full consideration. While the impacts from the recent (Feb. 2025) fire at the Moss Landing battery storage facility are still being determined, long term health effects and environmental contamination have already resulted in litigation. If a similar event were to occur, the negative impacts only be magnified given the facilities location. While the Moss Landing site was thankfully located in a less densely populated setting, the numerous housing developments in the nearby communities of Folsom, Fair Oaks and Rancho Cordova are home to hundreds of thousands of residents and only expected to grow in the coming years. A fire could result in the long-term displacement of entire communities and must be weighed against any benefits being touted by project supporters. Plans to address and mitigate fires must include detailed and comprehensive short- and long-term evacuation and relocation contingencies.

RESPONSE I46-9

Refer to Master Response M.

COMMENT I46-10

In closing, while the AMA welcomes the opportunity to engage in meaningful discussions about this proposal, we believe the project proponents have yet to demonstrate a serious commitment to an open and transparent public process, and as such we cannot support it. The proponents must show a true commitment and willingness to engage with the OHV Commission, the OHV community, and residents, all of whom can provide relevant, meaningful and direct input

RESPONSE I46-10

Refer to Master Response I regarding the public involvement process. The commenter's opposition to the project is noted.

COMMENT I46-11

A welcome first step would be to publicly address the OHV Commission at the upcoming on the June 11- 12, 2025 State Parks OHMVR Commission meeting.

RESPONSE I46-11

Refer to Master Response I.

LETTER I47

Arick van den Oudenaller, dated May 5, 2025

COMMENT I47-1

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

RESPONSE I47-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I47-2

I've spent the last 2 decades going to Prairie City SVRA, I learned how to ride a dirtbike there, I attended the Hangtown motorcross race there many times, I then found out about Norcal Rock Racing and have been attending that for about 10 years which has led to my love for rock crawling and the outdoors. I've seen thousands of people and families from all over the US come to Prairie City SVRA for many different events. Also there's thousands of local motorcyclists, offroaders, jeepers, racers, and go-carting enthusiasts that rely on Prairie City for there passions, along with the industries that support those users

RESPONSE I47-2

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I47-3

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project. [Use the talking points above to cite your concerns here, or add in other points from your own research and perspective.]

RESPONSE I47-3

Refer to Master Response I.

COMMENT I47-4

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

RESPONSE I47-4

Refer to response to comment I40-20 and Master Response I.

COMMENT I47-5

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

RESPONSE I47-5

Refer to Master Response I.

LETTER I48

Daniel T. Child, dated April 30, 2025

COMMENT I48-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704- acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I48-1

See Master Response I.

COMMENT I48-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I48-2

Refer to Master Response N.

COMMENT I48-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations. Also, if dust control is necessary, the solar project owners should be responsible for any and all costs related to dust control for the duration of their project. OHV Trust funds absolutely should not be used to mitigate a situation created by others and for the benefit of non-OHV projects

RESPONSE I48-3

Refer to Master Response I.

COMMENT I48-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental

activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the Commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I48-4

Refer to Master Response I.

COMMENT I48-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I48-5

Refer to Master Response I.

LETTER I49

Dan Locke, dated May 5, 2025

COMMENT I49-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I49-1

Refer to Master Response I.

COMMENT I49-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I49-2

Refer to Master Response N.

COMMENT I49-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I49-3

Refer to Master Response I.

COMMENT I49-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I49-4

Refer to Master Response I.

COMMENT I49-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I49-5

Refer to Master Response I.

LETTER I50

Heather Parker, dated May 2, 2025

COMMENT I50-1

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

RESPONSE I50-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I50-2

My family has been coming to this location for several years. My boys learned to ride dirt bikes at Prairie City. We belong to several off-road clubs and often have picnics and get together near the track.

RESPONSE I50-2

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I50-3

The loss of this area would be huge to our communities. People will recreate elsewhere and in turn Sacramento areas would lose money. I own a 4 wheel drive shop in Rancho Cordova and being so close to the area I am able to help fellow Jeepers out if they need it and in turn, builds more business for Rancho Cordova's private sector.

RESPONSE I50-3

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I50-4

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project.

RESPONSE I50-4

Refer to Master Response I.

COMMENT I50-5

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

RESPONSE I50-5

Refer to response to comment I40-20 and Master Response I.

COMMENT I50-6

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

RESPONSE I50-6

Refer to Master Response I.

LETTER I51

J. Howard, dated May 4, 2025

COMMENT I51-1

I am writing because om my concerns relating to this project. I am an avid outdoor recreation participant, especially now that I am retired. The Prairie City SRVA is a popular spot for me and likeminded individuals that use Off Road vehicles for recreation and family adventures. I am very concerned about development in and around the park. Looking at the Draft Environmental Impact Report I see several areas of concern.

- The DEIR does not address how the construction of the facility adjacent to Prairie City could impact its long-term viability of staying open for OHV recreation. I have not seen any analysis of potential impacts from solar facility construction, operation, and maintenance on the current SVRA.
- Exclude all lands within the boundary of Prairie City SRVA from the footprint of available land for construction. In fact, I would love to see the SRVA expanded for more recreation activities.
- What about the winds and blowing dust that come with construction. I'm sure dust and solar panels are not a good combination.
- What about the impacts with respect to water? Supply is already a problem within the SRVA and surrounding area.

RESPONSE I51-1

The comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

Refer to Master Response I.

With regard to dust, refer to response to comment I40-20. The comment provides no evidence that there is a problem with the water supply from either the Prairie City SVRA well or other wells. Regarding water supply, refer to response to comment I40-51, Master Response L, Master Response E, and Master Response G. No change to the DEIR is needed.

LETTER I52

Karen Suty, dated May 3, 2025

COMMENT I52-1

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

RESPONSE I52-1

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I52-2

As an OHV family, recreating with our children has allowed us to stay connected as a family in the day and age of “screen time”. Being able to spend time outdoors in an activity driven by our love for exploration means the world to our family. SVRA’s were built to keep riders off the streets creating a safe legal place to ride. I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project.

RESPONSE I52-2

Refer to Master Response I.

COMMENT I52-3

I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized

recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch

- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity.
- Guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity.

RESPONSE I52-3

Refer to response to comment I40-20 and Master Response I.

COMMENT I52-4

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

RESPONSE I52-4

Refer to Master Response I.

LETTER I53

Philip Schwab, dated May 1, 2025

COMMENT I53-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I53-1

Refer to Master Response I.

COMMENT I53-2

The DEIR supports my concerns when it states on pages 3-47... *“Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”*

RESPONSE I53-2

Refer to Master Response N.

COMMENT I53-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I53-3

See response to comment I40-20 and Master Response I.

COMMENT I53-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I53-4

Refer to Master Response I.

COMMENT I53-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I53-5

Refer to Master Response I.

LETTER I54

Sherry Stortroen, dated May 3, 2025

COMMENT I54-1

I would like to request a pause on this process until sometime after plan is official and properly presented to the CA OHMVR Commission at the June meeting as required by CA PRC Section 5090.24 (a) requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program".

RESPONSE I54-1

Refer to Master Response I.

COMMENT I54-2

A hearing before the OHMVR Commission would better inform riders, competition organizations, and powersports businesses that would be directly affected by this proposal.

RESPONSE I54-2

Refer to Master Response I.

COMMENT I54-3

- DEIS did not meaningfully discuss how project would impact existing casual, and competition uses including access to adequate water supplies for managing OHV operations that is already an issue at the SVRA. The solar project offers no solution and would compound the water shortage and quality problems.

RESPONSE I54-3

The comment provides no evidence that there are any water shortage or water quality issues at the Prairie City SVRA. Refer to response to comment I40-51, Master Response I, Master Response L, and Master Response E. No change to the DEIR is needed.

COMMENT I54-4

- DEIS does not meaningfully address what dust related (generated by routine operations) solar project mitigation or maintenance requirements (such as washing solar panels) would costs be imposed onto the SVRA and what associated costs shouldered by the OHV Trust Fund would be. There are also easement concerns for project facilities on SVRA property.

RESPONSE I54-4

Refer to response to comment I40-20 and Master Response I.

COMMENT I54-5

- DEIS does not address how siting a major industrial power facility adjacent to Prairie City SVRA could impact the long-term viability of the SVRA staying open for casual OHV recreation and 2 or 4 wheel powersports events such as the Hangtown Motorcross Classic or the Nor Cal Rock Racing Ultra 4 Stampede.

RESPONSE I54-5

Refer to Master Response I.

COMMENT I54-6

- DEIS, page 3-47 "Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic views as viewed from Prairie City SVRA, this impact is significant and unavailable."
- While Californians support sustainable solar projects many also believe that this solar project will greatly impact open space and OHV recreation at Prairie City SVRA facilities should be minimized and trail opportunities respected and protected.

RESPONSE I54-6

Refer to Master Response N.

COMMENT I54-7

- This solar project must not be located on the boundary of the existing Prairie City SVRA; project must be relocated.

RESPONSE I54-7

See Master Responses I and D.

LETTER I55

Thomas Addis III, dated May 4, 2025

COMMENT I55-1

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

RESPONSE I55-1

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I55-2

I have been involved in outdoor recreation for nearly 70 years having been in the golf business during that time and now off-roading as a primary outdoor and family activity for the past five years alone.

RESPONSE I55-2

This comment does not pertain to the environmental analysis contained in the DEIR. The comment is noted.

COMMENT I55-3

Outdoor activities importantly came to benefit everyone as a safe and healthy activity during the recent Pandemic. It was easy and proper to maintain the necessary safe distance from each other as well as enjoy the healthy outdoor fresh air and allow, especially, families to feel safe and enjoy each other during such trying times. We should not do, or allow, anything to restrict our opportunity to enjoy the outdoors in any form i.e. golf, off-roading or any other enjoyable and safe and healthy pastime with our families as well as friends.

RESPONSE I55-3

Refer to Master Response I.

COMMENT I55-4

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

RESPONSE I55-4

Refer to response to comment I40-20 and Master Response I.

COMMENT I55-5

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

RESPONSE I55-5

Refer to Master Response I.

LETTER I56

Barbara Walter, dated April 9, 2025.

COMMENT I56-1

The Sierra Club opposes this project and I support their opposition because: DESTRUCTION OF THE HABITAT. The DEIR calls for the clear-cutting of more than 4,500 rare blue oaks, the loss of vernal pools and the elimination of over 1,400 acres of important habitat for many vulnerable species including imperiled tricolored blackbirds, Swainson's hawks, western pond turtles, burrowing owls, and eagles.

RESPONSE I56-1

The commenter's opposition to the proposed project is noted. For a discussion of impacts to blue oaks, see Master Response B2. For vernal pools, see Master Response B9. For tricolored blackbirds, see Master Response B5. For Swainson's hawk, see Master Response B8. For northwestern pond turtles, see Master Response B4. For burrowing owls, see Master Response B7. For eagles, see Master Response B6.

COMMENT I56-2

FLATTENING THE LANDSCAPE. Building this proposed 200-MW utility-scale solar project will require blasting the land with 8 tons of explosives a day for over a month, flattening intact oak woodlands, and generating more than 1.4 million cubic yards of rock and dirt -- enough to fill more than 450 football stadiums.

RESPONSE I56-2

See Master Response A for blasting. The commenter's claim regarding the amount of rock and dirt movement at the project site is exaggerated. For example, Manhattan Construction group cites that AT&T stadium (home to the Dallas Cowboys) is 104,000,000 cubic feet (3,851,851 cubic yards) (Manhattan Construction 2025). Projected cut of materials for the proposed project, even if taken collectively (not including the fact that most of the cut material generated would be reused at the project site), would fill less than half of this example stadium. Refer to Master Response A regarding blasting impacts, Master Response B regarding impacts to Oak Woodlands and Oak Canopy Cover, and Master Response G regarding impacts from grading and landform modification.

COMMENT I56-3

INADEQUATE MITIGATION MEASURES. The DEIR's admits that the proposed mitigation measures to replant 4,500 new trees will have a cumulatively significant negative impact that cannot be avoided to the existing habitat over the course of the next decade or more while the saplings grow to maturity.

RESPONSE I56-1

For a discussion of impacts to oaks, see Master Response B2.

COMMENT I56-4

A BAD SITE FOR SOLAR. The project location, in fact, is in violation both of SMUD's and the County's environmental guidelines for solar siting. It is one of the last few remaining intact landscapes in Sacramento County, and this development would leave the area's wildlife with nowhere to go. We should not sacrifice this vital habitat when the County has tens of thousands of already disturbed acreages that would provide excellent locations for utility-scale solar.

RESPONSE I56-4

Refer to Master Response D regarding alternatives, which notes that SMUD has executed and maintained a Power Purchase Agreement for the project and the evaluation of alternatives. See also Master Response D regarding consistency with SMUD guidelines, alternative sites, and consistency with the County's policies. Regarding habitat and wildlife, see Master Response B.

LETTER I57

James Hovagimian, dated April 22, 2025.

COMMENT I57-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I57-1

Refer to Master Response I.

COMMENT I57-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I57-2

Refer to Master Response N.

COMMENT I57-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I57-3

See response to comment I40-20 and Master Response I.

COMMENT I57-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I57-4

Refer to Master Response I.

COMMENT I57-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I57-5

Refer to Master Response I.

LETTER I58

Richard Oldham, dated April 22, 2025.

COMMENT I58-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I58-1

Refer to Master Response I.

COMMENT I58-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I58-2

Refer to Master Response N.

COMMENT I58-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I58-3

See response to comment I40-20 and Master Response I.

COMMENT I58-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I58-4

Refer to Master Response I.

COMMENT I58-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I57-5

Refer to Master Response I.

LETTER I59

Todd Johnson, dated April 22, 2025.

COMMENT I59-1

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

RESPONSE I59-1

Refer to Master Response I.

COMMENT I59-2

The DEIR supports my concerns when it states on pages 3-47... “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

RESPONSE I59-2

Refer to Master Response N.

COMMENT I59-3

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

RESPONSE I59-3

See response to comment I40-20 and Master Response I.

COMMENT I59-4

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity.

This would better inform the riders, competition organizations, and powersports businesses.

RESPONSE I59-4

Refer to Master Response I.

COMMENT I59-5

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

RESPONSE I59-5

Refer to Master Response I.

LETTER O1

Sacramento County Planning Commission, dated April 14, 2025.

COMMENT O1-1

Good evening. I'm Pamela Flick, California Program Director with Defenders of Wildlife and a 28 year resident of Sacramento County.

To be clear: Defenders strongly support renewable energy development, including SMUD's zero carbon emission goal. However, we must balance the need for renewable energy with protecting sensitive species and habitats through smart planning and site selection for projects that avoid and minimize adverse impacts on known high-value resources. The Coyote Creek Solar Project completely misses the mark.

RESPONSE O1-1

Refer to Master Response B regarding species protection and habitat protections, including implementation of large on-site preserves and Master Response C regarding compatibility with the SSHCP.

COMMENT O1-2

The proposed Project will result in significant environmental impacts, including the destruction of intact blue oak woodlands, vernal pools, and critically important regional habitat connectivity in a portion of our County that is seeing explosive growth with no end in sight.

RESPONSE O1-2

Refer to Master Response B1 summarizing mitigation for sensitive resources and wildlife species, Master Response B2 regarding mitigation and restoration for blue oak woodlands. Refer to Master Response C for additional information regarding compatibility with the SSHCP and regional conservation strategy.

COMMENT O1-3

This project location is inconsistent with the County's own siting guidelines. Unlike Sloughouse Solar project, which we supported and which was largely devoid of significant topography or vegetation to be cleared, the Coyote Creek project will require the use of 8 tons of explosives per day for over a month, 1.4 million cubic yards of excavation and nearly as much fill. This blasting, grading and filling will flatten this increasingly rare oak woodland landscape – removing more than four thousand oak trees, making lasting and irreversible changes to the physical environment, entirely shifting the rural character of this scenic corridor into an industrial solar complex. How the DEIR can claim that “no irreversible change to land would result” from such a massive amount of earth moving is beyond logic.

RESPONSE 01-3

The comment states the project is inconsistent with “the County siting guidelines”; however, the commenter did not provide specific references to applicable guidelines and therefore the comment cannot be addressed with a specific response. A consistency analysis of land use policies and potential conflicts with the County General Plan is included in Chapter 11 of the FEIR. See also Master Response D. The County’s General Plan allows in Policy PF-66 the Board of Supervisors and County Planning Commission to approve energy projects that are contrary to any of the policies of the Public Facilities Element when justification is provided through findings. In accordance with Policy PF-66, findings would be considered by the Planning Commission and Board of Supervisors as part of the deliberation on the proposed project.

The commenter also asserts that blasting, grading, and filling from the proposed project will “flatten” the existing oak woodland landscape, remove over 4,000 trees, and change the rural character of the project to an urban landscape. Therefore, the commenter asserts that the DEIR should not claim that “no irreversible change to land use would result” from the project’s earthmoving activities. Refer to Master Response A regarding blasting impacts, Master Response B2 regarding impacts to oak trees, and refer to Master Response G regarding effects of grading and blasting activities on landform modification and the visual appearance of the landscape. As explained on DEIR page 17-66 (Chapter 17, “Summary of Impacts and Their Disposition”), the proposed project has an anticipated operational period of 35 years, after which a decommissioning plan would be implemented (briefly described in DEIR Chapter 2, “Project Description” on pages 2-28 and 2-29, attached to the DEIR as Appendix PD-1, and evaluated as part of the proposed project throughout the DEIR). With implementation of the decommissioning plan, the project site would be required to be restored to conditions that would be substantially similar to the existing baseline agricultural conditions. Therefore, no irreversible change to land use would result.

COMMENT 01-4

Not only is this location completely inappropriate for the proposed development, but the DEIR itself is deeply flawed, does not rise to the level of adequacy on a number of levels, and lacks sufficient information to enable informed decision-making by the County.

RESPONSE 01-4

The commenter has not provided any examples of how the DEIR is flawed, inadequate, or insufficient; therefore, the County is unable to provide a specific response other than to state that the DEIR meets the requirements of the CEQA statutes and guidelines, and therefore it contains sufficient information to enable informed decision making.

COMMENT 01-5

The Project objective is overly narrow and prevents identifying and considering reasonable alternatives to avoid or minimize adverse impacts.

RESPONSE O1-5

There are six project objectives, and they are not narrow in a way that would unduly constrain the development or consideration of project alternatives. The project objectives have been developed in accordance with Section 15124(b) of the CEQA Guidelines (see DEIR page 2-12 in Chapter 2, “Project Description”) and a reasonable range of alternatives have been considered in accordance with Section 15126.6 of the CEQA Guidelines (see DEIR page 16-5 in Chapter 16, “Alternatives”). Refer also to Master Response D.

COMMENT O1-6

The methodology for site selection was clearly designed to limit consideration of alternatives, being constrained by the extraordinarily limited gen-tie distance criteria of just 1,000 feet from a SMUD transmission line, while industry norms can range from 10 to 30 miles. In fact, the project site would not have even qualified since the proposed gen—tie is 1.3 miles long.

Further, the DEIR’s cumulative impacts analysis was arbitrarily limited to projects within a 5-mile radius of the proposed Project. However, the analysis failed to include projects located within El Dorado County, where at least three reasonable foreseeable projects are within 5 miles of the proposed Project site.

RESPONSE O1-6

Refer to Master Response D regarding alternatives.

The comment further states that the 5-mile radius to evaluate cumulative impacts was arbitrarily limited. Refer to responses O3-205 and O3-206.

COMMENT O1-7

There are a variety of additional inadequacies within the DEIR, which we will cover in much more detail in our written comment letter.

RESPONSE O1-7

The County assumes the commenter is referring to additional comments contained in letter O3. Please see responses to comments O3-1 through O3-286. Since this comment does not contain any details, the County cannot respond with specificity other than to state that the EIR meets the requirements of the CEQA statutes and guidelines, and therefore is fully adequate.

COMMENT O1-8

The DEIR must be substantially revised and recirculated for agency and public review and comment.

RESPONSE 01-8

The commenter does not provide any reasons why the DEIR should be revised and recirculated, and therefore the County cannot provide a specific response other than to state that the DEIR adequately evaluates the potential environmental impacts associated with the proposed project in accordance with the CEQA statutes and guidelines. Refer also to Master Response H regarding recirculation.

COMMENT 01-9

I have also provided copies of comments from 100 local Defenders members and supporters who oppose the Coyote Creek Agrivoltaic Ranch Project.

Thank you for the opportunity to provide comments.

RESPONSE 01-9

The comment is noted.

COMMENT 01-10

We are writing to urge you to reject the Coyote Creek Solar Project. This project would result in the construction of a massive industrial solar facility in a completely wrong location. While we support renewable energy, Sacramento County can and must do better. Sacramento has tens of thousands of acres that have already lost their habitat value and would provide excellent locations for utility-scale solar projects.

RESPONSE 01-10

The commenter has not provided an alternative location for the County's consideration. Refer to Master response D regarding alternatives. The EIR contains an evaluation of a reasonable range of potentially feasible alternatives that could accomplish most of the project objectives, including two alternatives to modify the project footprint to reduce project's significant effects. Refer to Master Response B1c regarding mitigation measures in the DEIR that would be implemented to reduce the project's impacts to biological resources.

COMMENT 01-11

The Coyote Creek Solar Project would level more than 1,400 acres of rolling hills, streams, woodlands and more. This project would require the use the more than 8 tons of explosive a day for more than a month, flattening rolling blue and valley oak woodlands, and generative more than 1.4 million cubic yards of rock and dirt. These increasingly rare oak woodlands provide vital habitat to dozens of vulnerable species, including bald and golden eagles, burrowing owls, western pond turtles and many other amphibians, birds and unique aquatic animals.

RESPONSE O1-11

Refer to Master Response A regarding grading and blasting activities, Master Response G regarding impacts from landform modification, and Master Response B regarding impacts to biological resources.

COMMENT O1-12

The project has failed to adequately analyze impacts on groundwater and surface water, rare oak woodland, cultural resources, wildlife and other resources. Further, this project has not demonstrated sufficient benefits to override the devastating impacts on the environmental and cultural resources.

RESPONSE O1-12

Refer to Master Response B2 regarding effects on oak woodlands and Response B in general for impacts to wildlife and other biological resources. Refer to Master Response E regarding impacts to groundwater supply and water quality. Refer to Master Response F regarding impacts to cultural resources and tribal cultural resources.

CEQA requires that in the event an agency chooses to approve a project that includes significant impacts which cannot be reduced to less-than-significant levels, the agency must adopt a written Statement of Overriding Considerations which identifies the specific economic, legal, social, technological, or other considerations that outweigh the adverse environmental impacts. Prior to its decision whether to approve the project, the County will prepare findings as required by Public Resources Code Section 21081 and Sections 15091 and 15093 of the CEQA Guidelines, including a Statement of Overriding Considerations regarding significant and unavoidable impacts.

COMMENT O1-13

Sacramento County's open spaces are quickly disappearing in a rush of a rapid, widespread development. The proposed site of the Coyote Creek Project is one of the last few remaining intact landscape in Sacramento County, and this development would leave the area's wildlife with nowhere to go.

RESPONSE O1-13

Sacramento County encompasses 994 square miles (636,160 acres). Even a cursory glance at aerial photographs available on the Internet (for example, Google Earth) clearly indicates that the vast majority of Sacramento County consists of undeveloped land. In fact, there are hundreds of thousands of acres of undeveloped land in the county that provide habitat for wildlife. Refer to Master Response B regarding biological resource mitigation measures including on-site preservation of stream corridors that would provide for long-term wildlife movement and reseeding of the project site with grasses to continue to provide wildlife habitat on site. Refer to Master Response C regarding consistency with the SSHCP and the permittee's responsibility to implement mitigation that would preserve open space.

COMMENT O1-14

We urge the County to reject this project due to its serious and unmitigated impacts as well as its failure to comply with the requirements of the California Environmental Quality Act.

RESPONSE O1-14

The commenter does not provide any specifics as to impacts that they believe are unmitigated or ways in which the DEIR fails to comply with CEQA. Therefore, the County cannot respond with specificity other than to state that the DEIR meets the requirements of the CEQA statutes and guidelines, and contains appropriate mitigation measures, where feasible, to reduce the project's significant impacts to less-than-significant levels.

COMMENT O1-15

The comment contains the names of all signees to the letter.

RESPONSE O1-15

The comment is noted.

COMMENT O1-16

Comments to County Planning Commission on Coyote Creek Agrivoltaic

Thank you, Commissioners. My name is Rick Codina and I am with the SMUD Watch Team for 350 Sacramento. We are a local climate action group that supports SMUD's Zero Carbon plan and the many renewable projects they have advanced (see Figure 1).

RESPONSE O1-16

This comment raises no issues with the adequacy of the DEIR. The comment is noted.

COMMENT O1-17

But unlike SMUD's local solar projects, Coyote Creek, as described in this draft EIR, will be exceptionally destructive. And we cannot support it. Nor do we believe it is at all necessary to meet SMUD's carbon goals.

RESPONSE O1-17

Refer to Master Response D regarding project alternatives and SMUD and County carbon reduction goals. The comment is a personal opinion and does not raise any specific issues regarding the adequacy of the EIR analysis.

COMMENT O1-18

To begin with, Coyote Creek is not a SMUD project. Nor did SMUD solicit this proposal when it agreed to purchase the project's future generation in 2022. Then, it approved this

contract without a site review and, in fact, Coyote Creek most likely violates SMUD's environmental guidelines for developing its own solar project.

RESPONSE 01-18

Refer to Master Response regarding site alternatives, and the role of the project in implementing the GHG emission reduction targets of SMUD's 2030 Zero Carbon Plan. The project remains under contract with SMUD through a Power Purchase Agreement and is referenced in public materials published by SMUD as being part of SMUD's 2030 Zero Carbon Plan. The comment is a personal opinion and does not raise any specific issues regarding the adequacy of the EIR analysis.

COMMENT 01-19

The draft EIR asserts that the County lacks alternative sites of sufficient size, suitability, and close access to a SMUD interconnection. It may be true that the developer cannot access such alternative locations. But SMUD can.

In fact, SMUD maintains a list of generation projects requesting potential interconnection (see Figure 2) that includes eight active solar plus battery projects totaling more than 2,200 MW. Nearly all have completed the necessary studies and three are requesting SMUD connections at the same point of inter-tie as Coyote Creek. Some of these sites may also prove problematic, and some requests may be withdrawn later. But the point is that Coyote Creek is neither unique or irreplaceable.

RESPONSE 01-19

Refer to Master Response D – Alternatives, which also discusses the SMUD interconnection queue. Note that sites sharing the same point of interconnection relies on the completion of Coyote Creek in order for the subsequent project to interconnect.

COMMENT 01-20

The draft EIR asserts that Coyote Creek's primary goal is to assist SMUD in meeting its carbon reduction goals, but the project is not at all necessary for the ultimate success of SMUD's Zero Carbon Plan.

RESPONSE 01-20

As described in DEIR Chapter 2, "Project Description," the proposed project would assist SMUD in achieving SMUD's Renewable Portfolio Standard goals for renewable energy, and carbon reduction targets including SMUD's 2030 Zero Carbon Plan. Refer to Master Response D regarding alternatives and carbon reduction goals of the County and SMUD. The comment does not raise any specific issues regarding the adequacy of the DEIR analysis.

COMMENT 01-21

True, SMUD staff had originally projected that Coyote Creek would be needed to shut down the first SMUD's gas power plants at the former Campbell Soup facility. But the latest staff update, finds that the County Areas' 344 MW solar plant – being built now – will provide enough generation to the local grid to replace Campbell, without the assistance from Coyote Creek.⁷

RESPONSE 01-21

Refer to Master Response D. The project remains under contract with SMUD, and SMUD's September 2024 Progress Report on the status of implementation of the Zero Carbon Plan identifies the Coyote Creek Project as one of two high priority solar/battery Projects under development and under contract with SMUD. The project goals and objectives are not tied to electrical generation at a single natural gas plant but rather references broader carbon reduction targets. The proposed project is one of only three projects in the SMUD interconnection queue that has implemented an offtake agreement (Power Purchase Agreement) with SMUD. The project remains in public materials published by SMUD as being a part of SMUD's 2030 Zero Carbon Vision, and based on these materials, additional MWs are required to meet SMUD and County goals regardless of the construction of Country Acres, which is not yet operational at the time of FEIR publication. The comment does not raise any specific issues regarding the adequacy of the EIR analysis.

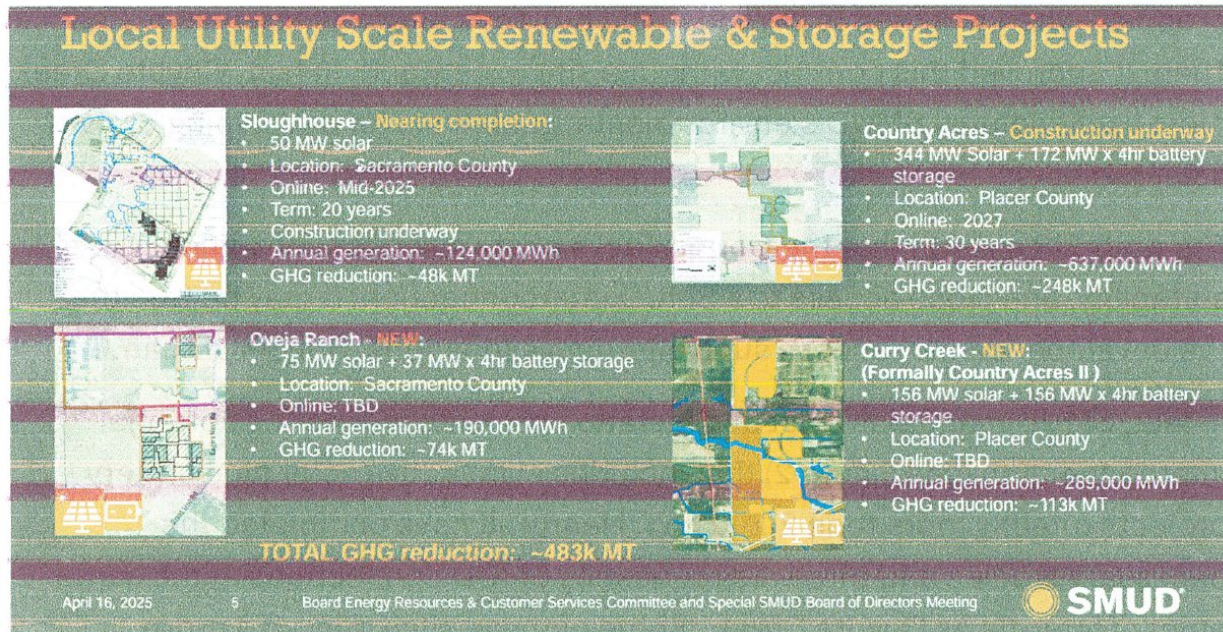
COMMENT 01-22

In summary, our climate crisis is very real, and the prospect of local renewable energy generation is tantalizing. But this project, with its devastating habitat impacts, should not be part of the solution.

RESPONSE 01-22

Refer to Master Response D regarding site alternatives. The comment does not raise any specific issues regarding the adequacy of the EIR analysis.

⁷ PowerPoint Presentation, SMUD Zero Carbon Update before the Board Energy Resources and Customer Services Committee meeting, April 16, 2025, slide 10

COMMENT O1-23**Figure 1. SMUD-Developed Local Solar + Battery Projects****Under Construction and Supported by 350 Sacramento¹.****RESPONSE O1-23**

Refer to Master Response D regarding alternatives and the SMUD interconnection queue. Note that the sites listed on this slide (comment O1-23) total 625 MWs, which is not adequate to meet SMUD's 2030 targets. Additionally, the Country Acres solar project in Placer County is still not operational at the time of FEIR publication, and the Oveja Ranch and Curry Creek solar projects (shown on the slide in comment O1-23) do not have a projected commercial operations date listed in the exhibit. This comment raises no issues with the adequacy of the DEIR.

COMMENT 01-24

Figure 2.

Active Solar + Battery Interconnection Requests to SMUDWebsite: [6201 HQ Letterhead](#)

Queue Date	Status	Generation Type	MW	Point of Interconnection	Proposed In-Service Date	Feasibility Study	System Impact Study	Facilities Study
2/13/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Cordova 230kV Substation	4/1/2027	Completed	Completed	Completed
11/3/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Elverta 230kV Substation	1/4/2029	Completed	Completed	Completed
1/25/2021	Active	Photovoltaic & Battery Storage	344 S&W	New substation near Elverta 230kV Substation	12/15/2026	Completed	Completed	Completed
3/16/2021	Active	Photovoltaic & Battery Storage	170 S&W	Cordova 230kV Substation	1/4/2028	Completed	Completed	Completed
5/20/2021	Active	Photovoltaic & Battery Storage	250 S&W	Q3 new switching station near Cordova 230kV Substation	12/31/2028	Completed	Completed	Completed
7/7/2022	Active	Photovoltaic & Battery Storage	550 S&W	New switching station near Rancho Seco 230 kV Substation	12/31/2029	Completed	Completed	Completed
9/22/2022	Active	Photovoltaic & Battery Storage	275 S&W	Rancho Seco 230 kV Substation	8/31/2030	Completed	Completed	Completed
12/12/2022	Active	Photovoltaic & Battery Storage	156 MW	Proposed Country Acres 230 kV (Q8)	9/15/2029	Completed	Completed	In Progress
Total			2,245 MW					

Blue shading indicates request at same interconnection point for Coyote Creek

Source: SMUD CAISO website, Interconnection Queue.

RESPONSE 01-24

Refer to Master Response D regarding alternatives and the SMUD interconnection queue. The SMUD interconnection queue by no means guarantees a project will be constructed and is one aspect of a complicated development process. This comment raises no issues with the adequacy of the DEIR.

COMMENT 01-25

Earth Advocacy: Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191). Good Evening. My name is Kim Delfino. I work as a consultant to Defenders of Wildlife and was their California Program Director for nearly 20 years. I am also a 25-year resident of Sacramento County.

RESPONSE 01-25

This comment raises no issues with the adequacy of the DEIR.

COMMENT 01-26

During the last 15 years of my career, I have worked to change state, regional and local policy and practice to site and permit large scale solar projects faster and more efficiently. It always comes down to one key factor – did the project proponent pick a site that was smart from the start – or in other words, low impact.

RESPONSE 01-26

This comment raises no issues with the adequacy of the DEIR.

COMMENT 01-27

Unfortunately, the Coyote Solar Project is the antithesis of a “smart from the start” project and we believe this project should be rejected.

RESPONSE 01-27

This comment raises no issues with the adequacy of the DEIR.

COMMENT 01-28

The Coyote Solar Project will require blasting and then filling in more than a thousand acres of rolling oaks woodlands. To level this area, the project developer will use 8 tons of explosives every day for over a month, generating more than 450 football stadiums of rock and dirt. This is a massive change in this landscape.

RESPONSE 01-28

The commenter’s claim regarding the amount of rock and dirt movement at the project site is exaggerated. For example, Manhattan Construction group cites that AT&T stadium (home to the Dallas Cowboys) is 104,000,000 cubic feet (3,851,851 cubic yards) (Manhattan Construction 2025). Projected cut of materials for the proposed project, even if taken collectively (not including the fact that most of the cut material generated would be reused at the project site), would fill less than half of this example stadium. Refer to Master Response A regarding blasting impacts, Master Response B regarding impacts to Oak Woodlands and Oak Canopy Cover, and Master Response G regarding impacts from grading and landform modification.

COMMENT 01-29

Others have spoken or will speak about the biological and cultural importance of this project site and the extensive and unmitigated impacts to those resources.

RESPONSE 01-29

The commenter has not provided any specifics as to impacts which she believes are unmitigated; therefore, the County cannot respond with specificity other than to state that the DEIR contains appropriate mitigation measures, where feasible, to reduce the level of impacts on biological and cultural resources as explained in DEIR Chapter 6, “Biological Resources,” and Chapter 8, “Cultural and Paleontological Resources.”

COMMENT 01-30

I want to focus on one critical issue: the impacts to the water in this area. I will note that the environmental organization’s written comments will include a technical report prepared by a professional hydrologist that provides much greater detail to the points I am raising today.

RESPONSE 01-30

The County assumes the commenter is referring to the “Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report” prepared by Luhdorff & Scalmanini Consulting Engineers. Please refer to responses to comments O3-233 through O3-285 as related to this technical report. This comment raises no issues with the adequacy of the DEIR.

COMMENT 01-31

First, the Draft Environmental Impact Report (EIR) fails to examine how the extensive blasting and excavations will impact the area’s groundwater, particularly how groundwater and spring systems will be impacted and depleted.

RESPONSE 01-31

The commenter provides no evidence of any kind that blasting would negatively affect groundwater or spring systems. Refer to Master Response A regarding the effects of blasting on groundwater resources.

COMMENT 01-32

Second, the DEIR failed to adequately analyze what the impacts of blasting will have on existing groundwater wells in terms of damage to the wells and impacts to productivity. These impacts should be considered for any wells related to the monitoring and mitigation of the groundwater contaminant plumes on the adjacent to the Project site.

RESPONSE 01-32

The commenter provides no evidence that blasting would negatively affect groundwater wells, either in terms of well damage, well productivity, or contaminant plumes. None of the wells on the project site are located in an area of proposed blasting. The off-site Prairie City SVRA water supply well is also not located in an area of proposed blasting. No blasting is proposed within 2,000 feet of the Aerojet contaminated groundwater plume

Consultation Zone established by USEPA and adopted by County Ordinance, and no blasting is proposed within 2,000 feet of Aerojet monitoring wells. Thus, there would be no impact. Refer to Master Responses A1 through A4 regarding blasting.

COMMENT 01-33

Third, the DEIR does not include sufficient analysis of groundwater quality or of potential impacts from long-term groundwater extractions on the groundwater contamination plumes existing beneath and adjacent to the Project site.

RESPONSE 01-33

Refer to Master Response E4, noting agency concurrence with Mitigation Measure HAZ-2a, and avoidance of the 2,000- foot Aerojet plume buffer and consultation zone.

COMMENT 01-34

Finally, there is no analysis on potential long-term impacts from groundwater extraction for the Project. Groundwater Dependent Ecosystems in or near Deer Creek have not been evaluated.

RESPONSE 01-34

The commenter provides no evidence that there are any GDEs present near Deer Creek. Refer to Master Response E4 regarding GDEs.

COMMENT 01-35

In summary, the environmental evaluation and analysis for this project is sorely lacking. This DEIR must be revised to address the many deficiencies in this document and should be recirculated for review.

RESPONSE 01-35

Refer to responses to comments 01-28 through 01-34. The environmental analysis contained in the DEIR meets the requirements of the CEQA statutes and guidelines, and therefore no recirculation is required. Refer also to Master Response H regarding recirculation.

COMMENT 01-36

California Native Plant Society Testimony on Coyote Creek Solar.

My name is Nick Jensen and I am the Conservation Program Director for the California Native Plant Society. CNSP is a statewide non-profit with more than 13k members dedicated to the conservation and appreciation of our state's globally significant plant diversity. I am also a resident of Hollywood Park, in District 2. Thank you very much for the opportunity to comment on the Coyote Creek Solar Project.

RESPONSE 01-36

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT 01-37

To start with, based on our analysis, the DEIR is insufficient and does not accurately quantify the botanical and habitat impacts of this project. Given the significance of these impacts, we strongly encourage the preparation of a revised or supplemental DEIR that addresses the omissions in the current draft.

RESPONSE 01-37

The commenter does not provide specifics on how the DEIR is insufficient; therefore, the County cannot respond with specificity other than to state that the DEIR contains an accurate quantification of the project's botanical and habitat impacts in Chapter 6, "Biological Resources." Refer also to Master Response B regarding impacts and mitigation to botanical resources and habitat, and Master Response H regarding recirculation.

COMMENT 01-38

With regard to habitat, the project proposed to remove 4,787 trees, 4,699 of which are oaks. This totals 287 acres of oak woodland and constitutes over 54 continuous acres of canopy cover. The vast majority (more than 4500) of these oaks are blue oaks, which are one of the slowest growing oak species. Blue oaks begin to reach maturity at approximately 90 years of age, and at that point they are just beginning to produce acorns, downed wood, and hollows that are needed to support the many of the wildlife species that call these woodlands home. It would take centuries to recreate the habitat values that currently exist on the project site and would be eliminated.

RESPONSE 01-38

Refer to Master Response B2 regarding impacts and mitigation to oak woodland resources and proposed mitigation measures. Note that the County has determined that cumulative impacts to oak resources would be considered significant and unavoidable (DEIR Chapter 17, "Summary of Impact and Their Disposition," page 17-47).

COMMENT 01-39

From the perspective of climate change, the removal of these same trees would reduce the carbon capturing capacity of Sacramento County by up to 117 tons of GHGs annually.

RESPONSE 01-39

Carbon sequestration is discussed in DEIR Chapter 7, "Climate Change," on pages 7-13, 7-14, and 7-15. DEIR page 7-15 notes that the planting of new trees as proposed by the project would increase carbon sequestration and offset approximately 984 MT CO₂e. Additionally, the carbon-free generation of electricity would contribute to significant GHG

reductions as compared to other fossil fuel derived sources. Refer to Master Response D, Alternatives, regarding the role of the project in the implementation of SMUD's 2030 Zero Carbon Plan.

COMMENT O1-40

Zooming down into nerdy botanist territory, the project would direct impact occurrences of spiked western rosin weed (*Calycadenia spicata*). This species is endemic to California and is rare across its entire range. The DEIR inaccurately represents observations of the species as individual occurrences, greatly exaggerating the number of populations of this species across California. This obfuscates the public's ability to understand the project's actual impacts. Furthermore, the mitigation for this species proposed to salvage topsoil containing seeds and return it to the project site post construction. The potential success of this mitigation measure is untested and while there is language to require monitoring of post construction, there is no language to require that this rare species survive on the site, in perpetuity. Essentially, the DEIR offers no assurance that there would be no net loss of this species.

RESPONSE O1-40

Refer to Master Response B3 regarding biological resources and mitigation measures.

COMMENT O1-41

The examples of the impacts to oak woodland and spiked western rosin weed highlight the large effect that this project will have, the inadequacy of this analysis provided in the DEIR and the untested/insufficient nature of the proposed mitigation.

RESPONSE O1-41

Refer to Master Response B2 regarding impacts and mitigation for oak woodlands and Master Response B3 regarding impacts and mitigation for spiked western rosin.

COMMENT O1-42

These items lead us to conclude that the projects DEIR is insufficient and needs revision. Consequently, we recommend that the planning commission not approve this project.

RESPONSE O1-42

Please refer to responses to comments O1-37 through O1-41. The comment is noted.

COMMENT O1-43

Daniel Airola – Comments on the Coyote Creek Photovoltaic Project on behalf of Sacramento Audubon Society and Central Valley Bird Club

Good afternoon, I am Daniel Airola, a certified Wildlife Biologist.

RESPONSE O1-43

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O1-44

I have worked in Sacramento County since 1985 addressing permitting and environmental compliance for biological resources. I currently conduct scientific research on several species affected by this project.

RESPONSE O1-44

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O1-45

Tonight, I represent Sacramento Audubon Society and Central Valley Bird Club, both of which have over 600 members.

RESPONSE O1-45

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O1-46

I prepared 12 pages of comments, just on the DEIR's inadequacies in addressing impacts to certain wildlife. I only have time to highlight a few key issues here.

RESPONSE O1-46

The DEIR meets the requirements of the CEQA statutes and guidelines. Please see responses to comments O1-46 through O1-59 below.

COMMENT O1-47

The project would remove nearly 4,800 oak trees. This loss represents 30 percent of the remaining oak woodland in Sacramento County, which was not acknowledged in the DEIR.

RESPONSE O1-47

Refer to Master Response B2 for a discussion of the project's impacts and mitigation for oak woodlands. The proposed project would affect approximately 3 percent of the total acreage of blue oak woodland in the South Sacramento Habitat Conservation Plan Area (South Sacramento Conservation Agency 2018).

COMMENT O1-48

This woodland loss will significantly affect nesting raptors, including the state-threatened Swainson's Hawk and fully protected White-tailed kite. But many other oak woodland species will suffer major population declines,

RESPONSE O1-48

Refer to Master Response B8 regarding impacts on Swainson's hawk and Master Response B6 regarding impacts on White-tailed kites. Refer to Master Response B1c regarding impacts to oak woodlands and on-site conservation easements to preserve oak woodlands and create wildlife and habitat corridors.

COMMENT O1-49

The mitigation proposed for eliminating 100-year-old woodlands is inadequate.

RESPONSE O1-49

Refer to Master Response B2 for a discussion of the impacts and mitigation on oak woodlands.

COMMENT O1-50

New planted mitigation woodlands will not replace the ecological functions of the existing woodlands for many decades. Instead, the impacts should be avoided.

RESPONSE O1-50

Refer to Master Response B2 regarding preservation and replanting of oak trees. Note that the County has determined that the cumulative impact to oak trees would be significant and unavoidable (DEIR Chapter 17, "Summary of Impacts and Their Disposition," page 17-47).

COMMENT O1-51

The state-threatened and colonial-nesting Tricolored Blackbird has nested within the project area within the last decade, which was not acknowledged in the DEIR.

RESPONSE O1-51

DEIR Chapter 6, "Biological Resources," page 6-84, states that "Three previously documented occurrences of this species overlap or are immediately adjacent to the solar development area." The occurrence data that cited in the DEIR from the CNDDDB database refers to observances of tricolored blackbird nesting, not simply an observance of the species. Refer to Master Response B5 regarding impacts to and mitigation measures for the Tricolored Blackbird. Nesting surveys prepared by Dudek were conducted after the noted occurrences. Additionally, mitigation measures for nesting Tricolored blackbirds have been incorporated into the EIR.

COMMENT O1-52

Also, a very large nesting colony, near the State OHV area, uses the project site for food to feed their young.

RESPONSE O1-52

The project would not preclude the tricolored blackbird from utilizing on-site preserve areas to forage and feed their young. It also would not preclude the tricolored blackbird from utilizing other nearby foraging areas. Additionally, implementation of the project's Agricultural Management Plan (DEIR Mitigation Measure AG-1) would restore areas grassland beneath and outside of the solar array following construction, and this grassland would be expected to retain foraging habitat value for this species throughout operations. Refer to master response B5 regarding impacts on and mitigation for tricolored blackbird.

COMMENT O1-53

The project will eliminate this grassland foraging habitat onsite and degrade nesting habitat.

RESPONSE O1-53

DEIR Chapter 6, "Biological Resources," evaluates effects on tricolored blackbird (see Table BR-11). Project implementation would reduce the amount of grassland foraging habitat available to tricolored blackbird within the project site, but it will mitigate for that loss with preserved grassland adjacent to and surrounding the solar development. Refer to Master Response B5 regarding impacts and mitigation measures for tricolored blackbirds.

COMMENT O1-54

My studies show that large areas of grasslands are required to support colonies, which explains why six colonies have disappeared as a result of development adjacent to the project site in South Folsom and in El Dorado Hills.

RESPONSE O1-54

Refer to Master Response B5.

COMMENT O1-55

This DEIR should have eliminated whether the loss of nesting and foraging habitat would affect the onsite and adjacent colonies, but did not do so.

RESPONSE O1-55

DEIR Chapter 6, "Biological Resources," contains an analysis related to tricolored blackbird, as requested by the commenter. Refer to Master Response B5.

COMMENT O1-56

Finally, the DEIR ignored any evaluation of the Loggerhead Shrike, a state Species of Special Concern that nests immediately adjacent to the project site. The project is likely to affect this rapidly declining species.

RESPONSE O1-56

Refer to Master Response B10.

COMMENT O1-57

In sum, we should not destroy high value wildlife habitat in order to reduce carbon emissions.

RESPONSE O1-57

Refer to Master Responses B1b and B1c regarding impacts and mitigation measures for biological resources. This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT O1-58

This is just a bad site for solar development. We recommend that the county deny the project or at a minimum recirculate a revised DEIR to allow meaningful public comment.

RESPONSE O1-58

The DEIR includes an appropriate analysis of the project's potential environmental impacts as required by the CEQA statutes and guidelines; therefore, recirculation is not required. Refer to Master Response H regarding recirculation. The commenter's opinion is noted.

COMMENT O1-59

Even better, work with the landowner and non-profits to develop a conservation easement to protect this valuable habitat and ranching use of the property for the long-term.

RESPONSE O1-59

The project site is already part of a conservation easement that is held by California State Parks, which precludes housing development on a portion of the property (see Comment A5-24). Use of the project site for solar power generation is allowed under the existing conservation easement. Refer also to Master Response B1-C, which notes that an additional on-site and adjacent conservation easement to protect biological resources is proposed as a condition of approval for the proposed project.

COMMENT O1-60

My name is Sean Wirth, and I am the Conservation chair for the Mother Lode Chapter of the Sierra Club.

RESPONSE O1-60

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O1-61

A review of the draft EIR for this huge solar voltaic project on the richly biodiverse and rare blue oak woodlands and savannah and associated grasslands of eastern Sacramento County is liable to make you conclude that this is little to no effect on South Sacramento Habitat Conservation Plan's ability to successfully achieve the goals of its Conservation Strategy.

RESPONSE O1-61

Refer to DEIR Impact BR-6 (DEIR Chapter 6, "Biological Resources"), which is a detailed evaluation of the potential for an impact related to inconsistencies with provisions of the SSHCP. The DEIR identified that the proposed project would implement a comprehensive suite of avoidance and minimization measure and best management practices (BMPs) that are consistent with those described in the SSHCP, including all relevant general and Covered Species AMMs from the SSHCP. DEIR concluded that development of the project would not adversely affect the County's ability to implement the SSHCP Conservation Strategy because the project-required compensation would supplement and bolster the function of the SSHCP preserve system and would not preclude the plan permittees from meeting the obligations of the SSHCP preserve system; and because it would allow sufficient habitat acreages to remain regionally to meet the preserve planning needs of the SSHCP. Refer to Master Response C for more discussion about consistency with the SSHCP.

COMMENT O1-62

The DEIR makes this claim for two main reasons: 1.) only a small portion of the project is in a designated Preserve Planning Unit and so, since the bulk of the proposed project would be constructed outside of these PPUs, that means that it will have no significant impact on the SSHCP; and 2.) a very small portion of the habitat types (land covers in the parlance of the SSHCP) would be impacted both within the context of the Plan as well as within 5 miles of the project – basically claiming that there is a bunch of this habitat around and this proposed project will impact only a small amount of this habitat.

RESPONSE O1-62

Refer to Master Response C for additional information regarding the SSHCP.

COMMENT O1-63

To understand how incorrect this representation of the impact on the SSHCP is, one needs to understand how the Plan is structured. The Plan covers development activities south of highway 50 down to the urban Development Area. The idea underlying the Plan, and the big environmental compromise, was that the biological resources inside the UDA, with some specific and clearly identify exceptions, would be sacrificed, but that the fees generated from that sacrifice would be used to create a preserve system outside the UDA in a far less constrained landscape allowing for a large and interconnected preserve system.

RESPONSE O1-63

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O1-64

The areas outside of the UDA where the preserve would be built was divided into Preserve Planning Units, with each unit containing habitats and ecosystems that benefit the species that the Plan was designed to protect and each PPU as specific conservation goals that must be met. This approach lead to the SSHCP being described as a Natural Communities Conservation Plan – like effort, an effort intending to protect ecosystems while protecting species.

RESPONSE O1-64

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O1-65

And now for a fact that was completely left out of the DEIR: there was no “take” of blue oak woodland or blue oak savannah in the SSHCP, and therefore there would be no fees coming into the Plan to preserve this habitat, even though it provides, along with its associated grasslands, a home to a majority of the species covered in the plan. So there is no PPU containing this valuable ecosystem because there was no money to do any conservation. this is why there is a zone in the inventory area of the SSHCP that has no PPU and no conservation targets called out. BUT, that does not mean that this area is not an Important part of the success of the Conservation Strategy of the Plan, a Plan that is supposed to provide for the long term viability of the covered species included in it.

RESPONSE O1-65

Refer to Master Response C5 noting that blue oaks are not a protected species, but avoidance and minimization measures of individual species extend protections to their habitats including oak woodlands. Additionally, refer to Master Responses B1C and B2 for information regarding proposed on-site mitigation for oak woodland species along with oak replanting.

COMMENT O1-66

No mention was made of the Appendix J in the SSHCP which calls for the preservation of 8,000 acres in this very area where the proposed project is sited. This goal was precipitated by both the importance of this ecosystem and is acknowledged of its importance to so many covered species. No discussion was included in this DEIR about the impact of this project on the goals in Appendix J. No mention of how this proposed project could drive up the cost of the conservation in the area. No mention that the project is so large that it constitutes 4.5% of the total land to be developed inside the UDA covered by the SSHCP.

RESPONSE O1-66

Refer to Master Response C, noting that the project would contribute preserved acreage which would contribute to the preserve system noted in SSHCP Appendix J, and more broadly would contribute to preservation goals outside of the SSHCP's preserve planning units. Because the project would be directly contributing to conservation goals of SSHCP Appendix J, at the expense of the developer, this contributes to additional land preservation at no cost to others in the area.

COMMENT O1-67

And addressing the second reason, the fact that the land covers to be impacted by the proposed project are presented as such a small fraction of the equivalent land covers in the SSHCP, as well as within 5 miles, is dramatically skewed because it only considers to two overlapped PPU's and not the whole proposed project area. It also completely ignores the fact that the remaining land covers are a vestige of their original extent, and so the "abundance" of these important land covers in this area are, in actuality, a sign of the significance of this area for conservation as opposed to a greenlight for development. These and many other arguments will be addressed in the comment letters that the county will be receiving on this project and would encourage you to read those letters carefully.

RESPONSE O1-67

Refer to Master Response C noting the preservation of land cover on-site and adjacent to the project site that contributes to SSHCP plan goals outside of the preserve planning units. This FEIR contains responses to all comments received by the County related to the DEIR.

LETTER O2

White Rock Road Properties, a subsidiary of Teichert, Inc., dated April 9, 2025.

COMMENT O2-1

White Rock Road Properties, LLC (“WRRP”), a subsidiary of Teichert, Inc., owns a 100-foot-wide exclusive easement across portions of the 2,555-acre Barton Ranch property, which is the project site for the proposed Coyote Creek Agrivoltaic Ranch Project (“Project”). The purpose of WRRP’s easement is to allow for the construction of a conveyor belt system, access road, and associated utilities (e.g., water, electricity) needed to convey aggregate from Teichert’s approved Teichert Quarry mining site to its existing Grant Line processing facility.

RESPONSE O2-1

Private easements are not under the purview of the County and are not related to the adequacy of the environmental analysis contained in the DEIR. The comment is noted.

COMMENT O2-2

On February 16, 2022, WRRP submitted the attached comment letter on the Notice of Preparation (NOP) for the Project, requesting that the EIR address the Project’s compatibility with our easement. However, our comment letter was not included among the NOP comments compiled in Appendix PD-2 of the EIR, nor did we see the WRRP easement mentioned in the EIR. We are resubmitting our attached NOP comment letter to ensure that the Final EIR acknowledge and address our easement to the extent necessary.

Also, we have contacted the project applicant with respect to our easement. They have informed us that they are aware of our easement and assured us that the Project will not conflict with our easement and the proposed uses within that easement.

Thank you for the opportunity to comment on the Draft EIR for the Project. We look forward to working with the project proponents regarding the Project and WRRP’s proposed easement uses.

RESPONSE O2-2

The commenter has resubmitted the NOP comment letter to ensure the FEIR acknowledges and addresses the easement to the extent necessary. Finally, the comment states that White Rock Properties contacted the applicant with respect to the easement and the applicant informed the commenter that they were aware of the easement and that the project would not conflict with the easement or uses within the easement. Private easements are not under the purview of the County and are not related to the adequacy of the environmental analysis contained in the DEIR. The comment is noted.

COMMENT 02-3

White Rock Road Properties.

Re: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meetings for Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191)

White Rock Road Properties (LLC) (“WRRP”), a subsidiary of Teichert, Inc. owns a 100-foot-wide exclusive easement (“Easement”) across portions of the 2,555-acre Barton Ranch property. We have reviewed the Notice of Preparation (“NOP”) for the Coyote Creek Agrivoltaic Ranch Road (“Project”). The Project involves the construction and operation of a solar energy facility on the Barton Ranch property. The project proponents are listed in the NOP as the Barton Ranch, LLC (“Owner”) and applicant Sacramento Valley Energy Center, LLC (“Applicant”). Based on our review of the NOP, we offer the following comments.

Approve Teichert Quarry Project and Conveyor Easement. The purpose of WRRP’s exclusive Easement is to allow for the construction and operation of a conveyor belt system, access road, and associated utilities (e.g., water, electricity) needed to convey aggregate from Teichert’s approved Teichert Quarry mining site to its existing Grant Line processing facility. The construction and installation of the proposed easement will involve a substantial amount of grading, including cuts and fills. The environmental effects associated with the construction, installation, and operation of the proposed conveyor, access road, and associated utilities were analyzed as part of the Teichert Quarry project in the Final Environmental Impact Report (State Clearinghouse Number 20030702087) that was prepared and certified by the County of Sacramento when it approved that project in November 2010.

Barton Ranch Easement Obligations. The County and the project proponents should be aware of the obligations under the Easement and are subject to the covenants and conditions contained in the Easement. A copy of the Easement is attached for your reference. Specific provisions of the Easement are discussed in further detail below.

Specific Covenants and Conditions. The County and the project proponents should be aware of the following requirements in the Easement relating to non-interference with the use of the Easement and approval rights of WRRP concerning crossings and other facilities that might impact the Easement:

- **Construction:** Construction of the conveyor system, access road, and associated utilities will require entry beyond the boundaries of the Easement for grading and other construction-related activities. Under Section 4.A. of the Easement, WRRP is allowed to enter the Barton Ranch property as reasonably necessary for such construction. The project proponents should be aware that cut and fill excavation will be required at various places in the Easement and that some fill material may be deposited outside the boundaries of the Easement.
- **Permits.** Under Section 5 of the Easement, under Owner/Applicant must cooperate with WRRP in connection with obtaining the necessary entitlements to construct and

operate WRRP's proposed conveyor system, access road, and associated utilities, and WRRP's entitlements take precedence over other uses of the property, including the Project.

- **Approval Right.** Under section 7.C.(2) of the Easement, the Project's plans and specification will be subject to review and approval by WRRP to the extent that the Project could affect or use the Easement.
- **Crossings.** Under Section 6 of the Easement, any proposed crossings over or under the Easement will be subject to WRRP's approval.
- **Warranty.** The warranty obligations of the Easement, as found in Section 7.C.(1), prohibit the Project from causing water to back up onto the Easement.
- **Owner/Applicant Access.** Section 7.C.(3) of the Easement requires advance notice for access onto the Easement and imposes an indemnity obligation arising from any such access.
- **Modifications.** if the Project causes adverse effects to the Easement, the Owner/Applicant will be obligated to remedy the conditions as required by the Easement, Section 7.C.(4).
- **Non-Interference Covenant.** Section 13 of the Easement requires that the Owner/Applicant's use of the property not unreasonably interfere with the Easement.

Property compatibility with Easement Uses. the EIR should address the Project's compatibility with the adjacent Easement and associated uses (e.g., conveyor, access road, utilities, etc.) Moreover, the Easement could affect the location of the Project's proposed facilities, which also needs to be considered in the EIR.

Thank you for the opportunity to comment on the NOP for the Project. We look forward to reviewing the EIR for the Project. We also look forward to working with the project proponents regarding the Project and WRRP's proposed Easement uses. We are currently in the process of finalizing our construction plans for our proposed aggregate conveyor, access road, and associated utilities. During this process, we would be happy to meet with the project proponents to allow them to review our plans and to discuss issues associated with the interface between the Project and WRRP's proposed uses.

Troy A Reimche, Director of Properties

20 pages of Sacramento County Book 20031016, Page 2239. Grant of Permanent Exclusive Easement.

RESPONSE 02-3

This comment is a copy of the NOP comment letter that White Rock Road Properties, LLC provided during the NOP scoping period. The County considered all NOP comment

letters in the development of the DEIR. Please see responses to comments O2-1 and O2-2.

LETTER O3

Joint Conservation Organizations, dated May 5, 2025.

COMMENT O3-1

These comments are submitted on behalf of 350 Sacramento, California Native Plant Society, California Wildlife Foundation, Central Valley Bird Club, Defenders of Wildlife, Habitat 2020, Sacramento Audubon Society, and Sierra Club on the draft environmental impact report (DEIR) for the proposed Coyote Creek Agrivoltaic Ranch Project (Project). A list of comment preparers and our technical experts is provided in Section 14 of this letter.

RESPONSE O3-1

The comment provides a list of comment preparers and their technical experts. This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT O3-2

Our organizations strongly support renewable energy development and the Sacramento Municipal Utility District's 2030 Zero Carbon Plan. A low-carbon energy future is critical for California's economy, communities, and environment. Achieving this future—and how we achieve it—is crucial for protecting California's internationally treasured wildlife, landscapes, and diverse habitats. Transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis if planning for projects is thoughtfully executed to protect habitat critical to species.

350 Sacramento is a grassroots climate justice organization in California's capital city. Through advocacy, education, and the power of community, 350 Sacramento pursues active solutions and policies that support a future where all people are free to breathe fresh air, access clean energy, and live in a safe, healthy environment.

RESPONSE O3-2

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT O3-3

California Native Plant Society (CNPS) is a non-profit environmental organization with more than 13,000 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plants and their natural habitats, today and into the future, through science, education, stewardship, gardening, and advocacy. CNPS's mission is to protect California's native plants and their natural habitats, today and into the future, through science, education, stewardship, gardening,

and advocacy. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices. CNPS supports science-based, rational policies and actions, on the local, state, national, and international levels, that lead to the continued study and enjoyment of the state's botanical resources.

RESPONSE O3-3

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT O3-4

California Wildlife Foundation is committed to conserving, restoring, and maintaining habitats and corridor linkages throughout the state to ensure the biological diversity of species over time. California Wildlife Foundation's California Oaks program works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing plant and wildlife habitat, and sustaining cultural values.

RESPONSE O3-4

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O3-5

Center for Biological Diversity

The Center for Biological Diversity is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. On behalf of the Center's 1.7 million staff, members and supporters throughout California and the western United States we join these comments, noting that the development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions. The Center strongly supports the development of renewable energy production, and the generation of electricity from solar power, in particular. However, like any project, the proposed solar power project should be thoughtfully planned to minimize impacts to the environment and fully comply with State and local planning requirements. In particular, renewable energy projects should avoid impacts to sensitive species and habitats and should be sited in proximity to the areas of electricity end-use to reduce the need for extensive new transmission and the efficiency-loss associated with extended energy transmission. Only by maintaining the highest environmental standards regarding local impacts, and effects on species and habitats, can renewable energy production be truly sustainable.

RESPONSE O3-5

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT O3-6

Central Valley Bird Club is dedicated to the study of the distribution, status, ecology, and conservation of birds in the Central Valley of California. The Central Valley Bird Club represents over 500 birders, biologists, resource managers and conservationists in California's Central Valley.

RESPONSE O3-6

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O3-7

Defenders of Wildlife (Defenders) has 2.1 million members and supporters in the United States, 311,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

RESPONSE O3-7

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O3-8

Habitat 2020 is the Environmental Council of Sacramento's coalition of Sacramento area environmental organizations that works to protect the lands, waters, wildlife and native plants in the Sacramento region.

RESPONSE O3-8

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT O3-9

Sacramento Audubon Society is a volunteer-run organization. Through extensive educational programs, ongoing community outreach, land stewardship, and science-based conservation efforts, our volunteers seek to effect positive change in our community and work towards preserving our region's biodiversity for future generations.

RESPONSE O3-9

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT 03-10

Mother Lode Chapter of the Sierra Club has 4,200 members and supporters in Sacramento County, over 400,000 members in California, and 3.8 million members in the United States. Our mission is to explore, enjoy and protect the planet; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives. We champion solutions to the climate crisis. We work for clean air, safe water, land protection, and a vibrant natural world. We fight for environmental and social justice. We believe in getting people outside to enjoy the outdoors.

RESPONSE 03-10

This comment does not raise issues regarding the adequacy of the DEIR.

COMMENT 03-11**Understanding of the Project**

The proposed Project is located in the Cosumnes community in an unincorporated portion of Sacramento County. The proposed Project site is 2,704 acres of the historic Barton Ranch with a proposed solar development area on 1,412 acres. The remaining 1,292 acres are proposed to continue livestock grazing operations by the landowner. New water troughs and fencing would be installed, and reseeded is proposed to improve grazing habitat within the fenced solar array. Additionally, pollinator-friendly habitat areas are proposed to be planted.

The proposed Project is anticipated to generate approximately 200 megawatts (MW) of electricity using solar photovoltaic (PV) panels and store electricity in an onsite battery system. The proposed Project's 230-kilovolt gen-tie line would be approximately 1.3 miles long, paralleling the Prairie City State Vehicle Recreation Area (SVRA) boundary. The gen-tie line would connect with a new switchyard adjacent to the Prairie City SVRA that would be constructed to interconnect the proposed Project into the Sacramento Municipal Utility District (SMUD) 230 kV powerline farther to the west.

RESPONSE 03-11

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-12**Project Objective**

The DEIR asserts that the proposed Project's primary objective is to assist SMUD in meeting its carbon reduction goals. But the project is not at all necessary for the ultimate success of SMUD's 2030 Zero Net Carbon Plan.

SMUD staff had originally projected that the proposed Project would be needed to enable the shutdown of the first of SMUD's gas power plants at the former Campbell Soup facility. SMUD's latest Zero Carbon Plan Update¹ finds that the Country Acres' 344 MW solar plant -- being built now -- will provide enough generation to the local grid to replace Campbell, without assistance from the proposed Project.

¹ https://www.smud.org/-/media/Documents/Corporate/About-Us/Board-Meetings-and-Agendas/2025/April/2025-04-16_Exhibit-to-Agenda-Item-1_ZCP-Update.ashx

RESPONSE 03-12

Refer to Master Response D regarding alternatives and project objectives. Regardless of the Campbell facility, and noting that SMUD's Country Acres solar project (in Placer County, approximately 20 miles northwest of the project site) is still not operational at the time of publication of this FEIR, SMUD is still far from reaching its zero carbon goals and requires significant additional carbon free generation sources to meet its goals. The project remains under contract with SMUD and is part of various reference materials in SMUD's 2030 zero carbon vision.

COMMENT 03-13

The Proposed Project Site will be permanently converted and will require permanent mitigation.

RESPONSE 03-13

Refer to Master Response B regarding biological resources.

COMMENT 03-14

California's ambitious renewable goals require ever-increasing renewable energy generation in the foreseeable future to support the electrification of the residential, municipal/industrial, and transportation sectors and the exploding energy demands of data centers.² Solar projects currently under construction or constructed are expected to be repowered/upgraded and continue to operate well beyond the end of their initial contract. These projects are a permanent conversion of land use and, as such, require impact analysis and mitigation that addresses the permanent nature of the impacts.

² California Energy Commission, SB 100 Joint Agency Report, <https://www.energy.ca.gov/sb100>

RESPONSE 03-14

Refer to Master Response B1a outlining the evaluation of temporary and permanent impacts in the DEIR. The long-term operation of a solar facility does not preclude its continued viability as wildlife habitat beneath the array with appropriate restoration in accordance with the AMP. Additionally, refer to Master Response B1c and B2 and Mitigation Measure BR-2b in relation to permanent conservation easements that would extend beyond the life of the proposed project. As presented in Chapter 6 of the DEIR

and in Master Response B, generally, the mitigation measures required as a part of the EIR were determined to be adequate to ensure no net loss of sensitive biological resources. These measures were developed in coordination with state and federal wildlife agencies (i.e., California Department of Fish and Wildlife [CDFW] and United States Fish and Wildlife Service [USFWS]). Mitigation is required for all special-status species impacted by the proposed project.

COMMENT 03-15

The proposed Project will permanently convert important habitat lands into an industrialized facility and land use. This site will have new roads, new transmission lines, grading for energy equipment, energy storage, and the accompanying infrastructure. Development of the proposed Project will require grading, blasting, and recontouring of the land including excavation of 1,461,000 cubic yards earth and rock, 1,203,500 cubic yards of fill, with over 257,000 cubic yards of earth and rubble left over that will require disposal. This significant earthmoving will result in an irreversible change to the land, altering the topography, character and environment of this proposed Project site. The DEIR acknowledges the planned operational life of the proposed Project is not limited to 35 years but does not properly address the permanent nature of the impacts. The DEIR must fully recognize that the proposed Project will reasonably and foreseeably result in a permanent change to the site from an open space/rangeland use to an industrial land use, with permanent changes to the topography, character and environment of these lands. This project will not be a temporary conversion of land. Its impacts are permanent. Furthermore, the ownership and/or management of the proposed Project can be reasonably expected to change over thirty-five years. The proposed mitigation measures, particularly those associated with project operations and management, become meaningless and uncertain if their durability is not ensured.

RESPONSE 03-15

Refer to Master Response B1a outlining temporary and permanent impacts from the project. Refer to Master Response G regarding landscape modifications. Refer to Master Response A regarding grading and blasting impacts. Refer to Master Response B regarding impacts and mitigation measures for biological resources. While some project components would be a permanent conversion to a solar use, implementation of the project's Agricultural Management Plan (as required by DEIR Mitigation Measure AG-1 in Chapter 4, "Agricultural Resources") ensures long term grazing and pollinator habitat beneath the array. The EIR requires mitigation for impacts of the entire solar development area. Lastly, ownership of the project does not affect the project's permit requirements. Any owner of the facility would be subject to the mitigation measures required in the EIR.

COMMENT 03-16

In the unlikely event that the solar use of the proposed Project is decommissioned, the site will not return to its original state, given the massive change in topography. Moreover, it is still unlikely that the site will return as rangeland, given the significant, industrial-scale infrastructure that will already be constructed on and leading to the site. Instead, it can be reasonably expected that the site will be redeveloped into another industrial or residential

land use. The proposed Project must be considered a permanent conversion from open space and agricultural use to an industrial land use and, as such, must be analyzed and mitigated accordingly.

RESPONSE O3-16

The potential use of the land for a different purpose at the end of the project's 35-year lifespan is speculative and therefore does not require analysis. Refer to Master Response G regarding landform modifications. Refer to Master Response B1b regarding biological resource impacts and site restoration methods. Additionally, refer to the project decommissioning plan in DEIR Appendix PD-1 noting the requirement for removal of project equipment and site restoration, along with financial assurance provisions to ensure decommissioning occurs at the end of the project's life.

COMMENT O3-17

Comments

As California transitions to a clean energy future, it is imperative for our future and the future of our wild places and wildlife that while addressing the long-term impacts of climate change, we also consider the near-term impact of solar development on our biological diversity, fish and wildlife habitat, and natural landscapes. Sacramento County needs smart planning for renewable power that avoids and minimizes adverse impacts on wildlife and lands with known high-resource values.

RESPONSE O3-17

Refer to Master Response B for a discussion of impacts and mitigation measures regarding biological resources, including wildlife and habitat, and establishment of a conservation easement in support of these efforts.

COMMENT O3-18

Our review of the DEIR found that not only is the proposed Project location completely inappropriate for the proposed development, but the DEIR itself is so deeply flawed that it is insufficient to support informed decision-making by Sacramento County and trustee agencies.³ **The DEIR must be revised to address the flaws identified in this letter and recirculated to the public for review.**

³ See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 513 [a legally adequate EIR must "facilitate[e] 'informed decision making and informed public participation.'"]

RESPONSE O3-18

The DEIR contains a thorough and appropriate analysis of the project's potential environmental impacts as required by the CEQA statutes and guidelines. Recirculation is not required. Refer to Master Response H regarding recirculation. Refer also to responses to comments O3-19 through O3-286, below. The commenter's opinion that the project location is inappropriate is noted.

COMMENT 03-19

Our comments address the following impact areas in greater detail:

1. Biological Resources
2. Wildlife Corridors and Habitat
3. South Sacramento Habitat Conservation Plan
4. Hazards and Hazardous Materials
5. Hydrology and Water Quality
6. Land Use and Planning
7. Traffic and Circulation
8. Tribal Cultural Resources
9. Alternatives Analysis
10. Cumulative Impacts
11. Growth Inducement

RESPONSE 03-19

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted and responses to comments on each of the comments listed are provided in the material that follows.

COMMENT 03-20**1. Biological Resources**

Protection of biological resources is a fundamental policy incorporated in CEQA. CEQA states that “it is the policy of the state to [p]revent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities.”⁴

⁴ Pub. Resources Code, §21001(c).

RESPONSE 03-20

The DEIR contains a thorough and appropriate analysis of the project's potential environmental impacts as required by the CEQA statutes and guidelines. This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-21**Environmental Setting**

The proposed Project site consists of rolling hills with a mix of open grasslands and oak woodlands. There are seasonal wetlands, vernal pools, seasonally inundated wetlands, and ephemeral drainages throughout the project site. Two perennial streams, Carson Creek and Coyote Creek, flow northeast to southwest across the project site and merge offsite, flow into Deer Creek, and eventually connect with the Cosumnes River.

RESPONSE 03-21

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-22

This DEIR fails to clearly identify how many acres of habitat would be permanently impacted for species. For each species, there must be a full accounting of the permanent and the temporary direct and indirect impacts. Without this accounting, it is impossible to understand the nature of the impacts as well as the adequacy of the compensatory mitigation presented to address those impacts.

RESPONSE 03-22

Refer to Master Response B1b regarding biological resources and the approach to calculations of permanent and temporary impacts. See also the description of permanent and temporary impacts on DEIR pages 6-42 through 6-45.

COMMENT 03-23**Vegetation and Land Cover Impacts Analysis**

The DEIR and Biological Resources Technical Report Are Insufficient and Must Be Revised.

The DEIR and Biological Resources Technical Report (BRTR) lack information to allow reviewers to determine the effectiveness of the survey methodology for identifying special status plant species with the potential to occur on the proposed Project site. The DEIR and BRTR lack analysis of areas adjacent to the project site, fail to provide complete descriptions of survey efforts, and misrepresent species with the potential to be impacted. An EIR's mode of analysis must be "adequate to inform" to be legally sufficient under CEQA.⁵ In *Sierra Club v. County of Fresno*, the court held that the ultimate inquiry, as case law and the CEQA Guidelines make clear, is whether the EIR includes enough detail "to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project."⁶ The court further held that whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate, one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.⁷

Thus, “a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.”⁸

⁵ *Sierra Club v. County of Fresno*, supra, 6 Cal.5th at 521.

⁶ *Id.* at 521.

⁷ *Id.*

⁸ *Id.*, citing *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 514-515.

RESPONSE 03-23

Refer to Master Response B1a outlining survey methodologies. Surveys were completed over multiple years and in consultation with pertinent agencies.

COMMENT 03-24

The DEIR and BRTR state that surveys followed the California Department of Fish and Wildlife (CDFW) Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (Protocols)⁹ However, much of the information that the CDFW Protocols recommend be included in a survey report is not present in the BRTR. The CDFW Protocols recommend that the following information be included:

- The names and qualifications of the surveyors;
- The dates and locations of surveys, names of surveyors on each date, and person hours spent on each date;
- A description of the reference sites used and the phenology of target plants at reference sites;
- A description and map of the area surveyed relative to the project area;
- A discussion of how climatic conditions may have affected survey results;
- A discussion of how the timing of surveys may have affected survey results;
- A discussion of the potential for a false negative survey;
- A discussion of the significance of special status plant populations in the project area, considering nearby populations and total range and distribution;
- A discussion of the significance of sensitive natural communities in the project area, considering nearby occurrences and natural community distribution;
- A discussion of project-related direct, indirect, and cumulative impacts to special status plants and sensitive natural communities;

- A discussion of the degree and immediacy of all threats to special status plants and sensitive natural communities, including those from invasive species; and
- A discussion of the degree of impact, if any, of the project on unoccupied, potential habitat for special status plants.

The survey report only discloses the dates that botanical surveys occurred and does not include any additional information needed to determine the adequacy of these survey efforts, or if target species would have been identifiable. Table 2 (Summary of Protocol-Level Botanical Surveys Conducted within the Project Study Area) in Chapter 6 of the DEIR does not indicate that any botanical surveys occurred in 2024, despite being described in Section 7 of Appendix D of the BRTR.

⁹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

RESPONSE 03-24

Refer to Master Response B1a. Protocols were reviewed in coordination with CDFW prior to surveys, CDFW was provided with survey reports as they were completed, and individuals certified by CDFW were utilized when required by CDFW protocols. However, the comment alleges that “much” of the information that the CDFW Protocols recommend be included in a survey report is not present in the BRTR. The comment provides a bulleted list of 12 specific items from the CDFW Protocols which the commenter requests be included in a revised BRTR. Several of the suggested bullets relate to unnecessary information such as the name of the person performing plant surveys. Other suggested bullets relate to the project-level and cumulative level impact of the project on special-status species, which are appropriately evaluated in DEIR Chapter 6, “Biological Resources,” and DEIR Chapter 17, “Summary of Impacts and Their Disposition.” The fact that the commenter would have preferred to see some of the requested information in the BRTR, in addition to the DEIR, does not negate or change the DEIR impact analyses or conclusions. Finally, in recent correspondence, CDFW confirmed the adequacy of the project’s rare plant surveys to protocol level surveys; therefore, amending the BRTR to include the information requested by the commenter is not required (California Department of Fish and Wildlife 2025).

COMMENT 03-25

Appendix C, Observed Species Compendium, of the BRTR is riddled with inaccuracies, including outdated and misspelled scientific names, obscure common names, and identifies several native species as non-native and several non-native species as native. **Please see Attachment A, “Errata in the Biological Resources Technical Report, Appendix C, Observed Species Compendium,” for a list of some errors identified in the Biological Resources section of this DEIR.** Additionally, there are species that should have been identified to a taxonomic level sufficient to determine the status of the species. While lone manzanita (*Arctostaphylos myrtifolia*, 1B.2 FT) is unlikely to occur within the proposed Project study area (PSA), the *Arctostaphylos* species observed during surveys should have been identified to a taxonomic level to ensure that these are

not a special status species. The *Iris* species discovered during surveys should also have been identified to a taxonomic level to ensure that it is not *Iris longipetala* (4.2). As mentioned previously, *Allium jepsonii* also has the potential to occur on the proposed Project site, and there is a possibility that the unidentified *Allium* in the species compendium is *Allium jepsonii* (1B.2). Identification to species level is also important in the case that any undescribed taxa are present on the proposed Project site.

RESPONSE 03-25

The noted errata is minor and does not deter the capacity to determine the subject species, and common plant names are subject to variation. Plant species' scientific and common names have been updated in the FEIR text, as appropriate, to reflect current and widely accepted nomenclature (see FEIR Chapter 6). The change does not affect the DEIR conclusions or required mitigation.

The commenter also asserts that manzanita (*Arctostaphylos* spp.) and iris (*Iris* spp.) species should have been identified to the species level. During protocol-level botanical surveys, plants were identified to the taxonomic level necessary to determine the listing status of the species. No special-status manzanita have the potential to occur within the project study area. Additionally, although coast iris (*Iris longipetala*) was identified as having low potential to occur within the project study area, the project study area is outside the species' range and does not provide suitable coastal prairie or open coastal forest habitat for the species. The FEIR has been revised accordingly (see FEIR Chapter 6). The change does not affect the DEIR conclusions or required mitigation.

COMMENT 03-26

Inconsistency in survey results and the lack of supporting information raise the question of the extent and thoroughness of the surveys and whether the proposed Project site was surveyed adequately to identify populations of special status species. Some species were encountered in 2023 but not in 2024, and vice versa. Given the amount of precipitation in 2023, it is highly unlikely that the populations of *Brodiaea rosea* ssp. *vallicola* would not have been detectable that year, indicating an ineffective survey and the need for the use of reference sites. It is also unlikely that the population of *Juncus leiospermus* var. *ahartii* found in 2023 would not have been detectable in 2024.

RESPONSE 03-26

Refer to Master Response B and correspondence received from CDFW in letter A2 that confirms survey methodologies met CDFW standards. Surveys were conducted during the appropriate bloom period for special-status plant species with the potential to occur within the project study area. Reference populations were visited prior to each year's survey to ensure target species were evident and identifiable. The population of Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*) that was mapped in 2023 was visited and not observed in 2024. Variation in survey results is typical given variation in precipitation, temperature, and seasonality from year to year.

COMMENT 03-27

There are additional inconsistencies between the DEIR and the BRTR. The DEIR does not incorporate any information from the BRTR regarding 2024 surveys, other than mentioning that “Valley brodiaea species was not observed during protocol level botanical surveys in 2021, 2022, or 2023; but was observed in 2024” in Table BR-3. This table did not include the 2024 observations of *Navarretia myersii* ssp. *myersii* or *Calycadenia spicata*.

RESPONSE 03-27

The 2024 survey results for special-status plants, as detailed in Appendix F of the Biological Resources Technical Report, have been incorporated into Table BR-3 and associated analysis in the FEIR. Over 10,000 individuals of valley brodiaea (*Brodiaea rosea* ssp. *vallicola*, CRPR 4.2) were observed in eight separately mapped populations largely on the surrounding upland banks to ephemeral channels and swales in the northcentral and southwest areas of the solar development area in 2024. A total of five separately mapped populations of valley brodiaea within the solar development area could be directly impacted by the project during construction activities associated with the solar array fields, which represents approximately 60 percent of the eight occurrences within the project site. There are currently no records in the CNDDDB for valley brodiaea, likely due to the species being listed relatively recently, added to 1B.3 on 2023-05-17. Calflora reports approximately 55 occurrences of this species in California, of which 24 are from Sacramento County and including four approximately 250 feet north of the solar development area, on the east side of Scott Road in May 2020 (Calflora 2025). While the project would impact approximately 60 percent of the local on-site population and approximately 15 percent of state-wide occurrences, occurrences in close vicinity of the project site are likely to persist beyond construction.

COMMENT 03-28

The DEIR contains an insufficient and inconsistent analysis of botanical resources, leading to a misrepresentation of the potential impacts of this proposed Project. The DEIR must be revised to include an explicit discussion of populations, special status species observed, area of occupancy, numbers of individuals, potential project impacts, and provide species-specific avoidance, minimization, and mitigation measures, including maintenance and monitoring through the life of the proposed project, for this species. Please see Attachment B, “Suggested Amendments to Avoidance, Minimization, and Mitigation Measures of Botanical Resources” for more specific suggested amendments to these measures.

RESPONSE 03-28

The FEIR has been revised to incorporate occupancy details reflective of 2024 survey data (see response to comment 03-27). Many actions included in Mitigation Measure BR-1b (e.g., fencing, spatial avoidance, monitoring) are applicable to all special-status plant species and do not need to be specific to individual species. Where direct impacts to known occurrences of special-status plant species are unavoidable, species-specific

considerations (e.g., timing of project activities) have been incorporated into Mitigation Measure BR-1b, as necessary.

The commenter provides Attachment B, "Suggested Amendments to Avoidance, Minimization, and Mitigation Measures of Botanical Resources" for suggested edits to special-status plant mitigation measures. Please refer to comment responses O3-225 through O3-231 for specific responses to suggested edits.

COMMENT O3-29

Special-Status Plants with Potential to Occur within the Solar Development Area Spiked western rosinweed (*Calycadenia spicata*) The DEIR also misrepresents the statewide abundance of spiked western rosinweed by claiming that there are 160 occurrences of the species listed in the Calflora database. The Calflora database includes observations of the species, not occurrences. Many of the observations listed may be of the same occurrence observed at different dates and or by different observers. Portraying all observations of this species as occurrences greatly exaggerates the number of populations of this species and distorts the analysis of impacts to the species at the statewide level.

RESPONSE O3-29

Because spiked western rosinweed was assigned a California Rare Plant Rank of 1B.3 relatively recently, CNDDDB occurrence data were not available in the DEIR. The FEIR has been updated to include current CNDDDB occurrence data.

COMMENT O3-30

The DEIR and BRTR do not clarify if the occurrences found on the proposed Project site during surveys represent individual plants or populations of plants, and this does not allow for an accurate analysis of the scale of impacts to spiked western rosinweed on the proposed Project site. Despite the lack of clarifying information, it is clear that impacts to spiked western rosinweed would be significant, as indicated in the DEIR. However, the proposed avoidance, minimization, and mitigation measures are insufficient to reduce these impacts to less than significant and would cause a net loss of individuals and habitat for this species. Where ground disturbance of spiked rosinweed species is not avoidable, the provided mitigation measures to salvage and re-establish this species lack several elements essential to ensuring successful mitigation. Salvaged topsoil needs to be kept free of any additional non- native seeds or propagules and needs to be stored where it can be kept dry to prevent premature germination of seed until it is reapplied to the landscape. We strongly recommend that spiked western rosinweed seed be collected prior to ground disturbance and be bulked by a qualified California native seed producer (see Attachment B, "Suggested Amendments to Avoidance, Minimization, and Mitigation" for more details). The DEIR must be revised to include sufficient AMM to reduce the proposed Project impacts to less than significant, and then recirculated for public review.

RESPONSE O3-30

The DEIR used standard species collection and reporting protocols, for consistent comparison with available CNDDDB data, to report a noted plant population as an “occurrence.” The DEIR analysis determined that impacts to spiked western rosinweed would be potentially significant and included mitigation measures to reduce potential impacts to the species.

The commenter asserts that the mitigation measures to salvage and re-establish this species lack elements for successful mitigation and recommends revised topsoil salvage and plant collection techniques in an attachment. Please refer to comment response O3-227 for a specific response to suggested edits to Mitigation Measure BR-1b. In discussion with CDFW and ensuing correspondence on May 2 and 3, 2025, CDFW approved the language in this measure as included in the FEIR (California Department of Fish and Wildlife 2025).

Please also refer to Master Response B3 regarding occurrences of spiked western rosinweed and adequacy of proposed mitigation measures.

COMMENT O3-31

Impacted Plant Species Not Included in the DEIR

The DEIR and BRTR claim that occurrence data from the California Natural Diversity Database (CNDDDB), CNPS Rare Plant Inventory, the South Sacramento Habitat Conservation Plan (SSHCP), and the U.S. Fish and Wildlife Service (USFWS) were used to identify special status species with the potential to occur on the project site by querying for occurrences in the United States Geological Survey (USGS) quads that the proposed Project occupies, and quads immediately adjacent to these quads. However, this analysis did not include the Citrus Heights, Shingle Springs, Elk Grove, or Irish Hill quads. While not all species from these quads would have the potential to occur on the proposed Project site, all of the special status species in these quads should have been analyzed for the potential to occur.

RESPONSE O3-31

Occurrence data from the CNDDDB and CNPS Rare Plant Inventory were used to identify special-status species with the potential to occur on the project site by querying for occurrences in the United States Geological Survey (USGS) quadrangles that the proposed project occupies and the immediately adjacent quadrangles, as acknowledged by the comment. The comment states that the Citrus Heights, Shingle Springs, Elk Grove, or Irish Hill quadrangles also should have been included in queries of these databases. Database queries for the project used standardly accepted methods, which did not include quadrangles that share a single corner with the quadrangles in which the project site is located, like those listed in the comment. Furthermore, protocol-level botanical surveys identified all plant species to the taxonomic level necessary to confirm the species’ status, regardless of database query results. Because standard methods were used in querying special-status plant occurrences and because protocol-level botanical

surveys would have identified special-status plants not identified by queries, the analysis included in the DEIR was sufficient, and no update is required.

COMMENT 03-32

Special status species not included for analysis include Jepson's onion (*Allium jepsonii*), brassy bryum (*Bryum chryseum*), Stebbins' morning-glory (*Calystegia stebbinsii*) chaparral sedge (*Carex xerophila*), Fresno ceanothus (*Ceanothus fresnensis*), tripod buckwheat (*Eriogonum tripodum*), and Tehama navarretia (*Naverretia heterandra*). This is especially important for *Allium jepsonii*, as an *Allium* species was detected during surveys that was not identified beyond the genus level. **The DEIR must be revised to assess the proposed Project's impacts to these special status species.**

RESPONSE 03-32

Refer to Response 03-31. The listed plant species were not incorporated into database review because they were not documented in the eight USGS quadrangles analyzed for the project, which were selected based on standard methodology. Although the *Allium* species was not identified beyond the genus level, suitable habitat for Jepson's onion is not present within the project site, and the project site is outside the species' elevation range (985–4,330 feet above mean sea level).

COMMENT 03-33

Valley brodiaea (*Brodiaea rosea* ssp. *vallicola*)

The DEIR fails to include a discussion of populations or potential impacts to valley brodiaea. Table BR-3 of the DEIR and Table D.1 of the BRTR indicate that *Brodiaea rosea* ssp. *vallicola* was observed within the solar development area, however the DEIR excludes this species from discussion of special status plant species beginning on page 6-52 of the DEIR. This section states that “four rare plants were observed during project surveys in 2023 and 2024 within and near the solar development area that could be affected by project activities: spiked western rosinweed (*Calycadenia spicata*) (within and adjacent to the solar development area), and Ahart's dwarf rush and pincushion navarretia (adjacent to the solar development area).” Despite the fact that four rare species were observed, only three of these are mentioned in this section and there is no mention of *Brodiaea rosea* ssp. *vallicola* here or in the discussion of avoidance and minimization measures (AMMs) or mitigation measures. The revised DEIR must include a discussion of valley brodiaea and the potential impacts that the proposed Project would cause to the species.

RESPONSE 03-33

Refer to Response 03-27 and Master Response B. The 2024 survey results for special-status plants, as detailed in Appendix F of the Biological Resources Technical Report, have been incorporated into Table BR-3 and associated impact analyses in the FEIR (see Chapter 6).

COMMENT O3-34

Mitigation Measure BR-1b

The section describing impact analysis and identification of required mitigation for special status plant species, beginning on page 6-52, does not describe potential impacts to valley brodiaea, which was found to be present during surveys, and this species is not included in mitigation measure BR-1b. Mitigation measure BR-1b does not require the use of pre-construction surveys, a standard practice for projects of this type, and does not offer any assurance that any special status species discovered during project activities would be subject to any avoidance, minimization, or mitigation measures.

RESPONSE O3-34

Refer to Response O3-27 and Master Response B, Biological Resources. The 2024 survey results for special-status plants, as detailed in Appendix F of the Biological Resources Technical Report, have been incorporated into Table BR-3 and associated impact analyses and mitigation in the FEIR. In discussion with CDFW and ensuing correspondence on May 2 and 3, 2025, CDFW confirmed the floristic surveys conducted in a variety of water year types (2021, 2022, 2023, and 2024) fulfilled protocol requirements for identification of special-status plant species potentially occurring within the project site (California Department of Fish and Wildlife 2025).

COMMENT O3-35

This measure also only provides species-specific mitigation measures for spiked western rosinweed rather than including them for all species discussed in the DEIR. Species-specific measures for the other special status species found on the proposed Project site and general mitigation measures for any additional species found during pre-construction surveys must be included as part of the revised DEIR. This measure should require that all, not portions of, special status populations be avoided where feasible, and that avoidance should be prioritized in all cases.

RESPONSE O3-35

Many actions included in Mitigation Measure BR-1b (e.g., fencing, spatial avoidance, monitoring) are applicable to all special-status plant species and do not need to be specific to individual species, particularly where special-status plant occurrences can be avoided by project activities. Where direct impacts to known occurrences of special-status plant species are unavoidable, species-specific considerations (e.g., timing of project activities) have been incorporated into Mitigation Measure BR-1b, as necessary. As indicated in Mitigation Measure BR-1b, mitigation for special-status plants requires that project implementation will “avoid all (i.e., complete avoidance) or portions of known occurrences from direct disturbances during construction (i.e., spatial avoidance) to the maximum extent feasible.”

COMMENT O3-36

Mitigation Measure BR-1b does not provide a sufficient monitoring schedule, does not include any active management, and does not provide any performance standards to ensure that mitigation of this species would be successful. Mitigation Measure BR-1b must be revised to include performance standards for successful mitigation, monitoring of populations of special status plant occurrences each year for the first five years post-construction to ensure no net loss of any special status plant occurrences followed by intermittent monitoring throughout the life of the proposed Project, provisions for active management to ensure success, and financial assurances to support monitoring and management.

RESPONSE O3-36

Refer to Master Response B3. Mitigation Measure BR-1b includes monitoring protocols and has been revised in the FEIR to include adaptive management strategies should monitoring indicate a net loss in spiked western rosinweed occurrences following project construction and topsoil redistribution.

COMMENT O3-37

Any grazing or mowing plan must be approved by a qualified biologist, and the biologist conducting monitoring of spiked western rosinweed populations shall have the authority to amend the grazing/mowing plan and apply additional active management measures to ensure the persistence of spiked western rosinweed throughout the life of the project. Given that onsite mitigation of impacts to spiked western rosinweed may be ineffective, conservation of offsite populations should also be included in this mitigation measure.

RESPONSE O3-37

Refer to Master Response B3, which describes the adequacy of Mitigation Measures AG-1, BR-1a, and BR-1b to require proper management techniques in the grazing/mowing plan during project operation to facilitate the establishment and survival of onsite populations of spiked western rosinweed. Additionally, Mitigation Measure BR-2b has been added to the FEIR and requires preservation of 1,150 acres within and adjacent to the project site, and mitigation areas could contain habitat that could support the long-term persistence and potential propagation of spiked western rosinweed.

COMMENT O3-38

Specific recommendations for monitoring and management are attached in Attachment B, "Suggested Amendments to Avoidance, Minimization, and Mitigation Measures of Botanical Resource."

RESPONSE O3-38

Refer to responses O3-225 through O3-231 for specific responses to Attachment B to this comment letter.

COMMENT 03-39

Additionally, revisions of mitigation measure BR-1a must require that fiber rolls and seed mixes used for erosion control be free of any viable non-native seed. Seed mixes for erosion control and revegetation must be composed of locally native species, preferably sourced from on or adjacent to the project site, or bulked (growing a limited quantity seed in a controlled setting to produce sufficient quantities of seed for restoration needs) from seed collected on or adjacent to the project site.

RESPONSE 03-39

Mitigation Measure BR-1a states that fiber rolls and seed mixtures used for erosion control shall be free of viable noxious weed seed. In addition, Mitigation Measure BR-1a has been revised, based on consultation with CDFW, to state that all revegetated areas shall use “pollinator-friendly native seed mix of known genetic origin whose original stock seed was collected from a local seed bank (e.g., Sierra Nevada Foothills or the Great Central Valley) suitable for the altered soil conditions.”

COMMENT 03-40

Special Status Wildlife Species

According to the DEIR, the following Threatened, Endangered, and Fully Protected Species are known to occur on the proposed Project site (Table BR-4; DEIR, pp. 6-23 to 6-28):

- **Vernal pool fairy shrimp:** Federal Threatened. Presence assumed.
- **Vernal pool tadpole shrimp:** Federal Endangered. Presence assumed.
- **Western pond turtle:** Federal Threatened Candidate
- **Tricolored blackbird:** State Threatened. Also listed as a Red-Alert Tipping Point Species in the 2025 U.S. State of the Birds Report (North American Bird Conservation Initiative, 2025). Tipping Point Species are those with perilously low populations and steep declining trends that have lost more than 50% of their populations within the past 50 years.
- **Swainson’s hawk:** State Threatened
- **Golden eagle:** State Fully Protected
- **Southern bald eagle:** State Endangered and Fully Protected
- **White tailed kite:** State Fully Protected
- **Burrowing owl:** State Candidate
- **Valley elderberry longhorn beetle:** Federal Threatened

According to the DEIR, the following species also have the potential to occur on the proposed Project site (Tables BR-3 and BR-4; DEIR, pp. 6-18 to 6-28):

- **Slender Orcutt grass:** Federal Threatened, State Endangered
- **Sacramento Orcutt grass:** Federal Endangered, State Endangered
- **Boggs Lake hedge-hyssop:** State Endangered
- **Crotch's bumble bee:** State Endangered Candidate
- **Foothill yellow-legged frog (South Sierra Distinct Population Segment):** Federal Endangered, State Endangered
- **Cooper's hawk:** No listing status
- **Ferruginous hawk:** No listing status.
- **California black rail:** State Threatened and Fully Protected
- **Bank swallow:** State Threatened
- **American badger:** CDFW Species of Special Concern
- **Western spadefoot toad:** CDFW Species of Special Concern

RESPONSE O3-40

No response is necessary because this information is provided in the DEIR.

COMMENT O3-41

Fully Protected Species

Per Senate Bill 147, California's statute for fully protected species requires that take be avoided to the maximum extent possible. If take cannot be avoided to the maximum extent possible, then a project applicant must fully mitigate that take, ensure that all further measures necessary to satisfy the conservation standard of Section 2805(d) of the Fish and Game Code are in place, and provide for monitoring and adaptive management. Before issuing an incidental take permit, CDFW must:

- Identify and enforce stipulations necessary to **avoid, minimize, and fully mitigate** the take of, **and to conserve**, fully protected species.
- Require a monitoring plan that includes observation frequency, and an adaptive management component so that modifications to the monitoring program and impact mitigation measures can be made in a timely manner.

In comments on the Notice of Preparation for the proposed Project, CDFW recommended that the EIR fully analyze potential adverse impacts to fully protected species **due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors.** (DEIR, Appendix PD-2, CDWF letter at p. 6.)

RESPONSE 03-41

The project applicant has been consulting with CDFW regarding compliance with state regulations and the potential need for an ITP for the proposed project. The comment does not note any deficiencies in the analysis in the DEIR or lack of adherence to listed regulations; thus, no edits to the EIR are necessary.

COMMENT 03-42

Special-Status Wildlife with Potential to Occur within the Solar Development Area

Amphibians

Western spadefoot toad (*Spea hammondi*)

The DEIR notes that 2021 was a relatively dry year and only surveys during 2021 are mentioned for WST (DEIR, p. 6-23). The species was not found, but suitable habitat was present. It may be that WST were not active during 2021 and so were not found. Lacking a wet- year survey, the proposed Project should assume WST is present on-site and significantly impacted by the project. **The DEIR must include surveys that adequately represent habitat suitability, inclusive of all expected weather conditions for the proposed Project site.**

RESPONSE 03-42

Potential presence of and suitable habitat for western spadefoot within the project site was included in DEIR analysis of the species and development of associated mitigation measures. Mitigation Measure BR-1a includes actions (e.g., speed limits, revegetation, pet restrictions) to avoid or minimize potential effects on wildlife species, including western spadefoot, and Mitigation Measure BR-1c includes actions (e.g., work window, pre-construction survey, fencing specifications) specifically developed to avoid or minimize potential effects on western spadefoot. Additionally, Mitigation Measure BR-2a prioritizes riparian habitats potentially suitable for western spadefoot. Furthermore, consultation with CDFW (see comment letter A2 and associated responses) verified that survey methods for western spadefoot and proposed mitigation meet CDFW standards (California Department of Fish and Wildlife 2025).

COMMENT 03-43

Recommended mitigation: Prior to the County's issuance of a grading permit or other authorization for ground disturbance, including blasting, a qualified biologist shall conduct a minimum of three nighttime visual encounter and acoustic detection (i.e., listening for male breeding call) surveys and one daytime egg mass survey. Surveys shall be timed during late winter and early spring, generally February 15 - April 1, but shall not begin

until the site has received adequate rainfall to form breeding ponds and daytime temperatures are consistently greater than 60 degrees. Surveys shall be conducted no more than 24 hours following a rain event, with at least 7 calendar days between each survey. Survey methods and results shall be provided to CDFW upon request. If any life stage of western spadefoot is encountered, CDFW shall be consulted to determine appropriate avoidance, minimization, and compensatory mitigation measures. Compensatory mitigation in the form of permanent habitat preservation on or off-site may be required. Ground-disturbing activities shall not commence until written approval is received from CDFW. Any construction fencing, such as orange webbing, shall not be allowed to obstruct the movement of western spadefoot toads.

RESPONSE O3-43

The project applicant has been working closely with CDFW to obtain an Incidental Take Permit for the proposed project and ensure project surveys mitigation measures are sufficient to minimize potential effects on special-status species. Mitigation Measure BR-1c has been revised as recommended by CDFW in their comment letter on the DEIR to prevent potential wildlife entrapment (see Comment Letter A2 and associated responses). During construction, best practices will be utilized so that western spadefoot is precluded from entering active construction zones. Following construction, fencing would be removed to allow for the movement of western spadefoot to the restored area. Because CDFW directly provided feedback in consultation on the mitigation measures for western spadefoot, no changes to the proposed mitigation measures are recommended.

COMMENT O3-44

Impacted Amphibians that were not included in the DEIR:

California tiger salamander (*Ambystoma californiense*)

The DEIR analysis should have included the California tiger salamander - a federally and state- listed Threatened species that has the potential to occur on the proposed Project site. Suitable habitat for this species is present. According to the U.S. Fish and Wildlife Service,¹⁰ California tiger salamanders require access to both aquatic and upland habitat throughout their life cycle. They use standing bodies of freshwater, like ponds, vernal pools, and other ephemeral or permanent water bodies for breeding. These bodies of water must hold water for a minimum of 12 weeks to support the salamander larvae development. The salamanders also need access to upland habitat that contains small animal burrows or underground hideaways, including those constructed by California ground squirrel (*Spermophilus beecheyi*) and valley pocket gopher (*Thomomys bottae*)."

¹⁰ U.S. Fish & Wildlife, California Tiger Salamander (*Ambystoma californiense*), <https://www.fws.gov/species/california-tiger-salamander-ambystoma-californiense>

RESPONSE O3-44

Section 4.5.2.1 and Table E.1 in the Biological Resources Technical Report in Appendix BR-1 to the DEIR includes analysis of the potential for California tiger salamander to occur on the project site. Due to the low likelihood for California tiger salamander, impacts to the species were not included in DEIR analysis and will not be included in the FEIR.

COMMENT O3-45

The U.S. Fish and Wildlife Service (USFWS) interactive range map for the species shows its estimated range extending to within approximately 3.5 miles to the south of the proposed Project.¹¹ No surveys for this species were conducted on the proposed Project site. Surveys should be conducted for this species that conform to the survey guidelines published by CDFW.¹² The results of the survey should be used to determine the impacts of the proposed Project on this species and its habitat, and the DEIR should be revised accordingly and recirculated to the public for review and comment.

¹¹ U.S. Fish & Wildlife, California Tiger Salamander (*Ambystoma californiense*), <https://www.fws.gov/species/california-tiger-salamander-ambystoma-californiense/map>

¹² "Interim Guidance on Site Assessment and Field Surveys for Determining Present or a Negative Finding of the California Tiger Salamander," October 2003, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83915&inline>

RESPONSE O3-45

Refer to Response O3-44. Due to the low likelihood for California tiger salamander to occur at the project site, impacts to the species were not included in DEIR analysis and will not be included in the FEIR.

COMMENT O3-46

Reptiles

Northwestern pond turtle (*Actinemys marmorata*)

Because this species is proposed for federal listing, the DEIR should treat the species as federally threatened. This species and its habitat were found on the proposed Project site (DEIR, p. 6-23). As well as streams and ponds, this species uses upland habitats to rest, to lay eggs, overwinter, and to disperse (Western Pond Turtle Rangelwide Conservation Coalition, 2020). They may move as much as 500 m (0.3 mile) into uplands.

RESPONSE O3-46

Northwestern pond turtle was evaluated in the DEIR based on its current status (federally proposed threatened, state species of special concern), which was treated as a special status in DEIR analysis. Regardless of listing status, the mitigation measures adopted would utilize the same proposed techniques and methods to avoid and minimize potential effects on the species. Refer also to Master Response B4.

COMMENT O3-47

Effects on annual breeding movements of the western pond turtle depend on the distance they travel from aquatic to upland nesting sites, the width of no-disturbance buffers, post-project suitability of developed sites, and fencing specifications that would exclude turtles. Construction activities may kill or injure turtles hidden in upland habitats. Proposed project mesh fencing and/or permanent wire-mesh fencing around solar panel arrays may obstruct movements of western pond turtles or entrap them.

RESPONSE O3-47

Mitigation Measure BR-1d includes measures to avoid impacts to northwestern pond turtle breeding movements, including avoidance of aquatic habitat and adjacent areas and work windows outside the species' active season. Additionally, Mitigation Measure BR-1c was revised, per CDFW comment, to include a minimum 6-inch gap from the ground surface in perimeter fencing to allow the movement of northwestern pond turtle. Refer also to Master Response B4.

COMMENT O3-48

The width of the buffer from creeks is stated as a "minimum 100 ft." The fence design is not specified, but a standard 7-foot fence is typically of chain link, which will exclude movements by pond turtles. Davidson and Alvarez (2020) summarized numerous studies and concluded that the average distance of movements of pond turtles from aquatic habitats to nest sites was 50 m (i.e., 160 ft). Thus, at a minimum, retaining only a 100-ft buffer would result in a significant impact to significantly disrupt a large proportion of movements of turtles' ability to travel to nesting sites. The DEIR impact analysis for this species must be revised to assess the actual designs of fenced areas and the amount of turtle use that would be excluded, and the impact significance re-determined. Construction fencing must not be allowed to obstruct the movement of northwestern pond turtles.

RESPONSE O3-48

The project proposes to use agricultural woven wire fencing around the solar array (DEIR, page 2-20). Perimeter fencing will not obstruct the movement of northwestern pond turtles. Mitigation Measure BR-1c was revised, per CDFW comment, to include a minimum 6-inch gap from the ground surface in perimeter fencing to allow the movement of northwestern pond turtle. Refer also to Master Response B4.

COMMENT O3-49

The DEIR impact analysis doesn't explicitly identify the mortality of individuals as an impact, even though it later states that the impact is considered significant. The DEIR should assess how many pond turtles may be present in project areas slated for disturbance and how many would be killed despite efforts to avoid them. In particular, information should be presented on what distances the turtles move from aquatic habitat to forage and nest (using Davidson and Alvarez (2020) and Alvarez and Del Vecchio

(2024), among other references), and thus how likely they are to be killed or injured. The DEIR should address the extent to which take can be reduced by imposing wider no-disturbance buffers from aquatic areas and whether such buffers are feasible to implement. Finally, the analysis must address the duration of effect of “temporary disturbance” by burrow removal, estimate the number of years until burrows will be re-excavated naturally, and whether any means are available to increase burrows by managing for ground squirrel populations or enhancing nesting habitat onsite.

RESPONSE 03-49

Analysis in the EIR addresses permanent impacts to upland habitat, which may include impacts to available burrows. Refer to Master Response B4.

COMMENT 03-50

It is misleading to characterize the cumulative impacts of the proposed Project as 3% of the “suitable upland habitat ... for this species in the regional project analysis area.” This is an example of “shifting baseline analysis,” where all of the past impact to habitat is not considered. Extensive amounts of pond turtle upland habitat have been destroyed in Folsom, El Dorado Hills, Rancho Cordova and elsewhere in Sacramento and El Dorado counties. The DEIR must assess the acres of pond turtle habitat that has been lost, as well as the large amount of net loss expected under the SSHCP, as proper context for these impacts, as they contribute to a significant cumulative impact that is directly tied to the precarious status of the species in this region.

RESPONSE 03-50

Refer to Master Responses B4 regarding use of existing conditions to inform the EIR and Master Response C regarding the project’s compatibility with the SSHCP. Note that the EIR requires implementation of Mitigation Measure BR-2b to permanently preserve areas within and adjacent to the project that provide northwestern pond turtle habitat.

COMMENT 03-51

Birds

Tricolored blackbird (*Agelaius tricolor*)

The Tricolored blackbird is a state listed threatened species. The DEIR fails to adequately address the Tricolored blackbird. It appears that the preparers of the DEIR were unaware of the information on this species in the Tricolored Blackbird Portal and in numerous publications documenting the biology, status, habitat requirements, and development impacts on the species (e.g., Airola 2021; Airola and Young, 2015; Airola et al. 2015a, b, 2016, 2018a, b, 2023, 2024; Beedy et al., 2023; Meese, 2015).¹³ Information presented on colony occurrence, as noted in the DEIR, is incomplete.

Between 2014 and 2022, the species has nested at least twice (2016 and 2019), in the pond along Scott Road within the proposed Project area.¹⁴ In addition, there is a large population that breeds regularly immediately west of the Prairie City State Vehicular

Recreation Area that averages 3,800 breeders annually and regularly travels the 2.5 miles from the colony site to feed in the proposed Project area (D. Airola, unpub. data; D. Airola, pers. obs.).

¹³ UC Davis, Tricolored Blackbird Portal, <https://tricolor.ice.ucdavis.edu/>

¹⁴ Id.

RESPONSE 03-51

Refer to Master Response B5. Mitigation Measure BR-1g includes preconstruction surveys and non-disturbance buffers that would protect any tricolored blackbird nesting within the project site. The DEIR also includes analysis of potential temporary or permanent impacts to foraging habitat for the species, and Mitigation Measure BR-2b would permanently preserve habitat for special-status species on and adjacent to the project site.

COMMENT 03-52

The DEIR presents no information on the criteria used to identify “potential nest sites.” Reporting the number of birds observed during field visits is meaningless and misleading without information on the timing and extent of surveys (Airola et al., 2024). The species is well known to nest irregularly within the proposed Project area (i.e., in wetter years when suitable emergent vegetation is present in the Scott Road pond) and to regularly travel to the proposed Project area to forage.

RESPONSE 03-52

Refer to Master Response B5. Surveys for tricolored blackbird were conducted in accordance with the *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields* (CDFW 2015), as indicated in Section 3.2.4.5 of the Biological Resources Technical Report in Appendix BR-1 of the DEIR. The Scott Road pond will be avoided by construction activities. Mitigation Measure BR-1g includes preconstruction surveys and non-disturbance buffers to ensure the identification and avoidance of any nesting pairs found on or adjacent to project work areas.

COMMENT 03-53

Use of the terms “an active nest” and “the nest” in the DEIR is curious and suggests a lack of understanding of the biology of the species. As a colonial species, nesting occurs in groups of 50-3,000+ nests. Tricolored blackbird fledglings generally remain at the colony site for up to a week after fledging (Beedy et al., 2023). Renesting also may occur at colonies after fledglings appear (Schackwitz et al., 2020). Therefore, determinations of nesting presences and appropriate protections buffers should be made by qualified biologists with specialized expertise with this species, and protection at active colonies should extend until it is determined with certainty that fledglings have departed the nesting area and no re-nesting has occurred.

RESPONSE 03-53

Tricolored blackbird fledglings generally remain at the colony site for up to a week after fledging, and re-nesting also may occur at colonies after fledglings appear. Therefore, the comment asserts the determinations of nesting presence and appropriate protections buffers should be made by qualified biologists with specialized expertise with this species, and protection at active colonies should extend until it is determined with certainty that fledglings have departed the nesting area and no re-nesting has occurred. Refer to Master Response B5. The buffer distance for tricolored blackbird nesting in Mitigation Measure BR-1g has been updated based on recommendations from CDFW. Qualified staff will implement a 0.25-mile buffer around nesting tricolored blackbirds and only reduce that buffer in consultation with CDFW based on site characteristics.

COMMENT 03-54

The DEIR's statement that "very little potentially suitable nesting habitat" occurs in the proposed Project area is inaccurate. (DEIR, p. 6-71.) Tricolored blackbirds in this region nest in dense colonies, with 500-5,000 birds nesting in patches of blackberry or emergent vegetation that occupy on average only 0.6 ac (range = 0.1-2.7 ac; Airola, 2021). Thus, small patches of suitable nesting habitat can support a substantial nesting population, and active nests often cannot be seen because of the density of the vegetation in which they nest. Despite occurring in high densities, these same colonies require very large areas (roughly 20,000 acres) for foraging within 3 miles of colony sites, of which a minimum of 60% must be in suitable land covers (grazed annual grassland, irrigated pasture, and annual crops; Airola et al., 2023a). Determination of nesting needs to be based **not** on nest observation, as specified in the DEIR, but rather on observations of the extent of occurrence and observed nesting behaviors. The detailed guidelines for conducting tricolored blackbird surveys (Airola et al., 2024) should be followed.

RESPONSE 03-54

The EIR recognizes the potential for tricolored blackbird to nest within the project site and includes Mitigation Measure BR-1g to avoid and minimize potential impacts. Refer to Master Response B5, which details specific measures in Mitigation Measure BR-1g that have been established in consultation with CDFW if pre-construction or biological monitoring surveys identify nesting tricolored blackbirds. These surveys will be completed by wildlife biologists with knowledge of tricolored blackbird ecology and habits following procedures recommended by CDFW. Further note that large areas of habitat within the project site will remain undisturbed and available for tricolored blackbirds.

COMMENT 03-55

To minimize impacts from the proposed Project, the DEIR should include measures to enhance nesting habitat onsite or in a nearby protected area. This enhancement could involve management of stormwater runoff to create suitable conditions to support nesting in all years, rather than just wetter years, and possibly topographic modifications (e.g., constructing a berm at the outflow of the pond to increase water storage or recontouring the pond to concentrate water over less area in dry years). Although the loss of foraging

habitat due to the proposed Project could reduce the potential for nesting to occur, nesting habitat should be established as a reasonable mitigation measure, nonetheless.

RESPONSE 03-55

Refer to Master Response B5. No construction over pond locations or surface water extraction is proposed as part of project construction or operation. Significant changes to site drainage and hydrology to enhance tricolored blackbird nesting habitat are not proposed.

COMMENT 03-56

Attempting to maintain or enhance existing nesting habitat onsite is important, but should be considered experimental. Tricolors will nest in disturbed areas if adequate foraging habitat remains in the surrounding area (i.e., if >70% of the area will remain in suitable foraging habitat). However, as discussed below, the loss of foraging habitat within the foraging range of this site, caused by the proposed Project and cumulatively from other projects, may cause the nesting habitat to be unused, regardless of its quality. If the habitat loss analysis shows that the site is no longer likely to be usable, additional nesting habitat should be created in an adjacent off-site area with a more intact foraging area that could serve the same population of birds. Because such an evaluation is lacking, the DEIR is deficient.¹⁵

¹⁵ *Sierra Club v. County of Fresno, supra*, 6 Cal.5th at 521.

RESPONSE 03-56

Refer to Master Response B5. The project proposes to maintain significant on-site foraging resources outside of the solar development area. Additionally, the project site will be required through the implementation of Mitigation Measure AG-1 to be revegetated with grazing and pollinator species following construction that will contribute to foraging resources.

COMMENT 03-57

By characterizing permanent habitat losses as only 53 acres, the DEIR has, without justification, made the determination that post-project lands within the solar arrays will remain suitable as foraging habitat. This determination is not explained or justified. Species expert D. Airola is confident that no published research has documented continued foraging by tricolored blackbirds in areas after solar arrays have been installed. Given the propensity of the species to forage in open habitats (Airola et al., 2023a; Beedy et al., 2023), it is, at best, unknown whether the species will forage within and among the solar arrays. Absent supporting evidence, all lands occupied by arrays and probably intervening lands on the proposed Project area must be considered as permanently impacted foraging habitat.

RESPONSE 03-57

Refer to Master Response B5. The DEIR was prepared using available data and studies, which do not indicate solar arrays will preclude tricolored blackbird foraging. Significant foraging resources for tricolored blackbird will be preserved on-site, and foraging resources will be used to revegetate disturbed areas following project construction. Mitigation Measures BR-1f requires compensation shall be provided for the permanent loss of Swainson's hawk foraging habitat to achieve a performance standard of no net loss of habitat acreage based on the entire solar development area estimated to provide foraging habitat, which at the time of the writing of the DEIR was estimated to be 911.10 acres, and the preservation of which would be anticipated to have benefits for tricolored blackbirds foraging, as well. See also the responses to comments 03-51 through 03-57.

COMMENT 03-58

The statement "...there is a large amount of grassland and cropland available as foraging habitat in the region" (DEIR, pp. 6-77) is simplistic and misleading. A substantial amount of foraging habitat has been lost in the surrounding region to development within the South of Folsom project and in Rancho Cordova and El Dorado Hills. This development has been directly implicated in the elimination of many tricolored blackbird colonies in the area since 2014, including its elimination as a nesting species in El Dorado County and loss of the long-term colony at Iron Point Road in Folsom (Airola et al., 2023b). Foraging habitat is not abundant and is limiting to the tricolored blackbird population in the region surrounding the proposed Project site. Further, during breeding, this species is a central-place forager, and good foraging near their nests is important to maximize nest success, so that impacts from constructing panel arrays near the nesting area are likely to be negative by increasing foraging time expenditure and effort. Mitigation for tricolored blackbird impacts in Alternative 1 must avoid valuable foraging areas near the intermittently occupied breeding pond in the northeast corner of the proposed Project site.

RESPONSE 03-58

Refer to Master Response B5. Ponds will not be impacted by the proposed project. Most on-site foraging habitat will be preserved and revegetated following project construction, and 53 acres of foraging project will be permanently impacted by project construction. See also the responses to comments 03-51 through 03-58.

COMMENT 03-59

In the foothill region, one of the largest and most regularly active colonies (known as "Just West of Prairie City OHV area"), occurs along Grant Line/White Rock Road near the entrance to the SVRA, which is less than 1.5 miles from the proposed Project area boundary. This site is one of few sites in the central foothills studied over 2014-2022 that was occupied every year, and it supported the second highest average annual breeding population (3,800 birds/year; Airola et al., 2023; D. Airola unpub. data). The proposed Project will permanently eliminate over 1,000 acres of suitable foraging habitat that is known to be used regularly by foraging birds from this colony, as well as the onsite nesting birds in years when nesting could occur. Recent research shows that tricolored blackbird

colonies do not occur in the foothills when the proportion of land supporting suitable foraging habitat in a 10,000-hectare block is less than 60% and the probability of occurrence increases linearly with foraging area above that threshold (Airola et al., 2023a). The proposed Project also must be considered in context with impacts to tricolored blackbirds that have occurred in the nearby surrounding area. Since studies began in 2014, six breeding colony sites have become inactive in the Folsom-El Dorado Hills area: Iron Point Rd, Bridge Colony, Tule Marsh, Farm House, Latrobe Rd #1, and Wetsel-Oviatt Quarry.¹⁶ Although some suitable nesting habitat remains at all sites, development of adjacent foraging habitat over this period made the sites no longer suitable for nesting by reducing the proportion to below the 60% minimum threshold (Airola et al., 2023). Thus, the proposed Project would contribute to a large-scale, long-term elimination of tricolored blackbird colonies and the species population in the central Sierra foothill region. This is a significant adverse impact.

¹⁶ UC Davis, Tricolored Blackbird Portal, <https://tricolor.ice.ucdavis.edu/>

RESPONSE O3-59

Refer to Master Response B5 noting impacts evaluation based on current conditions, and preservation of on-site and adjacent foraging resources through conservation easements. See also the responses to comments O3-51 through O3-58.

COMMENT O3-60

It is concerning that the DEIR preparers are not aware of readily available information regarding the determinants of this species occurrence in the region (i.e., proportion of land in suitable foraging land cover types over large areas; Airola et al., 2023a) and thus how project impacts should be evaluated. The analysis should evaluate how the proposed Project will affect the proportion of suitable habitat area within 3 miles of the onsite and Prairie City nest colony sites and should include the cumulative impacts of ongoing, approved, and proposed developments including those on the Aerojet property, South of Folsom, the AKT/UC Davis project proposed south of Payen Road, in Rancho Cordova, and any other road, mining, or development projects.

RESPONSE O3-60

Refer to Master Response B5 regarding evaluation of foraging resources. Refer to Chapter 17 of the FEIR noting a less than cumulatively considerable contribution to tricolored blackbird and the ability of the project to maintain foraging value during operations. See also the responses to comments O3-51 through O3-59.

COMMENT O3-61

The statement “approximately 13 percent of the state-wide population of Tricolored Blackbirds occurs in Sacramento County across 15 occupied sites”, based on the 2022 statewide survey (Colibri, 2022, *incorrectly cited as CDFW, 2022*), should be clarified. The species is an “itinerant” breeder (Hamilton, 1998), with the same population moving to breed multiple times, generally early in the south and later in the north. The statewide

surveys are conducted early in the breeding season when blackbirds are usually concentrated in the San Joaquin Valley (Meese, 2014), except in dry years, when they may abandon the San Joaquin Valley and move north earlier. Thus, while the statewide survey adequately meets its purpose of assessing the statewide population, it is not an accurate representation of the breeding population in individual regions outside the San Joaquin Valley where breeding occurs later (Airola et al., 2023b).

In 2022, the number of birds reported in the statewide survey in Sacramento County (27,690) was 26% lower than the number (37,625) that actually bred there, as recorded during season- long breeding colony surveys (Airola et al., 2023b). Thus, Sacramento County supports approximately 17% of the statewide breeding population. The nearby *Just West of Prairie City OHV Area* site alone, with an average of 3,800 breeders per year over 2014-2022 (D. Airola, unpub. data), supports about 2% of the 2022 statewide population. This colony regularly commutes to forage within the proposed Project site and thus will be affected by foraging habitat loss.

RESPONSE O3-61

The comment does not present any new significant information that resulted in changes to the DEIR analysis. The DEIR correctly acknowledges the source of cited data and the potential importance of Sacramento County to the statewide population of tricolored blackbird. Refer to Master Response B5 regarding evaluation of foraging resources. The FEIR has been updated to correct the citation for Colibri 2022, per a note in the comment. See also the responses to comments O3-51 through O3-60.

COMMENT O3-62

The DEIR's analysis must be revised to include this additional information on the species, including how the proposed Project would impact its foraging.¹⁷ Mitigation measures must be changed to avoid foraging areas, and the revised DEIR must be recirculated to allow review by agencies and the public.

¹⁷ Sierra Club v. County of Fresno, supra, 6 Cal.5th at 521.

RESPONSE O3-62

Refer to Master Response B5 for information regarding analysis of project impacts to tricolored blackbird foraging.

COMMENT O3-63

Golden eagle (*Aquila chrysaetos*)

All of the comments about the California Fully Protected Species Status and treatment of the white-tailed kite in this DEIR, see *infra*, also apply to the DEIR's failure to address impacts to the golden eagle. As such, the same deficiencies are extant in the treatment of this species in this DEIR.

RESPONSE 03-63

See Responses 03-85 through 03-87 to this organization's comments on white-tailed kite and Master Response B6, Biological Resources.

COMMENT 03-64

Burrowing owl (*Athene cunicularia*)

The burrowing owl is currently a state Candidate for listing largely because of habitat loss and direct effects of land disturbing projects similar to the proposed Project. As a Candidate species, any "take" of burrowing owl will require that the project developer receive a permit under Fish and Game Code Section 2081. Potential burrows/complexes including one with signs of use were observed in the solar development areas making the proposed Project site, one of the few remaining sites where the species nests within the eastern portion of Sacramento County (Pandolfino et al., 2021; C. Conard, pers. comm.). Thus, every effort should be made to preserve the suitability of the habitat onsite for the species.

RESPONSE 03-64

See Master Response B7 regarding mitigation for impacts to burrowing owl habitat, which includes preservation of suitable habitat within the project site and consultation with CDFW to refine mitigation for burrowing owl. The project proponent is coordinating with CDFW to obtain appropriate ITPs, if necessary. The FEIR has been edited to indicate an ITP will be pursued if impacts on burrowing owl individuals cannot be avoided.

COMMENT 03-65

We concur with the DEIR's analysis that the proposed Project site, in total, will be unsuitable for burrowing owls after development. In addition, cumulative impacts of habitat loss from residential and commercial development, mining, and solar development in the surrounding area and region is not addressed in the DEIR, which is a serious deficiency and does not meet California Environmental Quality Act (CEQA) requirements.

RESPONSE 03-65

Note that a cumulative analysis was completed in Chapter 17 of the DEIR, and after completing a regional impact analysis, impacts were determined to be less-than-cumulatively considerable in consideration of the scale of habitat impacts, as well as proposed mitigation for these impacts. Mitigation Measure BR-1e has been revised, following consultation with CDFW, to include more details regarding mitigation for burrowing owl habitat. Mitigation Measure BR-2b has also been added to the FEIR and includes preservation of habitat for special-status wildlife on-site and adjacent to the project site.

COMMENT O3-66

As the lead CEQA agency, the County must disclose whether the impacts of habitat loss are significant, and if so to describe mitigation measures that will reduce impacts to a less-than- significant level or issue a statement of overriding concerns. The proposed Project clearly will result in significant impacts to the burrowing owl, based on information presented in the DEIR. The deferral of habitat compensation, to be implemented only “if CDFW determines that the off- site compensatory mitigation is necessary” does not meet CEQA requirements for addressing significant impacts.¹⁸

¹⁸ CEQA Guidelines, § 15126.4.

RESPONSE O3-66

See Master Response B7 regarding impacts to the species and mitigation measures. Refer to Master Response B2 noting on-site and adjacent conservation easements that will provide habitat for burrowing owl. Additionally, Mitigation Measure BR-1e has been revised, per consultation with CDFW, to include more details regarding mitigation for burrowing owl habitat.

COMMENT O3-67

The SSHCP should not be used as the sole source of information since it was prepared based on data and management practices that are up to 25 years old. The CEQA lead agency is required to take a fresh look at impacts and mitigation measures for this proposed Project, given the declining status of the species since the Plan was prepared and approved, to the point where listing of the burrowing owl has been proposed.

RESPONSE O3-67

Refer to Master Responses B and C. Mitigation measures were incorporated based on current best practice and in consultation with agency experts. The SSHCP was used as one reference source in the DEIR along with other sources, including wildlife agencies.

COMMENT O3-68

The specific habitat requirements of this species should be explicitly considered in land selection and management. In mitigating impacts to the burrowing owl, a large area of what might be considered potentially suitable breeding habitat (annual grassland and annual agricultural cropland) may not be occupied. Therefore, mitigation land acquired for burrowing owls should show evidence of being occupied. Given the precarious status of the species, meeting this requirement may not be feasible. “Layering,” otherwise known as “stacking” mitigation contemplated Mitigation Measure BR-1e for multiple species, should not be accepted lightly. Layered compensatory mitigation must be approved by CDFW and include provisions for adaptive management if conservation objectives are not met, including the acquisition of additional habitat.

RESPONSE 03-68

Refer to Master Response B7. See the response to comment A2-11. Mitigation Measure BR-1e has been revised as recommended by CDFW to ensure avoidance and minimization of impacts to burrowing owl based on the CDFW comment letter and follow-up correspondence. Mitigation Measure BR-1e was further modified such that burrowing owl surveys must occur “prior to construction” to ensure they are performed within the recommend time frames.

COMMENT 03-69

To achieve no net loss in habitat value, any acquired mitigation lands must be enhanced to increase their capacity to support a higher number of burrowing owls than existed before acquisition. A management plan must be developed and approved for any mitigation lands to address the following issues, among others: 1) elimination of any insecticide or rodenticide use, 2) livestock grazing at a level that will result in increases in California ground squirrel and burrowing owl populations, 3) provision of artificial dens if they are limiting, and 4) ongoing monitoring and reporting. Mitigation areas must be acquired prior to proposed Project construction, and habitat quality standards and population increases need be achieved before construction occurs.

RESPONSE 03-69

Refer to Master Response B7 noting that mitigation measures require monitoring and adaptive management (which could include grazing practice adjustments). The condition of habitat in mitigation areas in conservation easements will be approved by wildlife agencies to ensure proper management for wildlife species included.

COMMENT 03-70

The proposed Project mitigation must also include contributing to the development of a burrowing owl release site for impacts to birds from this site and other county-wide, such as is being accomplished successfully in San Diego County (Hennessy et al., 2022).

RESPONSE 03-70

Refer to Master Response B7. If impacts to burrowing owl individuals cannot be avoided, the project proponent will be required to obtain and adhere to an ITP from CDFW that will guide any actions regarding specific burrowing owl individuals (e.g., release). The availability of mitigation land adjacent to impacted habitat, per Mitigation Measure BR-2b which has been added to the FEIR, will allow recolonization nearby.

COMMENT 03-71Ferruginous hawk (*Buteo regalis*)

Contrary to the DEIR, ferruginous hawks do not nest in California, but spend the winter in grassland habitat with scattered trees, which is present on the proposed Project site. A known CNDDDB occurrence of this species is located approximately three miles northeast

of the proposed Project site. There are many eBird records of the species within the proposed Project site.¹⁹ This species should be assumed to occupy the proposed Project site during the winter season.

¹⁹ <https://ebird.org/map/ferhaw?neg=true&env.minX=&env.minY=&env.maxX=&env.maxY=&zh=false&gp=false&ev=Z&excludeExX=false&excludeExAll=false&mr=1-12&bmo=1&emo=12&yr=all&byr=1900&eyr=2025>

RESPONSE 03-71

Effects on ferruginous hawk were analyzed as part of the project's impacts to biological resources and are described in the project-specific Biological Resources Technical Report in Appendix BR-1 of DEIR. Table BR-4 in the FEIR has been updated to indicate that the project site is outside the nesting range of ferruginous hawk. Because the species will not nest at the project site and was determined a low potential to occur in the FEIR, impacts to the species were determined not to be significant. Nevertheless, Mitigation Measure BR-2b has been added to the FEIR and includes the preservation of 1,150 acres of on-site and adjacent woodland and grassland habitat likely suitable for wintering ferruginous hawk. See Master Response B6.

COMMENT 03-72

The ferruginous hawk has suffered declines from loss of grassland habitat in the proposed Project vicinity. The DEIR should be revised to include available information from the Folsom CBC, which includes the proposed Project area, and analyze potential impacts to this species from the proposed Project, including the loss and fragmentation of grassland habitat.

RESPONSE 03-72

Refer to response 03-71 and Master Response B. The conservation approach proposed will contribute to preservation of grassland and woodland habitat for raptor species within and adjacent to the project site. The Folsom Christmas Bird Count is a citizen science collection effort and not a formal census; thus, information from the Folsom Christmas Bird Count has not been incorporated in the FEIR. This information is not necessary to support an adequate impact analysis and mitigation for the FEIR.

COMMENT 03-73

Swainson's Hawk (*Buteo swainsoni*)

Due to the presence of numerous trees on the proposed Project site, including oaks and Fremont cottonwoods, Swainson's hawks should be assumed to nest onsite even though they were not observed nesting during surveys. The DEIR states that "Project construction would result in the direct permanent removal of five potential nest sites (i.e., trees with raptor nest structures present) in the southern portion of the solar development area" and that "removal of a known active nest site could reduce future reproductive success of Swainson's hawk that return to breed the following season(s) after nest site removal...."

RESPONSE 03-73

Refer to Master Response B8. The EIR includes Mitigation Measure BR-1f to avoid, minimize, and mitigate for potentially significant impacts to Swainson's hawk, including nesting and foraging habitat.

COMMENT 03-74

The DEIR further states that “occurrences of nesting or suspected nesting for this species have been recorded at the confluence of Deer Creek and Carson Creek to the southwest, along Scott Road approximately 1 mile southeast, and east of White Rock Road within approximately 1 mile from the north northwestern boundary of the project site.” (DEIR, p. 6-25.) In addition, there are 29 nest sites within 10 miles of the proposed Project area that were not active or activity was not reported.

RESPONSE 03-74

This comment is noted, and no changes to the EIR resulted from this comment.

COMMENT 03-75

The DEIR text regarding Swainson's hawk nesting that “none were reportedly active in the last five years” is unclear as to whether the 29 nest sites within 10 miles of the proposed Project area were not active or activity just was not monitored, reported, or entered into the California Natural Diversity Database (CNDDDB). (DEIR, p. 6-66.) The latter is more likely, due to the backlog of records that have not been entered into the CNDDDB, as D. Airola and colleagues found recently for bald eagles (Airola et al., 2025). Alternatively, it is also possible that the lack of records simply indicates a lack of surveys conducted in the region.

RESPONSE 03-75

The FEIR has been edited to clarify the intent. No records of active nests within 10 miles of the project site have been reported in CNDDDB in the last 5 years.

COMMENT 03-76

The density of Swainson's hawks in the proposed Project area described in the DEIR indicates that this area is a regionally important concentration area for the species. Protocol surveys documented 11 raptor nests, two of which were attributed to Swainson's hawks, and five observations of courting were documented.

RESPONSE 03-76

Refer to Master Response B8.

COMMENT 03-77

Given the density of hawks and their observed behavior, the County should assume that Swainson's hawks nest within the proposed Project area, even if they were not observed during the relatively brief surveys conducted. The removal of more than 4,000 blue oaks and other mature trees indicates that nest tree removal is highly likely.

RESPONSE 03-77

The EIR does assume that Swainson's hawk could nest within the proposed project site, and Mitigation Measure BR-1f includes measures to avoid, minimize, and mitigate impacts to nesting Swainson's hawk and their habitat. Refer to Master Response B8.

COMMENT 03-78

The DEIR must be revised to include an evaluation of whether the modification of foraging habitat, separate from loss of nesting habitat, will result in potential nest failure and long-term abandonment of nesting territories, independent of whether potential or suspected nest trees are removed. The DEIR fails to assess whether grassland conditions in the proposed Project area are consistent with those at sites studied by Estep (Estep Environmental Consulting, 2021), which indicated that Swainson's hawks regularly foraged within solar arrays, and thus whether similar use will occur. In particular, the DEIR must at least opine whether the hawk's response in an area dominated by annual grasslands (reported in the DEIR to be of low foraging habitat value) will be similar to the relatively high use reported for the Estep south Sacramento County study area.

RESPONSE 03-78

Refer to Master Response B8. The EIR states that it is not definitively known whether Swainson's hawk would use vegetated areas beneath solar panels or between solar array rows or blocks, and consistent with the requirements of the Sacramento County Swainson's Hawk Ordinance, it has been conservatively assumed that all potential foraging habitat within the solar array field would be permanently converted to non-habitat and would result in a permanent loss of Swainson's hawk foraging habitat (DEIR, pages 6-66 and 6-67).

COMMENT 03-79

The DEIR must include a comparison of any differences between management of vegetation within and adjacent to the solar arrays proposed for the proposed Project area, and that within areas studied by Estep and whether that may affect use, and model vegetation management based on conditions reported by Estep.

RESPONSE 03-79

The EIR analysis conservatively assumes a loss of foraging habitat for Swainson's hawk in these areas and mitigates for this habitat. As presented in the DEIR, while a study prepared by Jim Estep suggests that Swainson's hawk and other raptors have used and

foraged within managed solar array fields, this study was not used in the County’s impact determination nor mitigation for Swainson’s hawk. Instead, the impact analysis assumed “that all potential foraging habitat within the solar array field would be permanently converted to non-habitat and would result in a permanent loss of Swainson’s hawk foraging habitat” (DEIR, page 6-67).

COMMENT 03-80

The analysis should explicitly note that noise impacts from proposed Project construction and especially more than 30 days of blasting that may “result in nest abandonment or forced fledging and subsequent incidental loss of fertile eggs, nestlings, or juveniles; or harassment of adult” (DEIR, p. 6-66) all are violations of the California Endangered Species Act (CESA) take provisions and would require issuance an Incidental Take Permit pursuant to Fish and Game Code Section 2081 with associated minimization and mitigation measures.

The DEIR must determine if the “(i)ndirect impacts on adjacent foraging habitat from construction or operations and maintenance activities that introduce weeds or create dust” that “could reduce habitat quality” (DEIR, p. 6-66) are significant and thus require additional mitigation for habitat losses.

RESPONSE 03-80

Refer to Master Response B8, noting that the impact analysis and mitigation measures in the DEIR address noise, dust, and noxious weeds.

COMMENT 03-81

The DEIR fails to analyze the effects of land use changes on populations of potential species that could compete with or prey on Swainson’s hawks, including common ravens, red-tailed hawks, and great horned owls, and thus affect the resident Swainson’s hawk population.

RESPONSE 03-81

Refer to Master Response B8.

COMMENT 03-82

Regardless of what the Sacramento County Swainson’s Hawk Ordinance requires, the DEIR cannot assert, without evidence, that preservation and even enhancement of offsite foraging habitat at a 1:1 ratio will result in no net loss.²⁰ We are unaware of any published or unpublished studies that show that habitat value can be doubled in annual grassland mitigation areas, which would be required to achieve no net loss at that ratio.

²⁰ Sacramento County Code, § 16.130.

RESPONSE 03-82

Refer to Master Response B8.

COMMENT 03-83

The DEIR fails to acknowledge the loss of nesting trees for Swainson's hawk is a significant adverse impact, especially because the species returns to the same nests in subsequent breeding years.

RESPONSE 03-83

The project site does not currently contain any confirmed Swainson's hawk nests. Nevertheless, the EIR requires implementation of Mitigation Measure BR-1f to identify any Swainson's hawk nests established prior to construction, avoid any nests identified during preconstruction surveys, and mitigate for any permanent loss of nesting habitat. Refer to Master Response B8.

COMMENT 03-84

Establishing the performance standard for tree replacement of 65% survival after five years is inadequate. Planted trees will not become suitable nesting habitat for Swainson's hawks for at least 20-50 years after planting and thus are of no value to the current population. Furthermore, mitigation lands must be managed in perpetuity to ensure that suitable trees remain available for nesting and replanted as needed. There are numerous examples of oaks in mitigation sites in nearby areas that met the 5-year survival requirement and then were killed by grass fires, which occur regularly in this region, thereby eliminating the intended habitat value (D. Airola. pers. obs.).

RESPONSE 03-84

The project will be primarily mitigating for loss of trees by preserving a greater amount within and adjacent to the project site. The planting of trees is in addition to the preservation of land that is required to meet habitat mitigation requirements. Refer to Master Response B8 and B1c. The project is proposing to preserve oak habitat directly adjacent to the proposed project site, and a project modification was made to reduce impacts to individual trees by 27 percent. Preservation of oaks within the preliminary mitigation equates to a 3:1 ratio of oak canopy preserved as compared to oak canopy lost.

COMMENT 03-85White-tailed kite (*Elanus leucurus*)

The white-tailed kite is a California Fully Protected species, which has, until recently, meant that outside a Natural Communities Conservation Plan, this species cannot be harmed or killed.²¹ So, unlike the Swainson's hawk, which can be "taken" under CESA, Fish & Game Code, sections 2081(b), impacts to this species which constitute "take" under California fully protected species status typically had to be avoided. On July 10,

2023, Governor Gavin Newsom signed into law Senate Bill 147 (SB 147), which allowed for “take” of California Fully Protected Species by renewable energy development and infrastructure projects under certain conditions. See Fish and Game Code Section 2081.15. Specific conditions were established before an Incidental Take Permit could be issued by CDFW, including requiring permittees to minimize and fully mitigate impacts to the species and provide for the “conservation” of that species, as defined by the Fish and Game Code Section 2805(d).²² Thus, under these new requirements, permittees must exceed the typical minimization and mitigation measures associated with permits under CESA (Cox Castle, 2023).²³

²¹ California Fish & Game Code, § 3511(a)(1), (12).

²² Id., § 2081.5.

²³ Cox Castle, 2023, “Governor Signs Legislation Allowing for Permits to Take Fully Protected Species,” <https://www.coxcastle.com/publication-governor-signs-legislation-allowing-for-permits-to-take-fully-protected-species>

RESPONSE 03-85

Refer to Master Response B6, Biological Resources for information regarding the white-tailed kite and the ability to obtain an ITP.

COMMENT 03-86

The DEIR does not provide impact analysis or any specific mitigation measures for the white-tailed kite, even though they are known to occur on the proposed Project site, as indicated by onsite surveys, occurrence data, and range maps. The DEIR incorrectly states that it is not a species covered by the South Sacramento Habitat Conservation Plan (SSHCP). No NCCP-grade above and beyond conservation measures were proposed. This DEIR is therefore deficient because it fails to include: a species-specific impact analysis, species-specific AMMs, and species-specific mitigation measures consistent with the requirements in Fish and Game Code Section 2081.15.

RESPONSE 03-86

Refer to Master Response B6.

COMMENT 03-87

The DEIR must be revised to account for the impacts to white-tailed kite and what measures will be required to fully avoid “take” of this species and to promote its conservation per California Fish and Game Code Section 2081.15.

RESPONSE 03-87

Refer to Response Master Response B6, noting that mitigation measures for raptors including white-tailed kite are included in the EIR.

COMMENT 03-88

Bald eagle (*Haliaeetus leucocephalus*)

The bald eagle is still listed as Endangered under the CESA. The status of this species was recently evaluated in the central interior portion of California, which included the study area (Airola et al., 2025). The species is expanding its breeding range and population. Bald eagles in this region nest in gray pines, Fremont cottonwoods, and a variety of other tree species. The nearest known nests to the proposed Project are 5-miles away at Lake Clementia at Rancho Murietta and 6.5-miles away at Lake Natoma. The DEIR acknowledges that the bald eagle occurs in the proposed Project area, where it likely scavenges on livestock and wildlife. The DEIR failed to evaluate whether proposed Project construction and subsequent management will reduce the quality of foraging habitat for this species.

RESPONSE 03-88

Refer to Master Response B6 for more information regarding the bald eagle and mitigation measures for raptor species.

COMMENT 03-89

Bank swallow (*Riparia riparia*)

There are no eBird records of the bank swallow in the vicinity of the proposed Project area and no suitable nesting habitat is available onsite. Its potential for occurrence is low, in contrast to the characterization in the DEIR, which should be revised accordingly.

RESPONSE 03-89

Table BR-4 in the FEIR has been revised noting the low likelihood for occurrence for the bank swallow. No bank swallows were noted during biological surveys.

COMMENT 03-90

Impacted Birds that were not included in the DEIR:

Loggerhead shrike (*Lanius ludovicianus*)

This species was not included in the impacts summary table BR-4 despite its designation as a state Species of Special Concern and known breeding at nearby Deer Creek Hills. It is also regularly reported by birders on the Folsom Christmas Bird Count (CBC), which includes the proposed Project area, and in eBird, including a likely record of a nest with young within the proposed Project area.²⁴ The loggerhead shrike in the Sierra Nevada foothills is an open country bird that does not persist in areas with extensive tree canopy, likely because the presence of perch sites encourages competitors and predators (Hampton and Yamamoto, 2004). The presence of numerous perching sites on solar arrays for these other species will likely make the entire proposed Project site unsuitable for the species. This information should be included in a revised DEIR, including how the proposed Project will impact this species and its presence in the region. The species is declining within the Folsom CBC area, likely due to a combination of factors, including substantial loss of grassland habitat and West Nile virus infection, from which it has not been documented to have recovered (Pandolfino, 2020).

²⁴ eBird. 2022. eBird: North Scott Rd Pond, Daniel Airola. Cornell Lab of Ornithology, Ithaca, New York. <http://www.ebird.org>

RESPONSE O3-90

Refer to Master Response B11. Mitigation Measure BR-1k includes measures to avoid, minimize, and mitigate for impacts on nesting birds, including loggerhead shrike.

COMMENT O3-91

The DEIR should be revised to include analysis of impacts to Loggerhead shrike and provide AAMs.

Lewis's woodpecker (*Melanerpes lewis*)

The DEIR fails to analyze the proposed Project's impact to Lewis's woodpecker. This species is listed by the North American Bird Conservation Initiative (NABCI; 2025) as a "Tipping Point Species" indicating "species with long-term population losses but relatively stable recent trends, with continued conservation efforts needed to sustain recovery." While the NABCI characterization of recent stability may be true range-wide, the species has certainly declined in the region surrounding the project as oak savanna habitat has been converted to residential and commercial development.

RESPONSE O3-91

Refer to Master Response B10 noting the listing status of the Lewis's woodpecker and mitigation measures for wildlife species.

COMMENT O3-92

The Scott Road area, including the proposed Project area, is recognized as a current stronghold for the Lewis's woodpeckers in the Sacramento region, an area where many birders go to find the species.²⁵ Nonetheless, the Folsom CBC data show that the species appears to be declining, with less frequent incursions of wintering birds as development of open woodland and grassland habitat proceeds in the area.

²⁵ Id.

RESPONSE O3-92

See Master Response B10, noting the listing status of Lewis's woodpecker and mitigation measures for wildlife species. While helpful, Christmas Bird Count data will not be included in the EIR because it is a citizen science effort and not a formal collection of data. In addition, there is not a data gap that is needed to supplement the data and analysis already presented in the FEIR.

COMMENT O3-93

The species abundance here in winter is likely a result of large areas of open space and large (50-150 year-old) valley oaks scattered among grasslands from which the

woodpecker hawks flying insects. It is not uncommon to see from a single spot 5-10 Lewis's woodpeckers foraging from large oaks within the proposed Project area. Loss of large valley oak trees under the proposed Project will eliminate this unique habitat and result in continued decline in the wintering population, as has past development in surrounding lands. This impact cannot be mitigated through acquisition of already functioning habitat or planting of oak seedlings in mitigation areas, which won't become suitable foraging habitat for many decades.

RESPONSE 03-93

See Master Responses B2 and B10.

COMMENT 03-94

The impact of loss of mature oak savanna habitat, and its effects on the Lewis's woodpecker, as well as a variety of other species, including Bullock's orioles, western bluebirds, acorn woodpeckers, loggerhead shrikes, and white-tailed kites, should be considered a significant impact that cannot be fully mitigated. Nonetheless, mitigation should be enacted that permanently protects and manages similar oak savanna habitat. The mitigation areas should target those lands most likely to be subject to future development induced by transportation and infrastructure improvements in the surrounding region.

RESPONSE 03-94

Mitigation is required that would preserve oak savanna habitat both within the project site and adjacent to it; see Mitigation Measure BR-2b in the FEIR. Preserved oak woodland would provide habitat for a variety of species, including Lewis's woodpecker, Bullock's orioles, western bluebirds, acorn woodpeckers, loggerhead shrikes, and white-tailed kites. See Master Response B10 regarding Lewis's woodpecker and Master Response B1c regarding on-site preservation of resources over the long term. See Master Response B1a on survey methodology, Master Response B11 on loggerhead shrikes, and Master Response B6 on white-tailed kites.

COMMENT 03-95

The DEIR should be revised to include an analysis of impacts to Lewis's woodpecker and provide AAMs.

RESPONSE 03-95

Refer to Master Response B10.

COMMENT 03-96

Additional Mitigation for Impacted Bird Species

Nest Boxes

Mitigation measures in the DEIR must be revised to incorporate the addition of nest boxes at a density of at least 5 boxes per acre to offset the effects of the loss of nesting cavities. Nest boxes installed in oak mitigation plantings have been shown to be an effective tool in supporting some of the species lost due to woodland removal (Airola et al. 2024).

RESPONSE 03-96

Mitigation measures proposed adequately minimize and mitigate effects to bird species without the utilization of nest boxes. The utilization of on-site preservation, paired with revegetation beneath the array ensure foraging habitat availability for avian species. Additionally, oak mitigation will require both preservation and replanting, with the preservation approach proposed as Mitigation Measure BR-2b anticipated to preserve oak resources at a 3:1 basis. For additional information regarding oak mitigation, refer to Master Responses B1c and B2.

COMMENT 03-97

Lake Effect

As noted in the DEIR, birds may be attracted to the vast arrays of PV solar panels due to the "lake effect" caused by reflected polarized light. Birds mistake the panels for water and can be injured or killed due to collisions with Project facilities. The proposed concepts to be included in the Avian Protection Plan lack specific detail to address how they would prevent or reduce bird strikes and strandings/entrapment. **The protocol outlined in the DEIR must be revised to reduce the potential for bird collisions with a photovoltaic array. This shall be done by arranging the panels in the position where they last tracked the sun each night, or by pre-positioning the panels toward the east to capture sunrise (i.e., panels should be in a close to vertical position). This measure shall be implemented during operation and maintenance activities.**

RESPONSE 03-97

As stated on Page 6-49 of the DEIR, while solar panels would create permanent overhead cover along rows of solar arrays within the solar array fields, much of the existing vegetation beneath the panels and between rows and array blocks would remain unaffected or would be restored to grassland soon after project construction per implementation of the Agricultural Management Plan (see Mitigation Measure AG-1 in Chapter 4, "Agricultural Resources"). Additionally, as noted in the DEIR, lake effect is variable based on climatic conditions and surrounding land use. The effect "is more common [in an] extremely arid landscape. This suggests that landscape context matters, and that solar panels in moister landscapes might be less attractive to flying birds and cause fewer deaths... It seems likely that the lake effect may be most impactful in this region where water bodies sought by aquatic habitat birds are scarce. However, it would be premature to extend the lake effect hypothesis to other landscape types, or to refute it, until comparable studies are conducted there." (Diehl et al. 2024). Mitigation Measure BR-1k includes development of an Avian Protection Plan that will include bird mortality monitoring during project operation and adaptive management, if necessary. As noted on page 3-65 of the DEIR, "[t]he surface of the panels used for the proposed project would

be constructed out of smooth glass and would include an anti-reflective coating.” The use of “anti-reflective coatings... can both increase panel energy efficiency and reduce the degree to which they polarize light [and]... this technology could play an important role in limiting the exposure of birds to polarized light pollution (Diehl et al. 2024). The project will utilize a tracking rack system that faces east during the morning and west in the evening. This appears to align with the request. During nighttime, the panels may be stowed to a horizontal or vertical position but during daylight hours are programmed to track the sun.

COMMENT 03-98

Inclusion of this mitigation measure will help reduce impacts during the off hours, however, it does not mitigate the potential impact during operating hours when sunlight would be reflecting off the panels; thus, bird collisions and entrapment remain a significant adverse impact.

RESPONSE 03-98

Refer to Response 03-97.

COMMENT 03-99

Mammals

American badger (*Taxidea taxus*)

The construction of the proposed Project, including blasting (DEIR, p. 2-23 to 2-25), could harm American badgers, and the operation of the proposed Project with its extensive fences would exclude badgers from a substantial area and create a very large, convoluted barrier with significant potential to block or entrap their movements.

Recommended mitigation: In addition to the proposed Mitigation Measure BR-1j, to reduce the potential for mortality or injury of American badgers, qualified wildlife biologist(s) shall conduct pre-construction field surveys for possible burrows and place wildlife cameras to detect any badgers at risk of blasting impacts. Before blasting, any badgers found in proximity to blasting and not breeding should be passively excluded from their burrows, and blasting delayed until they have moved to a safe distance. Any breeding badgers shall not be disturbed until the young have dispersed.

RESPONSE 03-99

Mitigation Measure BR-1j in the DEIR and FEIR includes measures for pre-construction surveys for American badger, protocols if a nest is found, and protections for the den until young have left the den. No changes to Mitigation Measure BR-1j are needed to avoid and minimize impacts to American badgers.

COMMENT 03-100

Impacted Mammals not included in the DEIR:

Ringtail (*Bassariscus astutus*)

The DEIR does not include the ringtail (genus *Bassariscus*) even though the proposed project is within the range of the species (Gould, 1998). According to CDFW, the “Ringtail is widely distributed, common to uncommon,” “usually not found more than 1 km (0.6 mi) from permanent water,” and “occurs in various riparian habitats, and in brush stands of most forest and shrub habitats, at low to middle elevations.”

Ringtails have been well documented in the Sacramento Valley (D. Wyatt, presentation to CDFW Science Symposium, 2015), so the species’ omission from the DEIR is a deficiency. We consulted with noted ringtail researchers Dr. Wyatt and K. Schulte of Sacramento City College, and they reported a 2023 Ringtail camera image from near the Cosumnes River, less than 7 miles from the proposed Project site. According to them, there appears to be suitable habitat for the species on the proposed Project site and potential for the species to occur there.

Ringtails are Fully Protected under State Fish and Game Code, and are subject to the requirements in Fish and Game Code Section 2081.15 for this project under SB 147. As such, an impact analysis should have been provided as well as AMMs and mitigation measures that meet the requirements of Fish and Game Code Section 2081.15. This species should be included in the list of Fully Protected Species in the DEIR and a complete impact analysis and AMMs and mitigation measures that satisfy SB 147 should be included in a revised DEIR and subject to public review and comment.

RESPONSE 03-100

This mitigation was added, as recommended by CDFW, to ensure avoidance and minimization of impacts to ringtail. See Master Response H for comments related to recirculation.

COMMENT 03-101

Sensitive Natural Communities

Vernal Pool Impacts

The DEIR fails to provide adequate analysis to determine actual, indirect, and potential impacts to vernal pools and the biota that occupy them, some of which are both state and federally-listed species. The DEIR and Appendix BR-1 only briefly describe the vernal pools, using boilerplate language. The Aquatic Resources Delineation Report (February 2024 contained in BR-1) is missing 36 detailed wetland delineation maps and all of the appendices that might shed light on the site-specific vernal pool resources and conditions. Additionally, two of the rare plants identified during site surveys, *Navarretia myersii* ssp. *myersii* and *Juncus leiospermus* var. *ahartii*, occur in vernal pools or similar wetlands, and yet there is no description of the specific habitat conditions or associated species.

RESPONSE 03-101

Refer to Master Response B9 for information regarding the description of vernal pools, location of these plant species, and aquatic resource mapping.

COMMENT 03-102

From what can be inferred from the proposed Project level maps, all of the vernal pools appear to occur adjacent to linear wetland features. That indicates they are in topographically low-lying areas within the overall site. This will subject them to indirect impacts related to alteration of upslope hydrology (generally and at the individual pool watershed level), potential sedimentation from upslope soil disturbances, non-point source pollution from PV maintenance activities, etc. Additionally, Table BR-13 lists temporary impacts to vernal pools that have been known to result in permanent destruction of the habitat or the occupying biota. Restoring soil compaction and vegetation to approximate pre-project conditions is not an assurance that the impacts are only temporary.

RESPONSE 03-102

Refer to Master Response E regarding hydrology and water quality describing mitigation measures that reduce effects to water quality, which will also reduce potential downstream effects on vernal pool resources. The comment does not specify which temporary impacts have been known to result in permanent destruction of vernal pool habitat or the occupying biota. Mitigation Measures BR-1i and BR-3 will ensure the proposed project avoids vernal pools and a 250-foot buffer around them, to the maximum extent feasible. If total avoidance is not possible, Mitigation Measure BR-3 includes compensatory mitigation or preservation of suitable habitat for vernal pool species for all potential impacts to this habitat type, including impacts classified as temporary in Table BR-13.

COMMENT 03-103

The DEIR analysis of vernal pool impacts must be revised to identify the actual direct, indirect, and potential impacts to vernal pools and the biota that occupy them, some of which are both state and federally-listed species. The revised DEIR must identify appropriate, effective AMM mitigation measures. The revised DEIR must be recirculated for agency and public review.

RESPONSE 03-103

Refer to Master Response B1b, noting calculations of permanent and temporary effects, and Master Response B1c, generally noting mitigation measures for biological resources. Aquatic Resource impacts, including impacts to vernal pools are comprehensively addressed in Chapter 6, and Table BR-5 denotes permanent and temporary impacts by land cover type. There is no basis for recirculation. See Master Response H.

COMMENT 03-104*Valley Needlegrass Grassland*

Mitigation measures for valley needlegrass grassland in Mitigation Measure BR-2 are lacking many of the same elements that are lacking in Measure BR-1b and should include, following CDFW Protocols in pre-construction surveys, a monitoring and management schedule as described above for Mitigation Measure BR-1b, and financial assurances for monitoring and active management. Valley needlegrass grasslands are home to purple needlegrass (*Stipa pulchra*), the California State grass. Given the limited areas of this habitat remaining throughout California, the conservation of valley needlegrass grasslands on the proposed Project site should be prioritized.

RESPONSE 03-104

Mitigation measures will minimize impacts to valley needlegrass grassland habitats within the project site and will mitigate for project impacts to grassland by preserving grassland both within and adjacent to the project site (see Mitigation Measure BR-2b in the FEIR). Pre-construction surveys for valley needlegrass grassland in Mitigation Measure BR-2a will ensure that this vegetation type is avoided to the maximum extent feasible without increasing impacts to other resources and protected (e.g., with buffers, fencing, flagging). If valley needlegrass grassland cannot be avoided by construction, impacted areas will be mitigated for per Mitigation Measure BR-2a, and monitoring and adaptive management will ensure re-establishment of this vegetation type at a performance standard of no net loss. Refer to Master Response B1 regarding on-site preservation and re-establishment of vegetation following construction.

COMMENT 03-105

Establishing woodland habitat as mitigation in areas currently supporting grasslands will reduce habitat for grassland-dependent species. These secondary impacts were not recognized and quantified. The DEIR must identify and address these secondary impacts and provide mitigation to offset the effects.

RESPONSE 03-105

Refer to Master Response B2. Locations of proposed plantings will be reviewed prior to implementation through the Tree Resources Management Plan to ensure suitability of site selection and lack of significant secondary impacts, and extensive grassland habitat, which is abundant in eastern Sacramento County, will be preserved or restored on-site and adjacent to the project site (see Mitigation Measure BR-2b in the FEIR). The DEIR includes analysis of reasonably foreseeable indirect impacts to biological resources. As required by Mitigation Measure BR-2a, “off-site preservation shall... support a significant number of native broadleaf trees; offer good potential for continued regeneration of an integrated woodland community; [and] if preservation of adjacent parcels is not feasible, then preservation shall be within mapped areas of Savannah and Blue Oak Woodland on the Habitat Component map of the Open Space Vision Diagram included in the Sacramento County General Plan” (DEIR, page 6-92).

COMMENT 03-106

Even if the grassland habitat were re-established after the construction of the proposed Project, the DEIR's acknowledgement that re-established grassland habitat areas "would be expected to retain some habitat connectivity..." indicates that some connectivity will be lost. The degree to which connectivity of grassland habitat areas would be disrupted, and the significance of that disruption, must be presented and analyzed in the DEIR.

RESPONSE 03-106

Refer to Master Responses B1c and C2 for discussion on wildlife corridors. Wildlife corridors across the site, including riparian corridors along Carson and Coyote creeks, will be preserved, and fences will be constructed to allow maximum wildlife passage and to direct larger wildlife along movement corridors. The evaluation of wildlife corridors is thoroughly disclosed and evaluated in Impact BR-4 in Chapter 6 of the EIR.

COMMENT 03-107*Oak Woodland*

The proposed Project site supports many species of native trees, notably the blue oak, interior live oak, valley oak, unidentified oak species, and Fremont cottonwood (see Figures 1 and 2, which show the location and extent of blue oak woodlands within and around the proposed Project area). The DEIR (DEIR, p. 6-11–12) states that an inventory of all trees within the solar development area and proposed Project site was conducted, but later states that the entire proposed Project site was not surveyed for individual trees (DEIR, 6-13), implying that there are more trees than reported. The inventory of all native trees within the proposed Project site must be provided to give the public an understanding of the significant impact of the loss of native trees.

RESPONSE 03-107

The FEIR has been revised to clarify that tree resources were only inventoried in the location of the proposed solar development area and some adjacent areas that could be affected by the proposed project. Significant additional tree resources occur outside of the proposed solar development area, along the eastern edge of the project site, but because their removal is not proposed, they were not inventoried. Canopy cover data and land use data provide an alternative assessment of tree resources to ensure that tree resources inside and outside of the solar development area are analyzed and disclosed.

COMMENT 03-108

The inventory found 6,795 individual trees within the proposed Project area, which are protected under the Sacramento County General Plan, 4,787 of which would be removed within the solar development area. Of these, 4,699 are oaks, including 4,554 blue oaks. This adds up to a loss of 287 acres of oak woodlands and over 54 continuous acres of canopy cover. The preservation of existing oak woodlands at any ratio or payment of mitigation fees would still lead to a net loss of oak woodland habitat and should not be

considered viable options given the limited extent of oak woodlands in Sacramento County. It is estimated that in Sacramento County, oak woodlands with a canopy cover at or above 10% have dwindled to ~3% of their previous range, and this project alone would remove 30% of this small remainder.

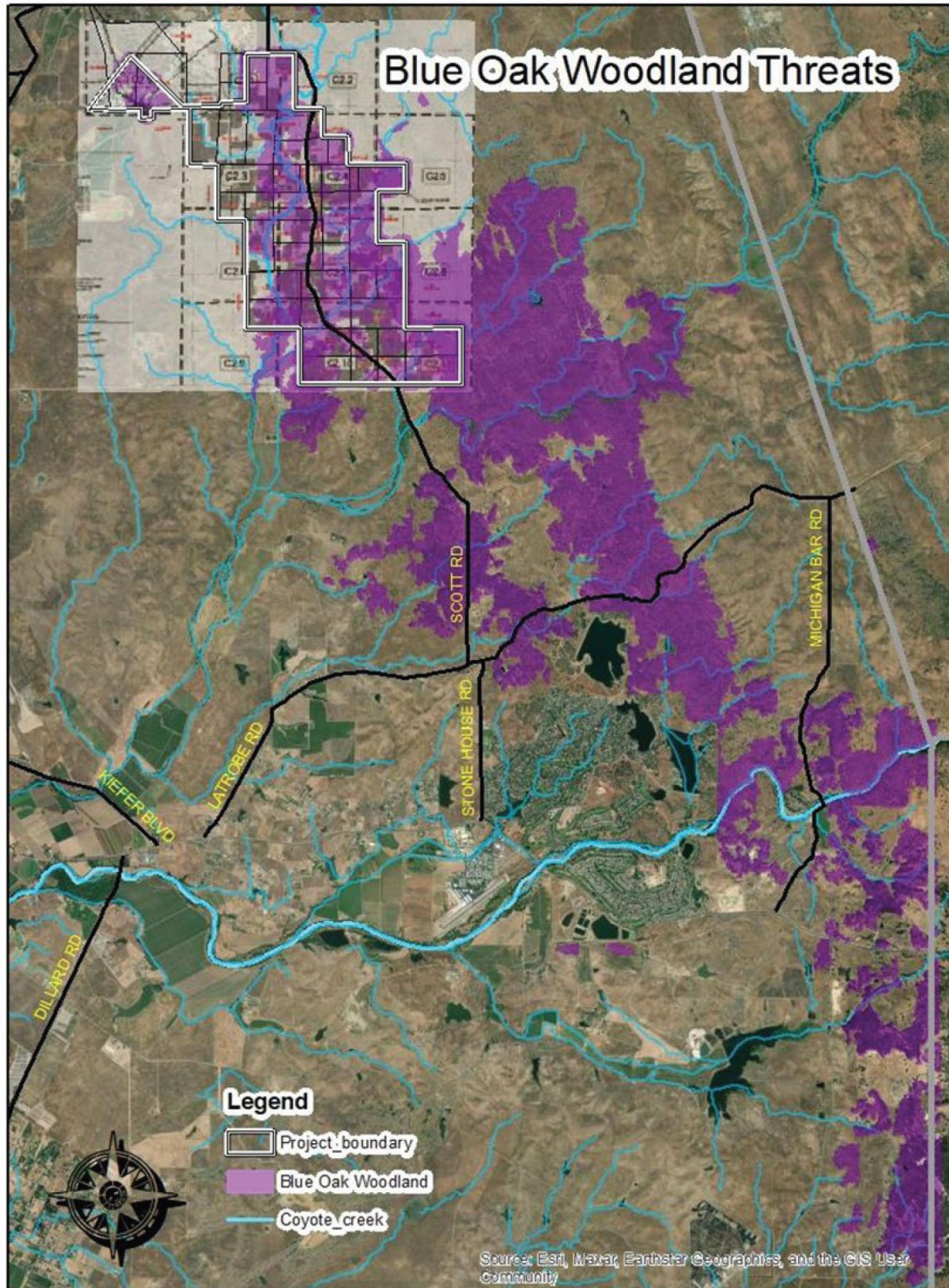


Figure 1. Location and extent of blue oak woodlands within and near the proposed Project area. Map prepared for Sierra Club.

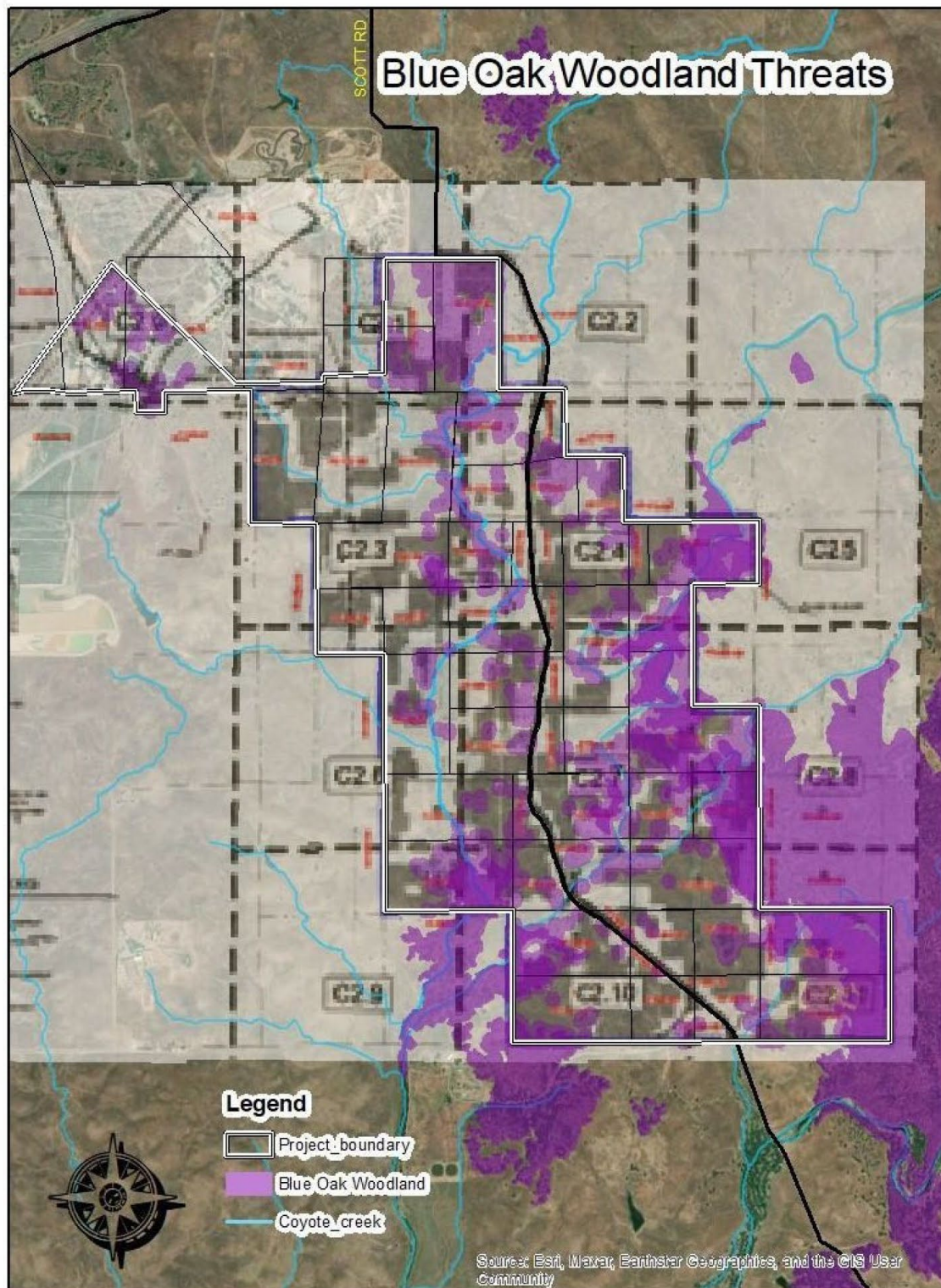


Figure 2. Location and extent of blue oak woodlands within and near the proposed Project area. Map prepared for Sierra Club.

RESPONSE 03-108

Refer to Master Response B2. As indicated in Impact BR-2 in the DEIR, oak woodland habitat would only be removed within the solar development area, not the entire project site, and over half the oak woodland habitat within the project site would not be removed. According to the South Sacramento Habitat Conservation Plan, the total acreage of blue oak woodland in the Plan Area is 9,132 acres, which represents 2.9 percent of the total Plan Area, which is 317,655 acres (South Sacramento Conservation Agency 2018, Table 3-1, page 3-2). The proposed project would affect approximately 3 percent of the total acreage of blue oak woodland in the South Sacramento Habitat Conservation Plan Area. Modification 1, as described in Master Response B, will reduce impacts to tree resources, and Modification 2 will preserve significant oak resources within and adjacent to the project site. Refer to Master Response B1c and B2 for additional information regarding oak tree mitigation and on-site preservation.

COMMENT 03-109

A Sacramento County Planning and Environmental Review planning guidance document on oak woodlands states that “Our best efforts at restoration even over decades of time cannot replace the complex and intricate ecological balance of plant and animal life that required hundreds of years to evolve into the oak woodland plant community.”²⁶ The document recommends preserving the remaining large, undeveloped parcels of oak woodland to help ensure the persistence of sensitive species. The Facilities Element of the Sacramento County General Plan, regarding Solar Electric and Other Renewable Energy Facilities, states that “Sprawling facilities can despoil pristine landscapes and natural resources such as oak woodlands and vernal pools. Larger-scale multi-megawatt systems should be designed in a manner that minimizes land use and environmental impacts and therefore should be located away from sensitive habitats.”²⁷

²⁶ https://planning.saccounty.gov/InterestedCitizens/Pages/ER_OakWoodlands.aspx

²⁷ <https://planning.saccounty.gov/PlansandProjectsIn-Progress/Documents/Public%20Facilities%20Element%20-%20Amended%2012-17-2019.pdf>

RESPONSE 03-109

Refer to Master Responses B1c and B2 regarding impacts to oak woodland and mitigation for sensitive biological resources, as well as Chapter 11 of the DEIR evaluating land use policies. The comment is noted.

COMMENT 03-110

In-kind establishment of oak woodlands is not a practical mitigation measure. Blue oaks are one of California's slowest-growing oak species and only begin to mature at ~90 years, and at this age, trees are just beginning to produce acorns, snags, downed wood, and hollows that are needed to support many of the wildlife species that call these woodlands home. To meet the 30% canopy cover by 15 years as required in CO 141, blue oaks would need to be planted at a rate of 500-600 trees per acre resulting in a shrubland 10-12 times the density of a natural mature blue oak woodland, these would

need to be thinned as they mature to ensure that plantings would not create unnatural canopy closure that would reduce wildlife value or contribute to increased fire hazard. It would likely take many decades or more than a century, with regular management, for an in-kind planting project to provide the habitat values lost to removal in this project and would need to be continually monitored and managed during this time to ensure success.

RESPONSE 03-110

The project is proposing to satisfy mitigation requirements for impacts to oak woodland by preserving oak woodlands within and adjacent to the project area; in-kind planting proposed for the project is in addition to the compensatory mitigation. Refer to Master Response B2, noting that the impact to blue oak woodlands is considered by the County in the DEIR to be cumulatively significant and unavoidable, primarily due to temporary losses associated with oak replanting efforts. Additionally, both oak preservation and planting, including implementation of a Tree Resource Management Plan to require the establishment and management of trees for the first 7 years of operation, include many of the adaptive management provisions noted by comment to ensure long-term success.

COMMENT 03-111

We do not see how a mitigation tactic that would only just begin to achieve its objective more than 60-90 years after the construction of the proposed Project could be considered to be achieving no net loss or would result in no significant impact, especially when the success criteria only addresses the first five years after planting. All impacts to oaks and other native trees should be avoided or, if not avoided, then must be mitigated with the permanent protection of oak woodlands of equal or better quality and quantity. Thus, the proposed Coyote Creek Project is inconsistent with the County's planning guidance, and the project site should be preserved to help meet these recommendations. A complete inventory of native and protected trees on the proposed Project site and the solar development area must be performed and the results included in a revised and recirculated DEIR, in addition to revising the impact analysis and identifying measures to avoid, reduce, and compensate for unavoidable adverse impacts.

RESPONSE 03-111

A consistency analysis of land use policies and potential conflicts with the County General Plan is included in Chapter 11 of the FEIR. The comment further states a complete inventory of native and protected trees on the proposed project site and the solar development area must be performed and the results included in a revised and recirculated FEIR, in addition to revising the impact analysis and identifying measures to avoid, reduce, and compensate for unavoidable adverse impacts. Refer Master Responses B1c and B2 noting that the impact to blue oak woodlands is considered by the County in the DEIR to be cumulatively significant and unavoidable. Additionally, both oak preservation and planting, including implementation of a Tree Resource Management Plan to ensure the establishment and management of trees for the first 7 years of operation, are required as mitigation for removal of oak woodlands. Master Response B2 notes that oak woodlands will be preserved within and adjacent to the project site at mitigation ratios greater than required by County General Plan policy.

COMMENT 03-112

Even if in-kind planting were a suitable mitigation tactic, the DEIR does not indicate that a sufficient amount of suitable contiguous land that would be able to support in-kind planting needs has been identified on the proposed Project site.

RESPONSE 03-112

The comment states that the DEIR does not indicate that a sufficient amount of suitable contiguous land that would be able to support in-kind planting needs has been identified on the proposed project site. Refer to Master Response B2, noting that a Tree Resource Management Plan will be submitted denoting the location of proposed plantings to ensure their suitability and that mitigation for oak woodlands will include preservation in addition to in-kind planting.

COMMENT 03-113

Any lands identified for in-kind plantings of oak woodlands would need to be surveyed following CDFW Protocols to ensure that mitigation activities would not adversely impact any special status species or sensitive habitat type. The DEIR needs to be revised to evaluate the environmental impacts of establishing new oak woodlands through planting. In particular, the conversion of grasslands to oak woodland will have impacts on a large number of special-status species. The revised DEIR should identify how these impacts will be mitigated to a no-net-loss standard.

RESPONSE 03-113

Refer to Master Response B2 noting that a Tree Resource Management Plan will be submitted denoting the location of proposed plantings to ensure suitability of site selection, and extensive grassland habitat, which is abundant in eastern Sacramento County, will be preserved or restored on-site and adjacent to the project site (see Mitigation Measure BR-2b in the FEIR).

COMMENT 03-114

Mather Core Recovery Area

The Mather Core Recovery Area was designated by USFWS for recovery of the vernal pool fairy shrimp and vernal pool tadpole shrimp, both federally listed as Endangered by the USFWS. Per the DEIR, approximately 568 acres of the proposed Project site, including 289 acres within the solar development area, are within the Mather Core Recovery Area.

The DEIR states that “protocol-level surveys for these species were not conducted, approximately 8.59 acres of vernal pool and other seasonally inundated habitats that provide potentially suitable habitat for special-status aquatic invertebrates is present and assumed to be occupied by these two species within the solar development area.” (DEIR, p. 6-76) A proposed buffer around these and other wetland habitats of at least 250 feet

would be delineated with fences and would be off-limits to development. Protocol surveys for vernal pool fairy shrimp must be conducted so that it can be determined if these species are present and their abundance.

RESPONSE O3-114

See Master Response B9, noting that presence of these species was assumed in developing a mitigation approach for the project, so surveys were not necessary. Other biological surveys supported the assumption of likely presence of these species.

COMMENT O3-115

Surveys for listed invertebrates must be conducted to properly assess project impacts. Also, specific analysis of impacts of grading and construction within the watersheds of vernal pools must be provided, along with mitigation measures to minimize these effects, and mitigation to address impacts that cannot be mitigated.

RESPONSE O3-115

Refer to Master Response E, Hydrology and Water quality denoting measures that reduce potential downstream effects to aquatic resources, including vernal pools. Refer to Master Response B9 regarding surveys and minimization measures for vernal pools and associated special-status invertebrates. Refer to Response B1c regarding mitigation measures for biological resources generally. Presence of special-status aquatic invertebrates was assumed in developing a mitigation approach for the project, so surveys were not necessary. Other biological surveys and data support the assumption of likely presence of these species.

COMMENT O3-116

The DEIR states that “if avoidance, as described above, is not practicable, implement Mitigation Measure BR-3, Avoid, Minimize, Restore, and Mitigate for Impacts on State and Federally Protected Wetlands to achieve the performance standard of no net loss of State and Federally Protected Wetlands, including vernal pool habitat acreage, function, and values for vernal pool fairy shrimp and vernal pool tadpole shrimp. Direct and indirect effects to on-site suitable aquatic habitats that may support federally listed vernal pool brachiopods shall be offset through on-site preservation and/or the purchase of tadpole shrimp and fairy shrimp species preservation credits from a USFWS-approved in-lieu fee program or other USFWS-approved conservation or mitigation bank” (DEIR, page 6-77).

Last year, the California Legislature enacted AB 2875, which was signed into law by Governor Newsom and became law on January 1, 2025. California Water Code Section 16201 states that it is the policy of the state to ensure no net loss and long-term gain in the quantity, quality, and permanence of wetlands acreage and values in California. Thus, the proper performance standard for wetlands mitigation is not only “no net loss” but also “long-term gain.”

RESPONSE 03-116

Refer to Master Response B1c, noting that vernal pool habitat within preservation areas is preserved in excess of a 1:1 ratio.

COMMENT 03-117

Vernal pool habitat should be strictly avoided, and the no-development buffer should be expanded to include adjacent habitat for other special status species, such as the Western spadefoot toad, which is known to migrate up to at least several hundred meters between non- breeding and breeding habitats.²⁸

²⁸ https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.100387/Spa_hammondii

RESPONSE 03-117

Specific mitigation measures are incorporated that would avoid impacts to special-status wildlife that use vernal pools, including western spadefoot. See FEIR Mitigation Measure BR-1c: Avoid, Minimize, and Mitigate for Impacts on Western Spadefoot. Refer to Master Response B1c for an overview of proposed mitigation and Master Response B9 noting mitigation measures for vernal pool habitat.

COMMENT 03-118

Compensatory mitigation in the form of acquisition and protection of this habitat either on- or off- site would result in a net loss. The DEIR fails to indicate how the no net loss and long-term gain standard could be achieved. Meeting this standard typically requires not only the acquisition of off-site habitat, but also the creation of new vernal pool habitat to ensure that there is no net loss and long-term gain. The DEIR also did not discuss where new pools would be created or what impacts would be associated with their creation.²⁹

²⁹ *Sierra Club v. County of Fresno*, supra, 6 Cal.5th at 521.

RESPONSE 03-118

Refer to Master Responses B1b, B1c, and B9 noting the creation of onsite preservation areas, which include the permanent preservation of significant vernal pool habitat. These preserves will be subject to CDFW review and require a specific management plan for their long-term success and enhancement.

COMMENT 03-119**2. Wildlife Corridors and Habitat Linkage Impacts**

In its current, predominately undeveloped state, the proposed Project site offers nearly unfettered movement potential to wildlife, and provides excellent connectivity to surrounding undeveloped or lightly developed habitat on almost all sides, including the Boys Ranch property, the nearby Deer Creek Hills Preserve of the Sacramento Valley

Conservancy, the Prairie City SVRA (of which there are several areas not used by OHVs), and private lands.

The proposed Project would create a miles-long, mile-wide, nearly impassable maze of barriers to movement for terrestrial wildlife. Further, the maze-like array of PV panel areas and fencing is likely to entrap wildlife if they do access the site. This is a significant adverse impact and adversely affects the County's impending need to provide for wildlife connectivity under Assembly Bill 1889.³⁰ The extensive barrier created by the proposed Project would significantly reduce the connectivity between properties all around it.

³⁰ Section 1(b) of AB 1889 states: It is the intent of the Legislature that, in carrying out the policy of the state, local jurisdictions, including cities and counties, shall consider and implement measures to avoid, minimize, and mitigate impacts to fish, wildlife, and habitat connectivity from existing and planned land uses within their jurisdictions. It is further the intent of the Legislature that local jurisdictions, including cities and counties, implement measures to remediate barriers to wildlife connectivity within their jurisdictions to the maximum extent feasible.

RESPONSE 03-119

Refer to Master Responses B1c, B2, and C2, which provide details related to project impacts to wildlife linkages.

COMMENT 03-120

We concur with the described important east-west and north-south designated wildlife corridors in the DEIR (Plate BR-3, DEIR, p. 6-32). The effects of the proposed Project on the function of these corridors form a major basis for our concern about the project. If approved, the proposed Project would add to the significant cumulative loss of lands with natural cover within the Sacramento region, including the loss and fragmentation of habitat with high and moderately high intactness. The DEIR must address the effects of this disruption on movements of individual animals and on the demographics and genetics of populations. The analysis must be conducted cumulatively to recognize recent and proposed projects that would, along with the Project, substantially reduce connectivity in the surrounding region and commit to comprehensive planning to maintain connectivity to the greatest possible degree.

RESPONSE 03-120

Refer to Master Responses B1b, B1c, B2, and C2.

COMMENT 03-121

We present maps from the SSHCP the proposed Project area in relation to priority corridor areas in eastern Sacramento County (Figure 3), terrestrial intactness of the land (Figure 4), and terrestrial biodiversity (Figure 5).

RESPONSE 03-121

This comment is informational and does not raise any specific issues regarding the adequacy of the EIR analysis.

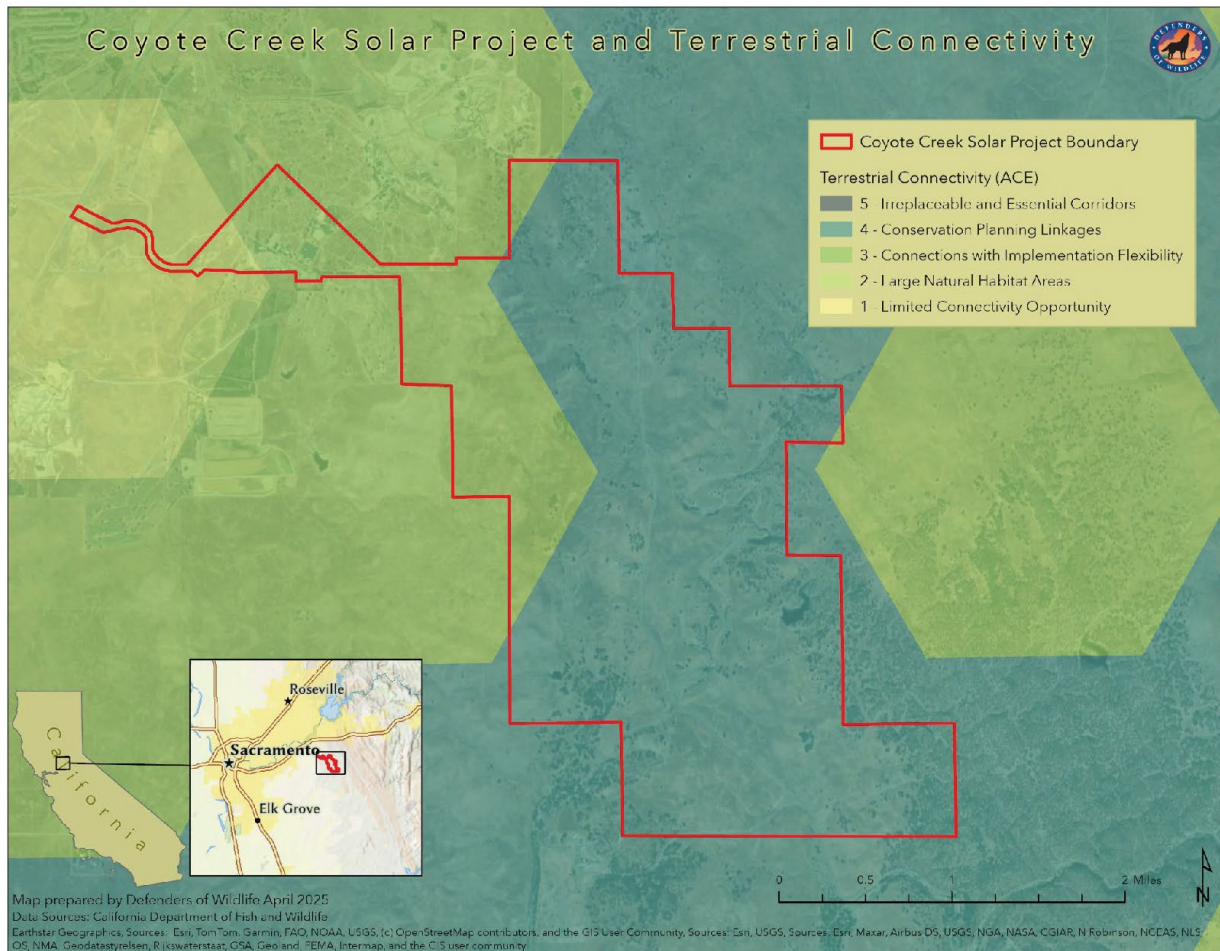
COMMENT 03-122

Figure 3. Location of the Project area in relation to connectivity corridors.

RESPONSE 03-122

The comment provides Figure 3, which shows the location of the project site in relation to connectivity corridors. The figure is noted and will be included in the project record. Refer to Master Responses B1c and C. Note that the project has incorporated permanent preservation of habitat within and adjacent to the project site that contributes to long-term habitat connectivity (see Mitigation Measure BR-2b).

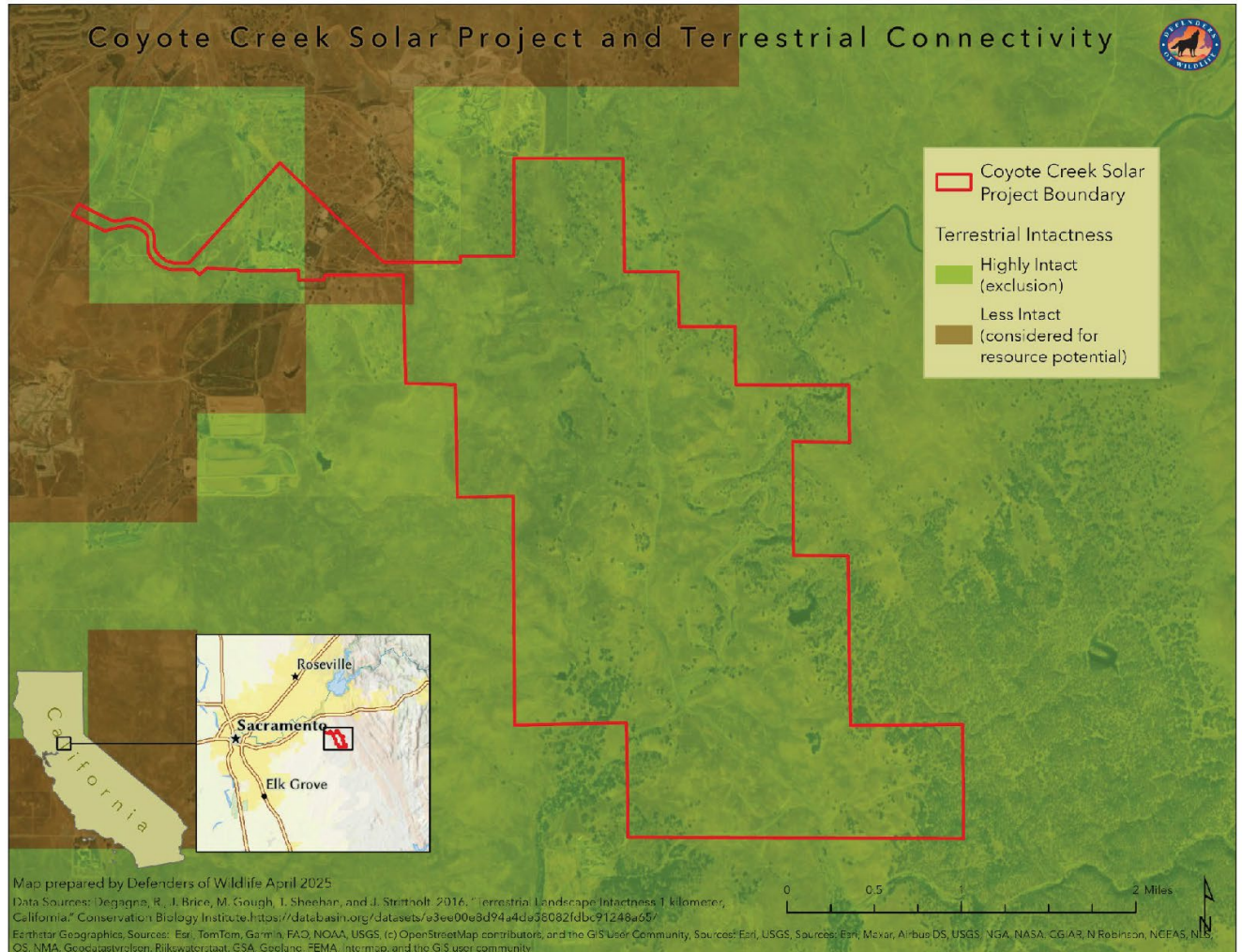
COMMENT 03-123

Figure 4. Location of the Project area in relation to terrestrial intactness.

RESPONSE O3-123

The comment provides Figure 4, which shows the location of the project site in relation to terrestrial intactness. The figure is noted and will be included in the project record. Refer to Master Responses B and C.

RESPONSE 03-124

The comment provides Figure 5, which shows the location of the project site in relation to terrestrial biodiversity. The figure is noted and will be included in the project record. Refer to Master Responses B and C.

COMMENT 03-125

While habitat compensation that occurs elsewhere may partially offset habitat losses to regional populations, it is not reasonable to conclude that it would contribute to maintaining connectivity onsite. The effects of the proposed Project on connectivity can be reduced, but not eliminated or adequately mitigated.

RESPONSE 03-125

Refer to Master Responses B1c, B2, and C. Mitigation Measure BR-1c has been revised, per CDFW comment on the DEIR, to allow improved wildlife passage through project perimeter fencing. Furthermore, the project fencing was designed to avoid development along the main wildlife corridors through the project site and to direct movement of wildlife not able to pass through gaps in perimeter fencing along unimpeded drainage corridors (see Impact BR-4 analysis in the EIR).

COMMENT 03-126

Specifically, the DEIR does not adequately address fencing design specifications or incorporate designs that can reduce impacts to smaller terrestrial species. The DEIR must disclose the size of the mesh to be used in the “agricultural-style woven wire” security fencing contemplated around the solar development area. This mesh comes in different sizes. A very common mesh size - 3 inches - would exclude pond turtles, badgers, foxes, mule deer, coyotes, bobcats, and mountain lions, and thus substantially reduce their ability to move through the site. A mesh of any available size or even fencing of barbed wire would be likely to exclude or entrap mule deer, which would be unable or unwilling to jump the fence’s planned 7-foot height. **The DEIR must be revised to include a mitigation measure to require that all permanent fencing must, at a minimum, be wildlife-friendly and shall not be electrified. Fence design must meet CDFW and USFWS recommendations.**

RESPONSE 03-126

A fence height of 7 feet is a regulatory requirement for solar facilities. As noted in Master Response B4, in consultation with CDFW, fencing specifications in Mitigation Measure BR-1c were modified to include a 6-inch gap at the base of the agricultural woven wire fencing to allow passage of smaller wildlife species, like northwestern pond turtle, during solar operations.

COMMENT O3-127

Once lost or degraded, wildlife corridors and habitat linkages are difficult to impossible to restore. Also, these effects are site-specific. Compensating for these impacts at locations outside of the proposed Project area requires careful land selection to maximize their corridor value and may not be feasible to restore connectivity for impacted natural populations. They will still result in a net loss of these important movement areas, however, and effects are unlikely to be capable of reduction to a less-than-significant level.

RESPONSE O3-127

Refer to Master Responses B, B1c, B2, and C2. On-site habitat preservation and mitigation both on-site and in adjacent areas prioritize core habitat locations and wildlife corridors.

COMMENT O3-128**3. South Sacramento Habitat Conservation Plan Consistency**

The entirety of the proposed Project site is located within the eastern portion of the South Sacramento Habitat Conservation Plan. The proposed Project extends over the edge of two Preserve Planning Units (PPU 1 and PPU 5) in the SSHCP, while also stretching eastward into the blue oak woodlands and savanna. The DEIR misrepresents the purpose and function of the SSHCP, and the consistency analysis is flawed.

CEQA requires an environmental document to discuss any inconsistencies between the Project and the applicable plans.³¹ An applicable plan is a plan that has been adopted and legally applies to the Project.³² Identifying a project's inconsistencies with applicable plans means that a lead agency may be able to modify the project to avoid the inconsistencies.³³ While an inconsistency with policies of applicable plans does not necessarily mean that the project will have a significant environmental impact, CEQA requires that the environmental document contain a discussion and analysis.³⁴ As discussed below, the DEIR fails to adequately address the Project's inconsistency with the SSHCP.

³¹ CEQA Guidelines, § 15125(d).

³² *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145, n. 2.

³³ See *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169.

³⁴ See *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.

RESPONSE O3-128

A consistency analysis of land use policies and potential conflicts with the County General Plan is included in Chapter 11 of the FEIR. Refer to Master Response C.

COMMENT O3-129

The DEIR analysis did not consider larger-scale consistency with the South Sacramento Habitat Conservation Plan

There is an underlying assumption in this DEIR that utilizing the mitigation ratios and AMMs provided in the SSHCP, and calculating how much land will be removed from the inventory of Preserve Planning Units 1 and 2, will somehow elevate this project to consistency with the Conservation Strategy of the SSHCP, which is a regional multi-species habitat conservation plan. Before looking at the impact on the SSHCP from this project, it is revelatory to examine how this assumption is not only inaccurate but also obfuscates the extent of the negative impact of the proposed Project on the SSHCP.

RESPONSE 03-129

Refer to Master Response C.

COMMENT 03-130

The SSHCP did not contemplate a gigantic solar PV facility outside the Urban Development Area (UDA) within its Plan area. Though this DEIR correctly states that the SSHCP does not preclude development outside the UDA within its Plan area, it does provide coverage for specific projects outside of the UDA, and the impact analysis and coverage for these projects is included in the Plan. There was no take of blue oak woodland or savanna anticipated or analyzed for the covered activities in the SSHCP. As a result, there was no analysis of impacts to blue oak woodlands or blue oak savanna, and no AMMs were presented, or specific mapping identifying high quality habitat, or suitable compensatory mitigation locations identified. There was analysis and mapping of the covered species that utilize the Plan area in the northeast portion of the SSHCP footprint outside of the UDA, but not specifically for the areas outside of the Preserve Planning Units, where the bulk of this project is proposed. **The DEIR must be revised to consider larger-scale consistency with the SSHCP.**

RESPONSE 03-130

Refer to Master Responses B2 and C.

COMMENT 03-131

The DEIR inappropriately relied on smaller-scale consistency with the SSHCP to claim overall consistency

This DEIR took the species associations with different land covers found within the Preserve Planning Units (PPUs) and extrapolated those relationships out into a portion of the Plan footprint that had no PPUs, and therefore no specific conservation requirements, and acted as if this process was consistent with the approach of the SSHCP. This fundamentally ignores how the SSHCP was built. It is true that there are consistent relationships with species and the types of habitat (land covers in the jargon of the SSHCP) that they use, and that it is crucial to preserve these habitats to conserve the species. But the structure of the Conservation Strategy also relies on PPUs that recognize the unique biological resource attributes of different sectors of the Plan footprint and require conservation actions to protect covered species in those habitats.

RESPONSE 03-131

Refer to Master Response C.

COMMENT 03-132

The SSHCP was described as NCCP-like in many early descriptions, partly because of this approach, which recognized the importance of saving ecosystems. As discussed during the preparation of the SSHCP, the eastern portion of the Plan, where the blue oak woodlands and blue oak savanna are located, clearly contained all the attributes of a PPU, but there was no “take” for covered activities in the Plan footprint because no covered projects inside or outside the UDA were going to result in the destruction of these two rare habitats, and therefore there was no mechanism to require fees for mandatory compensatory mitigation to save these vanishing habitats. Had there been any take of blue oaks in the covered activities, there would have been a PPU that contained the proposed Project site, and there would have been a specific landscape conservation strategy, AMMs, and mitigations that considered the totality of the resource in the County and its significance to covered species. It is therefore inaccurate to claim that the proposed Project impact analysis and suggested AMMs and mitigations are consistent with the SSHCP. They fall far short of the scope and rigor found in the SSHCP. **The DEIR must be revised to improve its analysis of impacts and AMMs, and mitigation measures so that they are consistent with the SSHCP for the entire footprint of the proposed project.**

RESPONSE 03-132

Refer to Master Response C.

COMMENT 03-133**This Scale of the Project in the SSHCP Plan Area Will Impact Implementation**

The 1,412-acre size of this solar development project, a project type that was not analyzed as a covered activity in the SSHCP, constitutes approximately 4.5% of the total acreage of covered activities that were analyzed in the Plan, a regional HCP with a 50-year permit period. So, relative to the total footprint of covered activities in the SSHCP, this should be considered a huge project. All of the proposed Project site is outside of the UDA. To appreciate what a project of this size outside the UDA means in the context of the SSHCPs Conservation Strategy, it is important to acknowledge the grand compromise that constitutes the SSHCP - the paradigm that it is better for the long term viability of the covered species in south Sacramento County to allow the majority of lands within the UDA to be developed, with the exception of indispensable vernal pool resources agreed upon in the Plan preparation process, and then to use the mitigation fees from that development to create large interconnected preserves outside the UDA as mitigation. This approach provides the added benefit that this regional approach could better ensure that the best resources outside were conserved compared to the patchwork of conserved land acquisition outcomes seen in project-by-project outcomes. And, the mitigation lands were to be purposefully designed to be, with some exceptions, large in size because contiguous acquisitions would be targeted to reduce edge effects and were to be

interconnected to allow species movement across the landscape. Such a large development project situated outside the UDA and not covered by the SSHCP and situated on such important biological resources promises to create significant barriers for implementing the SSHCP, as discussed below. **The DEIR must be revised to include discussion about the scale of the proposed relative to SSHCP-covered activities and the Conservation Strategy.**

RESPONSE 03-133

Refer to Master Responses B1c, B2, and C. The project prioritizes conservation of large habitat blocks and wildlife corridors on-site.

COMMENT 03-134

Compensatory Mitigations are not geographically consistent with SSHCP

All impacts in the SSHCP Plan area are planned to be mitigated in that Plan area, focused on preserving the highest quality habitats available for each covered species and the land covers that they utilize that would be impacted. This entire proposed Project is situated within the Plan area, though a large portion of it is outside of a PPU as discussed above. To be consistent with the SSHCP conservation strategy, the compensatory mitigation for the impacts from the proposed Project also needs to be within the Plan area; otherwise, important resources within the SSHCP are being impacted without the benefit of high-quality habitats being acquired within the Plan area as compensation. A fundamental biological goal of the SSHCP is to conserve its covered species in perpetuity.

RESPONSE 03-134

Refer to Master Responses B1c, B2, and C. Mitigation Measure BR-2b has been added to the FEIR to require permanent preservation of areas within and adjacent to the project site that are also within the SSHCP Plan area.

COMMENT 03-135

Clearly, this project would negatively impact that effort if it did not geographically mitigate for its impacts consistent with the Plan. The DEIR should start with the high-value habitat maps in the SSHCP to identify appropriate compensatory mitigation locations for the proposed Project's impacts in PPU 1 and PPU 5, but then update those locations based on a review of more recent literature for covered species such as the Tricolored blackbird. **The DEIR must be revised to provide evidence that compensatory mitigation will be consistent with the SSHCP in terms of location, and that it is relying upon more recent literature for species like the Tricolored blackbird.**

RESPONSE 03-135

Refer to response Master Responses B1c, B2, B5, and C. Mitigation Measure BR-2b has been added to the FEIR and requires the permanent preservation of areas within and adjacent to the project site that are also within the SSHCP Plan area.

COMMENT 03-136**Insufficient information was provided for the location and scale of compensatory mitigation**

The DEIR fails to provide the proposed geographic locations for, or even the amount of proposed compensatory mitigation for, the loss of land covers from the proposed Project. This failure is further obfuscated by the fact that the DEIR barely mentions what it claims are permanent versus temporary impacts for some SSHCP covered species - and it should be noted here again that the initial thirty year long impacts, followed by the almost complete certainty of permanent extensions of the proposed Project, necessitates that the project footprint must be considered a permanent impact. The SSHCP calculated the loss of each land cover, clearly outlined the math for the compensatory mitigation for covered species habitat losses, AND provided high value habitat maps that can be used for finding appropriate compensatory acquisition lands, as well as designed PPU's with specific acquisition requirements within specific sectors of the Plan area. The DEIR only calculated the loss of land covers from the proposed Project but failed to provide a coherent compensatory mitigation strategy. **The DEIR must be revised to provide the locations for compensatory mitigation, as well as exactly how much will be provided for each species.**

RESPONSE 03-136

Refer to Master Response B1b regarding permanent and temporary impacts, Master Response B1c and B2 regarding mitigation, and Master Response C regarding consistency with the SSHCP. The EIR considers impacts to biological resources temporary if they would occur for a short period (e.g., up to 1 year).

COMMENT 03-137

The impact on the Plan inventory from compensatory mitigation was not considered Since it would be necessary to mitigate within the footprint of the SSHCP to maintain consistency with the Conservation Strategy of the SSHCP, the impact on the available inventory of mitigation lands must be calculated by including the acreage of the habitat lost plus the compensatory mitigation acreage. Here, again, the project impacts need to be considered permanent. So the impacts on the "inventory lands" (lands appropriate for mitigation within the SSHCP footprint consistent with the Conservation Strategy of the Plan) are doubled in terms of the "inventory lands" removed. **The DEIR must be revised to include an analysis of the impact on the SSHCP mitigation lands inventory and then be recirculated to agencies and the public for review.**

RESPONSE 03-137

Refer to Master Responses B1c, B2, and C. The EIR considers impacts to biological resources temporary if they would occur for a short period (e.g., up to 1 year).

COMMENT 03-138**The DEIR failed to analyze the impact of the loss of Mather Core Recovery Area lands on the SSHCP**

The SSHCP has a requirement to conserve a portion of the vernal pool habitat within and/or adjacent to the Mather Core Recovery Area. There are 568 acres of Mather Core Recovery Area that extend into the proposed Project construction area, with 279 of those acres in the preliminary site and 288 within adjacent lands. The DEIR failed to analyze what the impact of the loss of this portion of the Mather Core Recovery Area would be on the SSHCP's requirement to save a portion of this area. The DEIR must be revised to address the impacts from the loss of the Mather Core Recovery Area lands to SSHCP and provide appropriate mitigation. **The DEIR must be revised to examine the impact of this proposed project on the SSHCP Conservation Strategy target for preservation in the Mather Core Recovery Area.**

RESPONSE 03-138

Refer to Master Responses B1c, B2, B9, and C.

COMMENT 03-139**The impact of Appendix J voluntary conservation was not considered**

The DEIR claims: "The SSHCP has no specific preservation goals or objectives for areas outside the Preserve Planning Units, so development of these areas should not conflict with implementation of the SSHCP conservation strategy" (DEIR, Appendix BR1, p. 129). As already discussed, the SSHCP contains no financial mechanism to conserve blue oak woodlands because there was no take of this habitat type covered by the SSHCP and therefore no fees for compensatory mitigation. Because of this reality, and the acknowledgement of the importance of this area's habitats, an 8,000 acre target for acquisition was included in the Voluntary Additional Conservation listed in Appendix J of the SSHCP - "J.2.1. Northeast Section of the Plan: Protect 8,000 acres of the total oak woodland and oak savanna, and grassland in the northeast portion of the plan area." This important conservation goal had to be voluntary because, as already discussed, there was no financing mechanism available to make it mandatory. But, the wildlife agencies verbalized during Plan preparation that this Appendix J target was extremely important because more conservation needed to be done in the south county for the ferruginous hawk in particular, but also for the other covered species using that area (Sean Wirth, personal communication, 2017). As well, the prospect that the tri-colored blackbird might be listed evidenced the need to provide more conservation for that species.

RESPONSE 03-139

This comment does not raise issues regarding the adequacy of the DEIR. Refer to Master Responses B1c, B2, and Response C.

COMMENT 03-140

The 8,000-acre target could be considered the equivalent of a sustainable PPU conservation goal for the blue oak woodland and savanna habitat matrix in the eastern portion of the Plan.

RESPONSE 03-140

Refer to Master Responses B1c, B2, and C. Compensatory mitigation for project impacts includes preservation of significant oak woodlands, and 55 acres have been removed from the solar development area, as described in Modification 1 in Master Response B, portions of which will be incorporated into the conservation easement areas to further preserve oak woodlands.

COMMENT 03-141

The fact that the 8,000 acre target is voluntary is not an appropriate reason to claim that Appendix J can be ignored by this project when analyzing consistency because it is an important and needed goal to ensure the persistence of many of the covered species in the south county as evidenced by the significance given to these targets by the wildlife agencies, even to the point that they verbalized that they felt more confident in the success of the Conservation Strategy because of the presence of the voluntary conservation included in the Plan (Sean Wirth, personal communication, 2017). The impact of this project on the Appendix J conservation targets needs to be identified and analyzed in the DEIR. **The DEIR must be revised to consider the impact on the acquisition targets in Appendix J of the SSHCP.**

RESPONSE 03-141

Refer to Master Responses B1c, B2, C1, and C4.

COMMENT 03-142**No consideration was given to the financial impact of this project on the SSHCP**

If this project were to be approved, the cost of conservation land in the northeast portion of the Plan would assuredly increase substantially because why would a landowner settle for a conservation easement when there was a possibility that they could lease out their land for a solar farm for more money. This speculative pressure, along with the increased costs of land resulting from reduced acreage availability, would make acquiring the 8,000 acres called out for conservation in the Appendix of the SSHCP significantly more expensive and potentially out of reach.

RESPONSE 03-142

Refer to Master Responses B1c, B2, C1, and C4.

COMMENT 03-143

During the preparation of the SSHCP, there was a failed attempt by Elk Grove to increase its sphere of influence by 10,000 acres. Even though this effort ultimately failed, all of those lands inside the proposed sphere amendment increased substantially in value due to the assumption that, at some future point, those lands within the sphere of influence application could be urbanized. The financial consultants for the Plan determined that the process resulted in a 3-to- 5-fold increase in the cost of those lands. At present there is little speculative pressure on the proposed Project site from potential urbanization, but were this proposed Project to be approved, this type of facility would monetarily amount to the highest yielding land use option in the area and would be a factor to be considered by any nearby landowner when considering the willing sale of their property. **The DEIR must be revised to consider the financial impact on the cost of acquisitions of compensatory mitigation land in the SSHCP inventory area.**

RESPONSE 03-143

Refer to Master Response C.

COMMENT 03-144

There was no discussion of the impact on the required linkage in PPU 1

For PPU 1, there was no discussion of the connectivity preservation goal required by the SSHCP. “The focus of preserve design for PPU 1 outside the UDA is to maintain connectivity with Linkage Preserves L-2 (Deer Creek linkage) inside the UDA, and to provide connectivity to an existing preserve both within and south of the UDA. This will be accomplished by establishing a Preserve in PPU 1 outside the UDA, which primarily will include valley grassland as well as vernal pool land covers.” This omission further demonstrates that the consistency analysis was incomplete. The DEIR must be revised to include a discussion of the impact of the proposed project on the SSHCP required linkage in PPU 1.

RESPONSE 03-144

Refer to Master Responses B and C.

COMMENT 03-145**The impact of this project on the SSHCP-covered species was incomplete**

At least 23 covered species in the SSHCP are known to occur or are likely to occur in the proposed Project site. There was only discussion and analysis of impacts for a small subset of this group, beyond identifying the land cover types that would be impacted. Consistency with the SSHCP would require presentation of analysis and AMMs, and mitigations for at least the 23 covered species that occur on the proposed Project site. Without this, it is not possible to determine if consistency has been achieved.

RESPONSE 03-145

The DEIR included analysis of all SSHCP covered species, with details on their potential to occur included in the Biological Resources Technical Report in Appendix BR-1. Those species with at least a moderate potential to occur at the project site were included in impact analyses. Refer to Master Response C.

COMMENT 03-146

Most of the proposed Project area is not within the PPU's of the SSHCP inventory area – the area outside the UDA where land acquisitions will occur for preserve creation. Some of the biological information in the SSHCP, which was heavily relied upon, is over two decades old, and therefore, that information is substantially out-of-date, such as for the tricolored blackbird. Given that most of the proposed Project is not within the inventory area of the SSHCP, the County and their consultants are obligated to use the most up-to-date information in impact analysis and significance determination. In addition, drawing conclusions about the absence of species from the proposed Project area based on the California Natural Diversity Database can result in errors because it does not show where species are absent. Finally, almost no citations of scientific studies are included to support the resource descriptions, impact assessment, and proposed mitigation measures. The DEIR must be revised to include a full analysis of the impact of this proposed project on each of the covered species in the SSHCP.

RESPONSE 03-146

The DEIR relies on a variety of sources, including recent protocol-level surveys conducted in support of the project (see the Biological Resources Technical Report in Appendix BR-1 of the DEIR). Refer to Master Responses B1 and C.

COMMENT 03-147

The scale of impact on land covers of the SSHCP was presented in a misleading way The approach used in the table showing modeled habitat in the impact area of the proposed Project as compared to the SSHCP modeled habitat within 5 miles (DEIR, APPENDIX BR-1, p. 56) is misleading as it purports to show how much equivalent habitat is extant within 5 miles of the proposed Project site and within the footprint of the SSHCP versus what is found on the proposed Project site. This gives the impression that the habitat loss from the proposed Project is insignificant in light of how much similar habitat is extant within five miles.

RESPONSE 03-147

The DEIR does not state that the habitat loss from the project is insignificant due to there being similar habitat in the vicinity of the project site; rather, the project proposes to mitigate for habitat loss from the project by preserving similar habitat both within the project site and adjacent to it (see Mitigation Measures BR-2a and BR-2b in the FEIR). See Master Responses B and C.

COMMENT 03-148

It completely ignores the massive historical losses of these habitat types, and rather than acknowledging that the proposed Project will be detrimentally affecting a substantial portion of what remains of these habitat types. If abundance were the reality, there would have been no need for the SSHCP to begin with. As well, the fact that there is a misleading presentation of an abundance where there is what actually amounts to vestiges of historical habitat ranges in that table speaks more to the importance of this area for conservation rather than the insignificance of it being developed. **The DEIR must be revised to correct the misleading impression of the scale of impact on land covers of the SSHCP.**

RESPONSE 03-148

The DEIR does not state that the habitat loss from the project is insignificant due to there being similar habitat in the vicinity of the project site; rather, the project proposes to mitigate for habitat loss from the project by preserving similar habitat both within the project site and adjacent to it (see Mitigation Measures BR-2a and BR-2b in the FEIR). See Master Responses B and C.

COMMENT 03-149**The nature of the impacts is inaccurately presented**

The DEIR categorizes impacts to biological resources as either permanent or temporary. Permanent impacts cause long-term permanent loss of biological resources (vegetation communities, wildlife habitat, injury or mortality of individual plants or animals, and blocking wildlife movement or eliminating habitat connectivity). Temporary impacts cause a temporary loss of biological resources for a short period of time and would typically end once construction is complete or shortly thereafter through the application of restoration measures.

RESPONSE 03-149

This comment is noted and consistent with the impact analysis methodology described on page 6-51 of the DEIR. See Master Responses B and C.

COMMENT 03-150

The DEIR states, “Indirect impacts are reasonably foreseeable project effects on adjacent biological resources outside the direct disturbance zone that may occur typically during construction, such as from dust, noise, vibration, increased human activity, and pollutants.”

RESPONSE 03-150

This comment does not include the full definition of indirect impacts on pages 6-51 and 6-52 in the DEIR, which also includes project-related effects that occur later in time. The

EIR's analysis of project effects applied the definitions of direct and indirect effects in CEQA Guidelines Section 15064(d). Refer to Master Response B1b.

COMMENT 03-151

This statement is legally incorrect. CEQA Guidelines Section 15064 (d) states:

- 1) A direct physical change in the environment is a physical change in the environment that is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from the construction of a sewage treatment plant, and possible odors from the operation of the plant.
- 2) An indirect physical change in the environment is a physical change in the environment that is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.
- 3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact that may be caused by the project. A change that is speculative or unlikely to occur is not reasonably foreseeable.

The impacts that occur during project construction, such as from dust, increased human presence, and pollution, are direct impacts. Indirect impacts typically occur as a result of the project, but at a later time.

RESPONSE 03-151

The comment is noted and will be included in the project record. Refer to Master Response B1b denoting how effects were quantified.

COMMENT 03-152

The DEIR identifies natural communities and land covers without trees that would be **temporarily impacted** by aspects of the proposed Project that include, but are not limited to, **photovoltaic panels**. This determination is incorrect. The areas where photovoltaic panels will be installed, as well as adjacent intervening lands, must be identified as permanent impact areas due to the displacement of wildlife, loss of habitat, human activity, and use of motorized vehicles for inspection and maintenance of the facilities. Regarding site preparation, the DEIR states that perimeter fence installation, site preparation, and clearing/grading/blasting, tree removal, etc., will be required.

RESPONSE 03-152

The DEIR notes the temporary or permanent nature of habitat impacts within the solar development area based on resource-specific analyses and does not classify all impacts within this area as temporary. For example, the DEIR analysis of impacts to Swainson's hawk foraging habitat identifies the potential permanent loss of habitat "within the full extent of the area within the proposed facility fence line (e.g., fenced solar array fields)" (p. 6-80). Refer to Response B1b noting effects analysis and restoration.

COMMENT 03-153

Below is a visual simulation from the DEIR showing solar panels and the absence of native vegetation, which constitutes a permanent loss of native vegetation and wildlife



Figure 6. Visual simulation of solar panels on the proposed Project site (DEIR, p. 3-54).

habitat.

The DEIR's handling of "temporary" and "permanent" impacts blurs with its use of "direct" and "indirect" impacts, such that a temporary impact may be confused or interchanged with an indirect impact. All impacts in the proposed Project footprint should be considered direct and permanent impacts, and indirect impacts in adjacent lands may be permanent or temporary, depending on the nature and duration of the impact. The DEIR must be revised to properly identify and analyze the permanent impacts resulting from the construction, inspection, and maintenance of the solar panel array areas, and be recirculated for public review and comment.

RESPONSE 03-153

Refer to Master Responses B1b and B1c. The methodology for determining whether impacts were considered direct, indirect, permanent, or temporary was provided on page 6-51 of the DEIR. Visual representations are not perfectly representative of underlying vegetation, and the nature of an impact can vary among biological resources (e.g., some wildlife species would have the ability to pass through perimeter fences), as indicated in the resource-specific impact analyses in the DEIR. There is no basis for recirculation. Refer to Master Response H.

COMMENT 03-154

The DEIR Inappropriately Relies on Deferred Mitigation Measures

CEQA does not allow an agency to defer analysis of impacts and mitigation measures.³⁵ The general rule is that an EIR is required to provide the information needed to alert the public and the decision makers of the significant problems a project would create and to discuss currently feasible mitigation measures. Mitigation measures need not include precise quantitative performance standards, but they must be at least partially effective, even if they cannot mitigate significant impacts to less than significant levels.³⁶

³⁵ Guidelines, § 15126.4(a)(1)(B).

³⁶ *Laurel Heights Improvements Association v. Regent of the University of California* (1988) 47 Cal.3d 375, 404; CEQA Guidelines, § 15370.

RESPONSE 03-154

Refer to Master Response B1c.

COMMENT 03-155

A mitigation measure violates CEQA if it “is devoid of criteria for measuring the effectiveness of mitigation measures.”³⁷ The general rule against deferred mitigation bars “loose or open-ended performance criteria.”³⁸

Thus, “[f]ormulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.”³⁹ “Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigation in the manner described in the EIR.”⁴⁰ “[W]hen, for practical reasons, mitigation measures cannot be fully formulated at the time of project approval, the lead agency may commit itself to devising them at a later time, provided the measures are required to ‘satisfy specific performance criteria articulated at the time of project approval.’”⁴¹ Thus, a mitigation performance standard must identify the specific criteria the agency will apply in determining that the impact will be mitigated.⁴²

³⁷ CEQA Guidelines, § 15126.4(a)(1)(B); see *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-307 (improper to defer formulation of mitigation measures until after project approved).

³⁸ *Rialto Citizens for Responsible Growth v City of Rialto* (2012) 208 CA 4th 899, 945.

³⁹ Id.

⁴⁰ *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 4th 200, 236.

⁴¹ *Sacramento Old City Assn v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029.

⁴² *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 525; *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1059; *Friends of Oroville v City of Oroville* (2013) 219 Cal.App.4th 832, 838; *North Coast Rivers Alliance v Marin Municipal Water Dist.* (2013) 216 Cal.App.4th 614, 630.

RESPONSE 03-155

Refer to Master Response B1c.

COMMENT 03-156

Throughout the DEIR, mitigation measures are deferred to a later date, such as a yet to be prepared: Burrowing Owl Mitigation and Management Plan (BR-1e), Avian Protection Plan (BR- 1k), Bat Protection Plan (BR-1l), Tree Resource Mitigation Plan (BR-2), Aquatic Resource Mitigation Plan (BR-3), Level 4 Drainage Study (HYD-3), and Blasting Plan (NO-11a), or determined under Incidental Take Permits for fully protected species (as a result of SB 147) and species that are listed as threatened or endangered or are candidates for listing, or under a Lake and Streambed Alteration Agreement.

RESPONSE 03-156

Refer to Master Response B1b. These plans are subject to review by the County to ensure they meet the stated requirements in the and approved prior to the issuance of the grading permit. These plans have performance standards detailed in the EIR to dictate future implementation and success. Adaptive management is required, where appropriate. Refer to Master Response B1c.

COMMENT 03-157

In order to provide meaningful public input, the DEIR must identify proposed impact mitigation measures, including compensatory mitigation for unavoidable adverse impacts. For most or nearly all the impacts to threatened or endangered species, fully protected species and wetlands, the acres of compensatory mitigation must be provided, including an analysis that demonstrates how such compensatory mitigation will result in the required no net loss to – or the net gain/conservation of – the specific species and their habitats. **The DEIR must be revised to provide this information and recirculated for public review and comment.**

RESPONSE 03-157

Refer to Master Response B1c. Chapter 2 and Chapter 6 of the FEIR have been updated to include details on compensatory mitigation, and Mitigation Measure BR-2b, which requires no less than 1,150 acres of mitigation land, has been added to the project.

COMMENT 03-158

Compensatory Mitigation is Not Achieved

Achieving a no net loss or net gain/conservation of habitat lost due to the Project requires that habitats acquired for compensation of impacts be enhanced to increase their capacity to support and sustain the species being adversely impacted. Achieving the standard of no net loss requires that compensation occurs at a ratio of **greater than 1:1** to account for the temporal loss of resources, or the loss of ecosystem function and services from an area between the time of impact and the completion of mitigation.⁴³ Habitat enhancement on compensation lands is also required to achieve a no-net-loss. Further, to achieve a net conservation gain, compensation ratios should be increased to a minimum ratio of 3:1, including habitat enhancement.

⁴³ <https://www.google.com/url?q=https://www.sciencedirect.com/science/article/pii/S0301479724016608%23abs0010&sa=D&source=docs&ust=1746408165709608&usg=AOvVaw2pFTCv0TmmUksEzqsHKz7b>

RESPONSE 03-158

Refer to Master Response B1b regarding assessment of impacts and Master Response B1c on mitigation and performance standards. A combination of mitigation measures contribute to no net loss of habitat.

COMMENT 03-159

For example, loss of Swainson's hawk habitat requires that compensation achieve a no net loss, but the proposed mitigation is to compensate for loss of foraging habitat at 100% of acres lost, which is a 1:1 ratio. This proposed mitigation will result in a net loss of foraging habitat, and the compensation ratio should be greater than 1:1.

Compensatory mitigation ratios at less than 3:1 fail to achieve no net loss of habitat. The DEIR must be revised to increase the compensatory mitigation ratio to achieve a no net loss or net gain/conservation of habitat.

RESPONSE 03-159

Refer to Response 03-158 and Master Responses B1c and B8.

COMMENT 03-160

4. Hazards and Hazardous Materials

Impact HAZ-2: Hazards from Development on a Site Listed in California Government Code Section 65962.5 (Cortese List)

Potentially significant impacts relating to groundwater pumping impacts on groundwater contamination plumes within and near the proposed Project site are acknowledged in the DEIR. However, the likely effectiveness of Mitigation Measure HAZ-2a to mitigate exacerbating or inducing migration of contamination plumes is not evaluated. Mitigation Measure HAZ-2a limits Project groundwater pumping to locations greater than 2,000 feet from the known extents of contamination plumes. Site-specific consideration of the sufficiency of a setback of 2,000 feet from the known extents of contamination plumes (based only on the required Consultation Zone for well permitting as defined in County

Code Section 6.28 G) is not sufficiently evaluated. The DEIR presents rationale for why the existing contamination plumes are unlikely to impact the quality of groundwater produced by the proposed Project. However, the DEIR fails to provide supporting rationale related to how or if groundwater pumping for the proposed Project might impact the rate and direction of migration of contamination plumes. Nor did the DEIR include information on recent results from groundwater quality analysis of existing wells or boreholes on the property to ensure the boundaries of the groundwater contamination plumes defined by others are accurate. **The DEIR must be revised to address these deficiencies.**

RESPONSE O3-160

Refer to Master Response E3.

COMMENT O3-161

5. Hydrology and Water Quality

Below is a summary of the review of the DEIR, in which the DEIR failed to sufficiently evaluate or address a number of key potential impacts from the Project on water resources as described below. For more detailed identification and analysis of the flaws and deficiencies with the DEIR, along with recommended changes to the DEIR, please see the attached Appendix C, Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report, prepared by Luhdorff & Scalmanini Consulting Engineers, dated April 25, 2025.

RESPONSE O3-161

The “water resources” comments referred to by the commenter are in fact related to hydrology and water quality impacts contained in DEIR Chapter 10, “Hydrology and Water Quality.” The DEIR comprehensively evaluated and addressed all of the potential impacts from the project as related to hydrology and water quality, as summarized in Master Response E. Detailed responses to the report provided by Luhdorff & Scalmanini are provided in responses to comments O3-232 through O3-286.

COMMENT O3-162

Impact HYD-1: Violate Water Quality Standards or Substantially Degrade Surface Water or Groundwater Quality

As discussed under our comments on Hazard Impact 2 (HAZ-2), DEIR fails to include sufficient characterization and analysis of groundwater quality on the proposed Project site and evaluation of potential impacts of groundwater extractions for long-term Project operation on groundwater contamination plumes existing beneath and adjacent to the Project site. We reiterate our comments on HAZ-2 here.

RESPONSE O3-162

Refer to Master Response E.

COMMENT O3-163

Impact HYD-2: Impede Sustainable Groundwater Management of the Basin by Substantially Decreasing Groundwater Supplies or Interfering with Groundwater Recharge

1. The DEIR references an inappropriate interpretation and application of the South American Subbasin-wide (regional) sustainable yield estimate as rationale for the volume of groundwater that can be extracted locally without causing impacts. The DEIR references the sustainable yield of the South American Subbasin and an equal apportioning of the sustainable yield estimated in the Groundwater Sustainability Plan (GSP) for the Subbasin across the entire Subbasin (approximately 250,000 acres) as indicating the amount of planned groundwater pumping for the Project is sustainable.

Sustainable yield estimates in the GSP are only for the entire Subbasin and should not be interpreted as representing local conditions at all areas across the Subbasin. Existing Representative Monitoring Sites (RMS) for the South American Subbasin GSP indicate chronically declining groundwater levels in the general vicinity of the Project over the period of data record, with greater rates of decline over the last 20 years (see Figure 1 in Appendix C of this letter), suggesting that current groundwater extraction volumes occurring in the vicinity of the Project are already greater than what is being replenished. Furthermore, groundwater levels in three nearby RMS are very near to or below the Minimum Threshold used to define sustainability in the South American Subbasin GSP. The proposed Project site is at the edge of the Subbasin where productive aquifer materials are very limited in lateral and vertical extent.

RESPONSE O3-163

The comment states the DEIR references an inappropriate interpretation and application of the South American Subbasin-wide (regional) sustainable yield estimate as rationale for the volume of groundwater that can be extracted locally without causing impacts. The commenter states that sustainable yield estimates in the GSP are only for the entire Subbasin and should not be interpreted as representing local conditions at all areas across the Subbasin. However, the commenters' logic is flawed: if the sustainable yield calculation in the GSP cannot be relied upon at any site-specific location within the Subbasin, then there would be no point in preparing a GSP at all. The commenter states that current groundwater extraction volumes occurring in the vicinity of the project site are already greater than what is being replenished, based on groundwater well extraction volumes shown in Luhdorff & Scalmanini Figure 1 (comment O3-286). This figure shows that since 1960, the groundwater elevation in the Prairie City SVRA water supply well (adjacent to the route of the proposed gen-tie line) has declined by approximately 60 feet. This declination is logical given the increased use in the Prairie City SVRA over the last 60 years, and the fact that contaminated groundwater in the vicinity of the Prairie City well has been (for the last 40 years) and is still being actively pumped for remediation of the Aerojet groundwater plume. These factors have nothing to do with groundwater

sustainability at the project site. Finally, the comment states that groundwater levels in three nearby representative monitoring sites are very near to or below the Minimum Threshold used to define sustainability in the South American Subbasin GSP. As shown in Figure 1 (comment O3-286) referenced by this comment, one of the three referenced wells has experienced no change since 1980 when monitoring at that well was established, and therefore is not indicative of anything. The second well referenced by the commenter is near Grant Line Road south of Morrison Creek, approximately 4 miles to the southwest. Given the distance of this well from the project site, it cannot be used as a proxy for potential impacts from the proposed project. The third reference well is the Prairie City SVRA water supply well, discussed above. Therefore, the project's groundwater analysis (Dudek 2024b) presented in DEIR Impact HYD-2 is appropriate, and the DEIR appropriately concludes that with implementation of Mitigation Measure HYD-2, the project's groundwater withdrawal would not adversely affect the sustainable yield of the groundwater basin. Refer also to Master Response E.

COMMENT O3-164

The Water Supply Assessment completed for the proposed Project acknowledges insufficient data to evaluate groundwater availability on the Project site: "There is insufficient data and information with which to evaluate the feasibility of obtaining all project water from on site or near-site groundwater sources. Additional testing and evaluation would be necessary to determine the feasibility of obtaining all water from on-site groundwater resources." (DEIR Appendix HY-1; Dudek, 2024a, p. 17). Accordingly, the DEIR must be revised to include an analysis of long-term groundwater impact from the operation of the proposed Project, including how potential impacts relate to the Sustainable Management Criteria defined in the South American Subbasin GSP.

RESPONSE O3-164

The comment states that the Water Supply Assessment completed for the proposed project acknowledges insufficient data to evaluate groundwater availability on the Aerojet site in the DEIR's Appendix HY-1. This fact is reflected in DEIR Impact HYD-2, and thus a hydrologic analysis for the project's groundwater supply is required in DEIR Mitigation Measure HYD-2. Refer to Master Response E2.

COMMENT O3-165

2. The DEIR failed to adequately characterize Groundwater Dependent Ecosystems (GDEs) in the Project area, including thorough documentation of the limitations of analyses used to identify potential GDEs in the South American Subbasin GSP. Analysis of GDEs for the GSP was conducted at a regional scale with more limited groundwater level data and does not accurately reflect site-specific conditions at or near the proposed Project. Information presented in the Groundwater Resources Impact Analysis presented in the DEIR (DEIR Appendix HY-1, Dudek, 2024b) describes the presence of a spring on the proposed Project site and groundwater level data from a variety of wells and boreholes indicating the presence of very shallow groundwater levels (<15 feet below ground surface) in areas within and around the proposed Project site (see Figure 2 in Appendix C of

this letter), which may support GDEs. Other data sources reviewed by LSCE suggest the potential presence of GDEs at or near the proposed Project site (see Figures 3 and 4 in Appendix C of this letter). The potential presence of GDEs in the vicinity of the Project site was not adequately analyzed or acknowledged in the DEIR, nor was the potential for impacts to GDEs from groundwater extraction evaluated in the DEIR. **The DEIR must be revised to characterize GDEs in the Project area and analyze impacts from the proposed project to GDEs.**

RESPONSE O3-165

The comment states that the DEIR failed to adequately characterize GDEs in the project area. The commenter points to information presented in the Groundwater Resources Impact Analysis presented in the DEIR (DEIR Appendix HY-1) as describing the presence of a spring on the project site and shallow groundwater which “may” (as alleged by the commenter without substantial evidence) support GDEs. The fact that a spring and areas of shallow groundwater are present at the project site does not mean that GDEs are present. This comment is speculative and represents a personal opinion. DEIR Impact HYD-2 appropriately relied on the GDEs identified in the GSP, and therefore appropriately reached a conclusion that the proposed project would not adversely affect GDEs. Refer also to Master Response E4.

COMMENT O3-166

3. Although the current Project description suggests Project water demands during construction and decommissioning are currently planned to be met by off-site water sources, short-term impacts of higher rates of pumping that would need to occur if those demands were to be met by on-site groundwater could substantially lower groundwater levels during the construction and decommissioning phases of the Project and have significant and longer-lasting impacts (e.g., mortality) on GDEs. The DEIR notes the potential for significant impacts from extraction of groundwater for the proposed Project and notes that a groundwater study should be performed to further evaluate impacts. However, the study is described as only meant to address potential impacts to nearby wells and only if groundwater is planned to be used for meeting water demands during construction and decommissioning. No robust evaluation of potential impacts related to groundwater extraction needed to meet the ongoing project operations was included in the DEIR. Further, the analysis of potential impacts from groundwater use for the proposed project (for construction, decommissioning, and ongoing operation) must evaluate potential impacts on GDEs, nearby contamination plumes, and groundwater sustainability. The metrics that will be used to evaluate the results from the groundwater study are not described.

RESPONSE O3-166

Refer to response to comment O3-165 and Master Response E. The project proposes to meet the project’s demands for construction and decommissioning from off-site sources – either groundwater obtained from Sloughhouse Solar Project wells or the Sacramento County Water Agency (SCWA), or a combination of the two sources (DEIR, page 2-22).

Alternatively, should construction water be sourced from on-site sources via new wells, the project applicant will be required to implement Mitigation Measure HYD-2 to ensure adequate groundwater resources and no impact to existing wells. On-site groundwater in older Mesozoic bedrock that could be used to supply the project's 10.5 AFY operational water demand would not result in land subsidence, would not result in adverse effects on groundwater dependent ecosystems, and would not result in substantial depletion of groundwater storage or groundwater level drawdown at nearby wells. Therefore, the project's operational groundwater needs (10.5 AFY over a 35-year period) can be met by on-site groundwater without adverse effects to the sustainable yield of the South American Subbasin or neighboring wells in the Mesozoic bedrock units (DEIR, pages 10-25 and 10-26).

COMMENT 03-167

4. Water level data in a variety of wells/boreholes on the Project site in addition to one known spring indicate the presence of shallow groundwater (<15 feet below ground surface) conditions in parts of the Project site. The DEIR does not discuss whether land grading, blasting, and excavation activities have the potential to intersect shallow groundwater and cause the discharge of groundwater at the land surface, an occurrence that could have potential adverse impacts on springs, groundwater levels, and/or depletion of groundwater resources. **The DEIR must be revised to analyze potential impacts from land grading, blasting, and excavation for the proposed Project on groundwater resources. This includes assessment and quantification of anticipated cumulative impacts (including for typical storms and wet seasons) on groundwater recharge from the Project resulting from alterations to stormwater runoff processes as a result of site development.**

RESPONSE 03-167

The commenter provides no evidence that blasting would negatively affect groundwater or spring systems. Refer to Master Response A.

COMMENT 03-168

Although the proposed Project includes limited construction of impermeable surfaces on the ground, these impermeable surfaces in conjunction with the construction of solar panels over the ground and land surface grading are likely to concentrate precipitation at panel drip lines and otherwise result in increased stormwater runoff or erosion, thereby reducing water infiltration and groundwater recharge occurring on the site, impacts that should be sufficiently mitigated. A Level 3 Drainage Study was conducted for the Project (but is currently not available for review with the DEIR) and notes some predicted increases in stormwater runoff (1 to 4 cubic feet per second [cfs] per subarea modeled for a 100-year storm). The cumulative impact (combined for all subareas of the Project site and total storm event or wet season period - details are not provided in DEIR) on stormwater runoff from the Project is not described or presented. It is notable that 1 to 4 cfs is equal to 2 to 8 acre-feet per day, so the cumulative increased volume of runoff could be substantial. If this additional stormwater runoff would have infiltrated and recharged

groundwater under existing conditions, the Project could substantially reduce the volume of groundwater recharge occurring at the site. The DEIR must be revised to address stormwater runoff and erosion from the panel drip lines and the impact on groundwater recharge. The revised DEIR must include any supporting studies, such as the Level 3 Drainage Study, to allow public review of the analysis.

RESPONSE O3-168

The proposed switchyard would only result in 8.25 acres of new impermeable surfaces out of the total 1,412-acre development area (see DEIR Chapter 2, “Project Description”). The area where solar panels would be installed is composed of hilly topography, and solar panels would generally be installed following the land contours as shown in the project’s grading plan (Kimley Horn 2023b). Stormwater that runs off each PV panel in the array would still distribute across the landscape beneath the panels similar to existing conditions. The planned vegetation cover at the completion of construction activities (DEIR Mitigation Measures AG-1 [Chapter 4, “Agricultural Resources”] and BR-1a [Chapter 6, “Biological Resources”]) would allow for continued avenues of infiltration via the root system of the plants beneath the array similar to existing conditions. Thus, stormwater infiltration and groundwater recharge would not be reduced at the project site; in fact, using the land for solar panels to help meet the State’s energy needs (rather than other uses with greater impermeable surfaces) would allow for continued groundwater infiltration. Stormwater erosion impacts are appropriately addressed in DEIR Impact HYD-3 (Chapter 10, “Hydrology and Water Quality”). See also Master Response E1.

COMMENT O3-169

5. Insufficient evaluation or discussion of potential effects from land grading on the flow regime in Carson Creek is provided in the DEIR. Minimal discussion of potential adverse impacts on streamflows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading (excavations) is presented in the DEIR, especially cutting to depths that intersect the groundwater table, resulting in groundwater discharge at the surface and potential depletion of streamflow.

The Water Supply Assessment (Dudek, 2024) completed for the Project states that Carson Creek is a seasonal creek that is confined to steep hills and some exposed bedrock and can have water year-round. The DEIR failed to evaluate and address the potential effects from land grading, excavation, and blasting on the flow regime in Carson Creek. **The DEIR must be revised to include analysis of potential adverse impacts on flows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading, blasting, and excavations, especially cutting to depths that intersect the groundwater table and may cause groundwater discharge at the surface.**

RESPONSE O3-169

Refer to Master Response A regarding the effects of blasting on surface waters and Master Response E regarding project site hydrology. Generally, overall hydrology and site drainage would be maintained across the project site.

COMMENT O3-170

6. The locations and potential impacts of proposed blasting operations in relation to existing nearby wells are not well described in the DEIR. Blasting in close proximity to existing wells can affect well integrity and function and appropriate mitigation measures should be included (if necessary) to ensure existing off-site production wells and on- and off-site extraction and monitoring wells being used to mitigate and monitor groundwater contamination at and near the Project site are not adversely impacted by blasting operations. The DEIR notes that steps would be taken to coordinate with Aerojet to ensure wells used for the monitoring and mitigation of existing Aerojet contamination plumes are not damaged. **The DEIR should be revised to provide specifics of how this would occur and describe any Project design modifications required to ensure the Aerojet monitoring wells are not damaged.**

RESPONSE O3-170

Blasting would not occur in the vicinity of any on-site or off-site operational groundwater wells, including Aerojet groundwater monitoring wells, and thus there would be no impact. Proposed blasting is described in detail and mapped in the DEIR. As shown in Plate PD-7, which shows potential blasting areas, and Plate HAZ-3, which shows former and active wells on-site, blasting is not proposed near any existing wells. Refer to Master Response A.

COMMENT O3-171

Impact HYD-3: Substantially Alter Drainage Patterns or Add Impervious Surfaces That Would Result in Increased Erosion, Exceed Storm Drainage Systems, Substantially Degrade Water Quality, Result in Increased Flooding, or Impede or Redirect Flood Flows

The DEIR does not sufficiently evaluate how increased runoff resulting from the proposed Project could lead to channel degradation (e.g., bank erosion, incision) in nearby watercourses, including impacts to sediment transport and channel erosion processes and related effects on GDEs. Protective measures for GDEs are essential to protect groundwater resources and should be clearly described, including explicit measures that would occur to control disturbed sediment and otherwise mitigate potential effects on GDEs such as those located in or along Carson Creek and other watercourses within and near the Project site. The DEIR notes that the results of a Level 3 Drainage Study suggest that stormwater runoff conditions would increase by as much as 1 to 4 cubic feet per second during a 100-year storm for some areas of the Project site. (DEIR, p. 10-28.) However, the Level 3 Drainage Study did not include assessment of the impacts from the switchyard, which includes 8.25 acres of additional impermeable surface. This is a

significant impact. The DEIR attempts to rely on the future preparation of a Level 4 Drainage Study to mitigate this impact. Deferred impact analysis is not adequate mitigation and prevents meaningful public engagement.⁴⁴

⁴⁴ CEQA Guidelines, § 15126.4(a)(1)(B); Laurel Heights Improvements Association v. Regent of the University of California, supra, 47 Cal.3d at 404.

RESPONSE O3-171

Refer to Master Response E.

COMMENT O3-172

The DEIR should be revised to include the results from project specific Level 4 Drainage Study that identified impacts from all of the proposed Project components that result in the alteration of drainage patterns or the addition of impervious surfaces that increase erosion, exceed storm drainage systems, substantially degrade water quality, result in increased flooding, or impede or redirect flood flows. The Level 4 Drainage Study should address and include site design mitigation measures to mitigate cumulative impacts on stormwater runoff and associated potential impacts on groundwater recharge, as also noted for Impact HYD-2.

RESPONSE O3-172

Refer to Master Response E.

COMMENT O3-173

Impact HYD-4: Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan

Concerns related to the adequacy of the DEIR in evaluating potential impacts from the Project on stormwater runoff and groundwater recharge under Impacts HYD-2 and HYD-3, groundwater quality under Impact HAZ-2, and groundwater levels and GDEs under Impact HYD-2, are discussed above; however, these concerns also relate to Impact HYD-4 and potential conflicts with the GSP. Groundwater level data presented in the DEIR (see Figure 2 in Appendix C of this letter) indicate the presence of shallow groundwater conditions in the vicinity of the Project site and therefore the potential for interconnectivity between groundwater and surface water resources that exist on or near the Project site.

RESPONSE O3-173

Refer to Master Response E.

COMMENT O3-174

The DEIR must be revised to incorporate and consider local groundwater level conditions (including shallow groundwater level data presented in the DEIR) in conducting a robust assessment of potential interconnected surface water (ISW) resources in the vicinity of

the proposed Project and potential for the depletion of any surface water resources by groundwater pumping proposed for the Project.

RESPONSE 03-174

Refer to Master Response E.

COMMENT 03-175

The DEIR indicates that boreholes proposed to be potentially used to supply groundwater for the Project have shallow groundwater levels and are in close proximity to Carson Creek (see Figure 5 in Appendix C of this letter). Although the South American Subbasin GSP did not identify any likely ISWs near the Project site, the analysis of ISWs for the GSP was conducted at a regional scale with more limited groundwater level data and likely does not accurately reflect site-specific conditions at or near the Project.

RESPONSE 03-175

The comment is speculative and does not provide any substantial evidence that interconnected surface water and groundwater are present at the project site. Furthermore, boreholes proposed for groundwater supply are not in close proximity to Carson Creek and do not contain shallow groundwater. Thus, even if interconnected surface water and groundwater were present, the proposed project would have no impact. See also Master Response E2.

COMMENT 03-176

6. Land Use and Planning

As discussed above, CEQA requires an environmental document to discuss any inconsistencies between the Project and the applicable plans.⁴⁵

Analysis of Resource Conservation Area Designation

The analysis of consistency with land use plans and policies beginning on page 11- does not recognize that the Sacramento County General Plan Land Use map identifies most of the project site with an overlay designation of Resource Conservation Area. **The DEIR must be revised to recognize that designation and indicate how its boundaries apply to the project boundaries.**

⁴⁵ CEQA Guidelines, § 15125(d); *Chaparral Greens v. City of Chula Vista*, *supra*, 50 Cal.App.4th at 1145, n. 2.) *Joshua Tree Downtown Business Alliance v. County of San Bernardino*, *supra*, 1 Cal.App.5th at 695.

RESPONSE 03-176

The commenter is correct that portions of the project site are within a Resource Conservation Area (RCA). As provided on page 15 of the Land Use Element of the General Plan:

“Resource Conservation Area. The purpose of the Resource Conservation combining designation is to identify areas with special resource management needs. The designation targets certain natural resources as being important on the Land Use Diagram while recognizing the validity of the underlying land use designation. The intent is to develop programs and incentives to assist land owners with resource protection and enhancement. Compliance with the Resource Conservation designation will rely on the voluntary support of landowners who seek cooperative conservation agreements with the County. The Resource Conservation combining land use category may be combined with Recreation, Natural Preserve, Agricultural-Cropland, General Agriculture/80 acre, and General Agriculture/20 acre Land Use Designations in suitable areas outside the Urban Service Boundary. Designated natural resource conservation areas on the Diagram may be somewhat generalized, and target resources may not exist on all property within the delineated area. Resource Conservation areas address vernal pools, wetland creation, waterfowl management, peat soil conservation, and Blue Oak woodland harvesting.”

The purpose of the Resource Conservation Area combining designation is to identify areas with special resource management needs while recognizing the validity of the underlying land use designation. The intent is to develop programs and incentives to assist landowners with resource protection and enhancement. Any conservation actions within the RCA designation rely on the voluntary support of landowners who seek cooperative conservation agreements with the County. The proposed project includes solar energy development combined with on-site habitat preservation and continued agricultural operations. The RCA land use category may be combined with AG-80 zoning designation. The project parcels are designated AG-80, which includes solar energy facilities as a permitted use. There is no conflict with the Resource Conservation Area combining designation that would lead to any adverse physical effect not addressed in the EIR.

COMMENT 03-177

The project is Inconsistent with Policy PF-78

More importantly, the analysis and conclusion of the DEIR on page 11-11 that “the proposed project does not conflict with adopted County General Plan Policies....” is flawed. Policy PF-79 directs the County to minimize the impacts to sensitive biological resources such as oak woodlands and vernal pools, cultural resources, and farmlands. Yet the project would result in the removal of over 4000 trees, most of them oaks, which can by no means reasonably lead to the conclusion of insignificance. The DEIR does, however, conclude that the *cumulative* impacts related to oak tree removal would be significant and unavoidable. Similarly, the DEIR notes on page 11-10 that despite mitigation measures to “minimize” the project’s impacts to scenic vistas along Scott Road, a designated Scenic Road, they would still be significant and unavoidable. And finally, the DEIR notes that even though some impacts to cultural and paleontological resources would be “minimized” by mitigation to a less-than-significant level, the impacts to tribal cultural resources would nevertheless be significant and unavoidable.

RESPONSE 03-177

A consistency analysis of land use policies and potential conflicts with the County General Plan is included in Chapter 11 of the FEIR. As stated in DEIR Chapter 11, “Land Use and Planning,” on page 11-8, “For an impact to be considered significant under this threshold, any inconsistency would also need to result in a significant adverse change in the environment *not already addressed in the other resource sections of this document*” (emphasis added). The commenter included a partial quote from page 11-11 – the full quote, which remains accurate based on the evidence presented throughout the DEIR, and is the appropriate lens through which to review land use and planning conflicts in CEQA documentation is, “[i]mplementation of the proposed project would not conflict with adopted County General Plan policies or other land use plans, policies, or regulations that would generate adverse physical impacts beyond those addressed in detail in the environmental chapters of this document.” Impacts related to loss of oak woodlands and vernal pools are addressed in DEIR Chapter 6, “Biological Resources.” Impacts related to cultural resources are addressed in DEIR Chapter 8, “Cultural and Paleontological Resources,” and Chapter 14, “Tribal Cultural Resources.” Impacts related to farmland are addressed in DEIR Chapter 4, “Agricultural Resources.”

COMMENT 03-178

The use of the word “minimize(d)” in the discussion on page 11-10 in the context of mitigation of impacts is not appropriate and should be replaced with the word “reduce(d)”. The impacts of the project certainly will be reduced by the proposed mitigation measures, but they have not been minimized, and they are still significant and unavoidable. The only conclusion can be that the project, despite proposed mitigation, is not consistent with PF-79.

RESPONSE 03-178

For the reasons discussed in response to comment 03-177, no change to the DEIR is needed.

COMMENT 03-179

The analysis on page 11-10 recognizes the inconsistency of the analysis in the following paragraph, but uses Policy PF-66 to conclude that the project does not conflict with adopted County Policies.

“While the proposed project would result in significant and unavoidable impacts to visual resources, TCRs, and cumulative tree impacts, as described above, County General Plan policy PF-66 permits the Board of Supervisors and County Planning Commission to approve development projects for energy resources that are contrary to any of the policies of the Public Facilities element when justification is provided through findings. In accordance with Policy PF-66, findings would be adopted as part of the Final EIR for the proposed project. Implementation of the proposed project would not conflict with adopted County General Plan policies...” (Coyote Creek Agrivoltaic Ranch Project DEIR, p. 11- 11).

The fact that Policy PF-66 authorizes the County to approve the project despite the inconsistency with Policy PF72 does not eliminate that inconsistency, and the DEIR must reflect that.

RESPONSE O3-179

The DEIR appropriately identifies, on page 11-11, that the Board of Supervisors and County Planning Commission have the ability to approve development projects for energy resources that are contrary to any of the policies of the General Plan Public Facilities Element when justification is provided through findings. Policy PF-66 of the County's General Plan provides that "[t]he Board of Supervisors and the County Planning Commission may approve, or recommend approval wherein the county has jurisdiction, of development projects for energy facilities that are contrary to any of the policies in this section only when justification is provided through findings" (DEIR, page 11-2). Chapter 11 of the DEIR presents a comprehensive evaluation of the relationship between the proposed project and the County's General Plan. Findings are provided under separate cover. No change to the DEIR is required.

COMMENT O3-180

7. Traffic and Circulation

Forcing wildlife onto Scott Road (DEIR, p. 6-102) by fencing the project area is likely to create a significant safety hazard for motorists and lead to significant road mortality for species. A review of June 2024 Sacramento County traffic data from Scott Road indicates an annual volume of about 3300 vehicles per day and peak traffic of 300 vehicles per hour on Scott Road, higher than the DEIR reported from 2015-2019 (Sacramento County, 2024). This traffic increase has likely at least partially resulted from the substantial development in the South of Folsom area since 2019. Thus, the DEIR's analysis of potential road mortality caused by obstructing animal movements is out of date and inaccurate.

RESPONSE O3-180

DEIR page 6-102 is not related to fencing or wildlife; instead, this part of Chapter 6, "Biological Resources," includes a portion of Mitigation Measure BR-2a related to oak preservation. Project-related fencing is discussed on DEIR pages 6-110 and 6-111. As noted in Footnote 6 on DEIR page 6-111, measured 24-hour traffic volumes on Scott Road at White Rock Road (combined northbound and southbound) ranged from 2,621 to 2,860 daily vehicles during measurements taken from 2015 through 2019. Scott Road continues north past White Rock Road and provides a connection with U.S. 50. It is unclear whether the traffic volumes referenced by the commenter relate to the portion of Scott Road that is adjacent to the project site (i.e., south of White Roack Road). Regardless, the fact that development in the region may result in more vehicles traveling on Scott Road, and therefore additional vehicular accidents could occur from striking deer crossing Scott Road, is not related to project fencing. The fencing proposed for the project would be expected to direct wildlife movement along natural drainages avoided by the project and should allow for generally unimpeded movements between natural areas

around the site. Additionally, wildlife corridors are provided throughout the project site generally following locations of existing primary wildlife movement (i.e., riparian corridors) where wildlife would be most likely to cross Scott Road regardless of the existence of the proposed project and associated fencing. Additionally, property boundary fencing already exists in closer proximity to Scott Road than is proposed by the project.

COMMENT 03-181

Traffic of 3300 vehicles per day equates to a daily average of 2.3 cars per minute. Peak traffic of 300 cars per hour equates to 5 cars per minute. This traffic volume does not appear to be properly characterized as “not... a high traffic volume” from the perspective of animal mortality and public safety, considering that drivers typically drive very fast on this road despite its twisty alignment and associated limited visibility. And as has happened between 2015 and 2024, traffic is likely to continue to increase substantially as the South of Folsom development continues to build out. The DEIR should address the potential significant impact to wildlife movement and populations, and to public safety from wildlife being shunted onto Scott Road due to the proposed Project and its fencing creating barriers to movement.

RESPONSE 03-181

Refer to Response 03-180.

COMMENT 03-182

The project design should be modified to allow animals to move through the project area without having to use the road as a corridor. Pre- and post-project surveys of road mortality also should be conducted to determine if the project causes an increase in road mortality and additional mitigation is needed, including fencing to direct wildlife to safer road crossing points. Simply augmenting the fencing along Scott Road, without modifying the project configuration, may reduce public safety impacts, but will increase the detrimental effects of the project on animal movements, so it should not be relied on as a new measure to address this issue.

RESPONSE 03-182

Refer to Response 03-180, 03-181, and Master Response B1c noting the proposed preservation approach and wildlife corridors.

COMMENT 03-183

8. Tribal Cultural Resources

The County’s AB 52 consultation failed to meet CEQA’s tribal consultation requirement. CEQA mandates a notice and consultation process to facilitate agencies’ consideration of tribal “expertise concerning their tribal cultural resources.”⁴⁶ “Meaningful” discussion is the hallmark of CEQA’s tribal consultation requirement. As we have described above, consultation means the ‘*meaningful*’ and timely process of seeking, discussing and

considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement.' (Gov. Code, § 65352.4, italics added.)"⁴⁷

In *Koi Nation of Northern California v. City of Clearlake*, *supra*, 109 Cal.App.5th 815; the court held that when the agency failed to comply with the consultation requirement the information the Legislature deemed necessary for informed decision-making and public participation was not presented to the decision makers or included in the documents available to the public. As discussed below, the County failed to engage in meaningful consultation in violation of CEQA's requirements.

⁴⁶ Pub. Resources Code, § 21080.3.1(a); *Koi Nation of Northern California v. City of Clearlake* (2025) 109 Cal.App.5th 815.

⁴⁷ *Koi Nation of Northern California v. City of Clearlake*, *supra*, 109 Cal.App.5th 815.

RESPONSE 03-183

Refer to Responses T1-1, T2-2 and T2-3. Please see Master Response F. The County conducted AB 52 tribal consultation with all responding tribes for approximately three years. As part of that process, participating tribes submitted information that the County has kept confidential pursuant to AB 52 and Public Resources Code section 21082.3(c)(1). That section provides that "[a]ny information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Section 7927.000 and 7927.005 of the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations [the CEQA Guidelines], without the prior consent of the tribe that provided the information." Because the commenter is not a tribal government or consulting partner, the commenter is not privy to the entirety of the County's thorough, extensive consultation with the tribes.

COMMENT 03-184

The proposed project site includes a suite of historical and cultural resources that, individually and collectively, are a significant cultural landscape that is irreplaceable. The development of the proposed Project would result in significant irreparable adverse impacts to these resources and the cultural landscape. The prevalence of the resources and the whole of the cultural landscape make it impossible to design the Project to avoid significantly impacting these resources. These impacts cannot be mitigated to a less-than-significant level.

RESPONSE 03-184

Refer to Responses T1-1 through T2-11 for additional information regarding Tribal Cultural Resources. Refer also to Master Response F1.

COMMENT 03-185

We are aware that the County unilaterally closed the AB 52 consultation process without the tribes' consent. The County must 1) reinstate and continue the AB 52 consultation process in good faith with the tribes; 2) identify and evaluate alternative project site(s) that would avoid areas with high sensitivity for cultural resources; 3) require enforceable, long-term protections for Tribal Cultural Resources including fully funded perpetual conservation easements approved by the tribes and held by a qualified conservation organization approved by the tribes;⁴⁸ 4) record avoidance zones; and 5) bind and fully fund mitigation measures developed in coordination with the tribes.

⁴⁸ Civil Code § 815 et seq.

RESPONSE 03-185

Refer to Responses T1-1 through T2-11 for additional information regarding Tribal Cultural Resources. See Master Response F and Response to Comment 03-183.

COMMENT 03-186

Once the reinstated AB 52 consultation process is completed with the tribes' consent, the DEIR must be revised to reflect the outcome of the consultation process, and the impact analysis and mitigation measures must be revised accordingly. The DEIR must then be recirculated for public review and comment.

RESPONSE 03-186

See Response to Comment 03-183. DEIR Chapter 14, "Tribal Cultural Resources," contains a thorough and adequate analysis of potential impacts on Tribal Cultural Resources, and requires feasible mitigation measures to reduce project impacts to the maximum extent practicable. As stated in DEIR Chapter 14, page 14-40, even with the implementation of feasible mitigation measures, impacts to Tribal Cultural Resources would be significant and unavoidable. Refer to Responses T1-1 through T2-11 for additional information regarding Tribal Cultural Resources. Refer also to Master Response F1. There is no basis for recirculation. See Master Response H.

COMMENT 03-187**9. Alternatives Analysis**

The Project objective of "providing a local supply of solar energy for the Sacramento County region..." is overly narrow, limits the scope of reasonable alternatives in the DEIR, and prevents identifying and considering reasonable project alternatives to avoid or minimize adverse project impacts. There are a variety of renewable energy technologies and locations within the Sacramento Valley on least-conflict lands that would reduce the obstacles, extended timelines, and expense associated with permitting and mitigation that have been and will be required for the proposed Project site.

A project proponent cannot artificially confine the range of available alternatives by relying upon an overly narrow statement of project objectives.⁴⁹ Doing so enables the lead agency to skew the alternatives analysis process by improperly “dismiss[ing] out of hand” all alternatives except the preferred one.⁵⁰ To allow the project’s objectives to be unreasonably narrowed renders CEQA’s mandate to consider a reasonable range of potentially feasible alternatives meaningless.⁵¹ When an agency rejects one or more alternatives as infeasible during the scoping process does not mean that the EIR need not contain a range of alternatives to the project.⁵² Thus, whether an EIR includes a reasonable range of alternatives is based upon those alternatives that are carried forward to the EIR for further analysis, not the numerous alternatives that the agency rejected during the scoping process, even though they are mentioned in the EIR as having been rejected as infeasible.

⁴⁹ *North Coast Rivers Alliance v. Kawamura* (“NCRA”) (2016) 243 Cal.App.4th 647, 668, quoting *In re Bay-Delta Programmatic EIR* (2008) 43 Cal.4th 1143, 1165; see also *We Advocate Through Environmental Review v. County of Siskiyou* (“WATER”) (2022) 78 Cal.App.5th 683, 692; *Kings County Farm Bureau v. City of Hanford*, *supra*, 221 Cal.App.3d at 736; see also *City of Carmel-By-the-Sea v. U.S. Department of Transportation* (1997) 123 F.3d 1142, 1155 (the project objective “necessarily dictates the range of ‘reasonable’ alternatives and an agency cannot define its objectives in unreasonably narrow terms.”).

⁵⁰ *NCRA*, *supra*, 243, Cal.App.4th at 668.)

⁵¹ *Kings County*, *supra*, 221 Cal.App.3d at 737.

⁵² See *In re Bay Delta Programmatic Environmental Impact Report Coordinated Proceedings*, *supra*, 43 Cal.4th at 1164; *California Native Plant Society*, *supra*, 177 Cal.App.4th at 981; *Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at 59 (EIR examined 4 development alternatives); *Laurel Heights I*, *supra*, 47 Cal.3d at 403.

RESPONSE 03-187

Refer to Master Response D regarding alternatives.

COMMENT 03-188

Alternative Sites

CEQA requires that an EIR must “[d]escribe a range of reasonable *alternatives to the project, or to the location of the project*, which could feasibly attain the basic objectives of the project, and evaluate the comparative merits of the alternatives.”⁵³ Project alternatives fall into one of two categories: on-site alternatives, which generally consist of different uses of the land under consideration; and off-site alternatives, which usually involve similar uses at different locations.⁵⁴

⁵³ CEQA Guidelines, § 15126(d), italics added.

⁵⁴ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 566; see also *Laurel Heights*, *supra*, 47 Cal.3d at 403-407; *Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286-288.

RESPONSE 03-188

Refer to Master Response D regarding alternatives

COMMENT 03-189

Under the “Alternatives” section (DEIR, p. 16-8 to 16-9), the DEIR claims to have conducted a survey of available land within the County that would provide a suitable

alternative to the 200- MW proposed project. Citing multiple challenges, including land assembly and property availability, the DEIR concluded that “finding other large parcels adjacent to existing transmission lines that would support a utility-scale solar project, and that could reduce potentially significant impacts compared to the proposed projects was ultimately infeasible.” (DEIR, p. 16-8.)

RESPONSE O3-189

The comment restates material from the Alternatives chapter of the DEIR. Refer to Master Response D regarding alternatives.

COMMENT O3-190

This is incorrect. In fact, numerous large-scale solar and battery projects have requested placement in the Sacramento Municipal Utility District’s (SMUD) queue for potential interconnection. The current list of applicants, maintained on SMUD OASIS website (see Figure 7 below), includes eight active solar plus battery projects of similar size or larger than Coyote Creek and totaling more than 2,200 MW that are seeking interconnection to SMUD’s grid to provide commercial service.⁵⁵

⁵⁵ https://www.oasis.oati.com/woa/docs/SMD1/SMD1docs/Interconnection_Queue_2025-03-27.pdf

RESPONSE O3-190

Refer to Master Response D regarding alternatives.

COMMENT 03-191**Active Solar + Battery Interconnection Requests to SMUD**Website: [6201HQ Letterhead](#)

Queue Date	Status	Generation Type	MW	Point of Interconnection	Proposed In-Service Date	Feasibility Study	System Impact Study	Facilities Study
2/13/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Cordova 230kV Substation	4/1/2027	Completed	Completed	Completed
11/3/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Elverta 230kV Substation	1/4/2029	Completed	Completed	Completed
1/25/2021	Active	Photovoltaic & Battery Storage	344 S&W	New substation near Elverta 230kV Substation	12/15/2026	Completed	Completed	Completed
3/16/2021	Active	Photovoltaic & Battery Storage	170 S&W	Cordova 230kV Substation	1/4/2028	Completed	Completed	Completed
5/20/2021	Active	Photovoltaic & Battery Storage	250 S&W	Q3 new switching station near Cordova 230kV Substation	12/31/2028	Completed	Completed	Completed
7/7/2022	Active	Photovoltaic & Battery Storage	550 S&W	New switching station near Rancho Seco 230 kV Substation	12/31/2029	Completed	Completed	Completed
9/22/2022	Active	Photovoltaic & Battery Storage	275 S&W	Rancho Seco 230 kV Substation	8/31/2030	Completed	Completed	Completed
12/12/2022	Active	Photovoltaic & Battery Storage	156 MW	Proposed Country Acres 230 kV (Q8)	9/15/2029	Completed	Completed	In Progress
Total			2,245 MW					
Blue shading indicates request at same interconnection point for Coyote Creek								

Figure 7. SMUD Interconnection Queue**RESPONSE 03-191**

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-192

Nearly all these potential projects have already completed the three studies (Feasibility, System Impact and Facilities) necessary for interconnection, two of them at the same interties point as Coyote Creek. The connection-readiness for so many solar projects in the County undermines the DEIR's further, unfounded constraint to limit alternative sites to those within 1000' of existing SMUD transmission lines.

RESPONSE 03-192

Refer to Master Response D regarding alternatives.

COMMENT 03-193

The methodology for alternative site selection was inappropriately limited by the extraordinarily limited gen-tie distance criteria. While shorter gen-ties are generally preferred, the 1000' criteria is inconsistent with industry norms and those used to assess techno-economic feasibility by the California Public Utilities Commission (CPUC).⁵⁶ The CPUC uses a range of up to 30 miles to assess economic viability for substation-level interconnection for utility-scale solar projects and ranks projects within 10 miles higher.

⁵⁶ CPUC Methodology for Resource-to-Busbar Mapping for the Annual TPP. September 2024 at pg. 20

RESPONSE 03-193

Refer to Master Response D regarding alternatives.

COMMENT 03-194

In fact, the proposed Project's gen-tie is 1.3 miles long. Thus, the project site itself would not have qualified as an alternative site since, at 1.3 miles long, the gen-tie is not under the 1000' criteria used to screen potential sites. The overly narrow alternative site selection criteria excessively limits the consideration of alternative sites.⁵⁷

The alternatives analysis in the DEIR must be revised to consider a range of alternative sites in the Sacramento region, including adjoining counties, that are within 10 miles of transmission.

⁵⁷ See *North Coast Rivers Alliance v. Kawamura*, *supra*, 243 Cal.App.4th at 668.

RESPONSE 03-194

Refer to Response Master Response D regarding alternatives.

COMMENT 03-195

Front of the Meter Distributed Generation

The DEIR failed to consider medium utility-scale solar in front of the meter (FTM); distributed generation and storage that is:

- developed on and within the built environment (e.g., warehouses, schools, distribution centers, large commercial and industrial buildings, parking lots),
- located close to the load (where energy is used), and
- utilizes the local distribution grid

To be clear, residential rooftop solar is not front-of-the-meter distributed generation. Front-of-the-meter distributed generation and storage (FTM DGS) is utility-scale solar

generation placed on large commercial, industrial, and parking facilities and connected directly to SMUD's distribution and transmission grid.

RESPONSE 03-195

Refer to Master Response D regarding alternatives.

COMMENT 03-196

Front-of-the-meter distributed generation and storage provide both community benefits and the opportunity to reduce the need for costly new bulk transmission and the vast acreage needed to develop utility-scale renewable energy generation. FTM DGS can rapidly advance clean energy deployment due to its reduced land-use impacts, improved community energy and economic resilience, and reduced need for costly transmission capacity.

RESPONSE 03-196

Refer to Master Response D.

COMMENT 03-197

Front-of-the-meter distributed generation and storage developed in the built environment, located close to load— particularly in areas with high electric load growth— is more sustainable, nimble, and aligned with state policies to meet our clean energy future and protect our environment. The DEIR must be revised to consider a front-of-the-meter distributed generation and storage alternative.

RESPONSE 03-197

Refer to Master Response D.

COMMENT 03-198

From a biological resource impact perspective, CEQA Guidelines, section 15370, requires public lead agencies to impose feasible mitigation measures as part of the project approval process to lessen or avoid adverse effects upon the environment, including habitat and wildlife. Mitigation measures must follow the mitigation hierarchy to 1) avoid adverse impacts, 2) minimize those impacts, and 3) compensate for unavoidable adverse impacts, in that order. The most comprehensive approach to avoid, minimize, and mitigate for impacts to biological resources would be to relocate the project to large parking lots and rooftops within the built environment (FTM) as just discussed. This would completely avoid biological and open space impacts, provide shade for parking lots and rooftops, and reduce transmission requirements. The DEIR dismisses the feasibility of a more urban or 'brownfield' alternative with wholly inadequate analysis of feasibility or impacts.

RESPONSE 03-198

Refer to Master Response D regarding alternatives.

COMMENT 03-199

Alternative 1 Biological Resources:

The following maps clearly display the widely distributed existence of the Blue Oak Woodlands in eastern Sacramento County near the site of the proposed project, as shown above in Figures 1 and 2. These maps are an overlay of the proposed Project site over the entire South County woodland area and clearly demonstrate that the proposed Project will negatively impact 1/3 or more of the entire Blue Oak woodlands in our region. Figure 2 shows that the several thousand trees noted in the DEIR are widely dispersed across the proposed Project site, indicating that even a reduced project would still have a significant adverse impact on the removal of a large amount of this woodland. The negative impacts will be both direct and permanent, the removal of large numbers of trees, and indirect and permanent, with the introduction of heavy equipment impacting root structures and grading that will affect hydrology on the site. The permanent direct impacts include the removal of 1/3 or more of the blue oak forest – a slow-growing species that is essentially non-renewable – and would constitute a change in land use that will never fully recover.

RESPONSE 03-199

Refer to Master Response B2 for a discussion of the project's impacts and mitigation for oak woodlands. According to the South Sacramento Habitat Conservation Plan, the total acreage of blue oak woodland in the Plan Area is 9,132 acres. The proposed project would affect approximately 3 percent of the total acreage of blue oak woodland in the South Sacramento Habitat Conservation Plan Area (South Sacramento Conservation Agency 2018). Based on the California Department of Forestry and Fire Protection's (CALFIRE's) Fire and Resource Assessment Program (FRAP) land cover mapping data, there are an estimated 8,094 acres of blue oak woodland in Sacramento County. Using FRAP data, the proposed project's solar development area includes approximately 91.5 acres of blue oak woodland, which would be approximately 1 percent of the total blue oak woodland in the county according to this data (CALFIRE 2022). Project-related grading would not adversely affect hydrology as discussed in DEIR Chapter 10, "Hydrology and Water Quality." Refer to Master Responses E and B2.

COMMENT 03-200

Of particular note, a 2017 SMUD-commissioned study that evaluated landscape carbon sequestration in our region cited the high carbon sequestration value of these woodlands in Sacramento County. The Sacramento Municipal Utility District Sacramento County Landscape Carbon Assessment, December 2017, showed that while forests, which in this report include oak woodlands, covered only 2% of Sacramento county they made up 8% of the county's carbon storage, and highlighted this as an important factor to consider as development in these areas would have a higher carbon impact than other land types.

Averaged over a 200 year period, mature oaks can sequester up to 50 lbs of atmospheric carbon each year (Vignesh, 2022) representing a loss of up to 117 tons of CO₂ capture annually that would have been sequestered by oak trees proposed for removal, not accounting for other types of trees from project implementation.

RESPONSE O3-200

The potential for carbon sequestration is discussed in DEIR Chapter 7, “Climate Change,” on pages 7-13, 7-14, and 7-15. DEIR page 7-15 notes that the planting of new trees would increase carbon sequestration and offset approximately 984 MT CO₂e. Additionally, the carbon free generation of electricity would contribute to significant GHG reductions as compared to other fossil fuel derived sources. Refer to Master Response D, Alternatives, regarding the role of the project in the implementation of SMUD’s 2030 Zero Carbon Plan.

COMMENT O3-201

The DEIR states that the solar facility would result in more GHG savings than those provided by sequestration by the trees on the site. However, this is an unfair comparison because the facility could be sited in a far more appropriate location, allowing for both the savings from a solar facility and the sequestration provided by the trees.

RESPONSE O3-201

Refer to response O1-39 and Master Response D - Alternatives.

COMMENT O3-202

The alternatives and potential impacts presented in Alternative 1: Biological Resources and Alternative 2: Scott Road Buffer are so similar to the proposed Project that they provide no value to the public and decision-makers. The revised DEIR must provide suitable alternatives for proper consideration.

RESPONSE O3-202

Refer to Master Response D, Alternatives. The alternatives studied constitute a reasonable range because they contain enough variation to facilitate informed decision making and public participation that leads to a reasoned choice (CEQA Guidelines, 15126.6[a]-[f]). Also, according to CEQA Guidelines Section 15126.6(d), the discussion of each alternative should be sufficient “to allow meaningful evaluation, analysis, and comparison with the project.” The CEQA Guidelines indicate that the alternatives should focus on alternatives that reduce significant impacts. The EIR evaluates in detail two build alternatives that are designed to reduce significant impacts of the project including oak woodlands and associated habitat for Special Status wildlife species, as well as aesthetic impacts of the project within the Scott Road corridor.

COMMENT O3-203

10. Cumulative Impacts

CEQA mandates that an EIR discuss a cumulative impact if the project's incremental effect, combined with the effects of other projects, is "cumulatively considerable."⁵⁸ The cumulative impact determination is based on an assessment of the project's incremental effects "viewed in connection with the effects of past projects, the effects of other current projects, and effects of probable future projects."⁵⁹

⁵⁸ CEQA Guidelines, § 15130(a).

⁵⁹ CEQA Guidelines, § 15065(a)(3); see also *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1228.

RESPONSE 03-203

The DEIR considered effects over a broad regional area surrounding the project, including, but not limited to, the area covered by the South Sacramento HCP (DEIR, pages 6-1 through 6-113 and pages 17-4 and 17-44). In accordance with the CEQA Guidelines sections 15130 and 15355(b), the EIR evaluated the cumulative effects of the project effects of the project when added to the related effects of other projects in the area of the effects of the project. The cumulative effects analysis in the DEIR considered effects over a broad regional area in the southern portion of Sacramento County, including, but not limited to, the large region covered by the South Sacramento Habitat Conservation Plan. The EIR considered the effects based on a list of related projects in this region, including the effects of the 317,000-acre South Sacramento Habitat Conservation Plan. While the cumulative list of projects includes projects within a five-mile radius, the analysis presented in the DEIR also includes related effects of past, present, and future projects outside of the five-mile radius (DEIR, page 17-37). The range of the cumulative effects on air quality considered the effects in the entire air basin (DEIR, 17-42). Impacts related to greenhouse gas emissions have a global cumulative impact (DEIR, page 17-48). The analysis of effects on energy within the SMUD region (DEIR, 17-50-51). The analysis of project effects on water supply considered effects in the area covered by the relevant Groundwater Sustainability Plan adopted pursuant to the Sustainable Groundwater Management Act (DEIR, 17-61). The analysis of water quality effects and pertinent regulations developed to avoid cumulative water quality impacts are considered in the context of the Sacramento and San Joaquin River Basin and Basin Plan" (DEIR, page 17-55). Nevertheless, the suggested projects have been added to the list of cumulative related projects that is a partial guide to the cumulative analysis (FEIR, Table SI-6).

COMMENT 03-204

The increasing development within the region is having a significant impact on biological resources and habitats, including but not limited to the burrowing owl, oak woodlands, Swainson's hawk, vernal pools, and western spadefoot. This Project is no exception and would significantly add to the loss of Sacramento County's important and declining biological resources.

RESPONSE O3-204

Refer to Master Responses B7, B8, and B9. As discussed in the cumulative analysis for biological resources in DEIR Chapter 17, pages 17-43 through 17-47, implementation of specific measures listed therein would avoid, minimize, and mitigate for project-related impacts to burrowing owl, Swainson's hawk, vernal pools, western spadefoot toad, and other species, and therefore the project would result in a less-than-cumulatively considerable contribution to the cumulative impact of past, present, and future development for these wildlife species, plants, and habitats. DEIR page 17-47 identifies that even with mitigation, the project would result in a cumulatively significant and unavoidable impact related to the loss of oak woodland oak canopy area. See also the response to comment O3-203.

COMMENT O3-205

The DEIR arbitrarily limited the cumulative impacts analysis to projects within a 5-mile radius of the proposed Project site.⁶⁰ The DEIR's geographic limitation fails to comply with CEQA. An agency has discretion in selecting an assessment area.⁶¹ The DEIR must provide an explanation supported by the evidence as to the limits of the geographical scope.⁶²

⁶⁰ See DEIR, p. 17-36 to 17-39 (Cumulative Related Projects).

⁶¹ *South of Market Community Action Network v. City & County of San Francisco* (2019) 33 Cal.App.5th 321, 338.

⁶² CEQA Guidelines, § 15130(b)(3); *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 907; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1216 (EIR lacked explanation of the criteria for determining geographic area of impact analysis that ignored a similar concurrent project located 3.6 miles away); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721 (air pollution inadequate because EIR failed to include the entire San Joaquin Valley).

RESPONSE O3-205

The DEIR considered potential cumulative impacts over a broad regional area surrounding the project, depending on the topic area. For example, the cumulative air quality analysis considered the entire Sacramento Metropolitan air basin (DEIR page 17-42). The cumulative energy analysis considered projects within the SMUD region (DEIR pages 17-50 and 17-51). The cumulative paleontological resources analysis considered rock formations in Sacramento County (DEIR page 17-49). For biological resources, the cumulative analysis included the general 5-mile radius plus the northeastern portion of the SSHCP Plan Area (i.e., Preserve Planning Units 1 and 5 and the portion of the SSHCP Plan Area in between). The 5-mile radius generally used for the cumulative analysis in the DEIR encompasses a huge area: approximately 50,265 acres of land. The County believes that the 5-mile radius is sufficient for the project's cumulative analysis, as modified (where applicable) for specific topic areas as described in DEIR Chapter 17. See also the response to comment O3-203.

COMMENT O3-206

The 5-mile limit is inconsistent with the cumulative impacts analysis methodology used in the environmental impact reports for recent solar projects in Sacramento County,

including Country Acres,⁶³ Oveja Ranch,⁶⁴ and Sloughhouse⁶⁵ which did not include a distance limitation. Furthermore, while the DEIR included the Oveja Solar Ranch project in the list of projects considered in Table SI-6, which is eight miles away from the proposed Project, it did not include four projects that are less than eight miles away:

Carli Expansion Mining project on 140 acres, approved in 2020;⁶⁶

Mather South Community Master Plan covering 848 acres, approved in 2020;⁶⁷

NewBridge Specific Plan covering 1,095 acres, approved in 2020;⁶⁸

Sloughhouse Solar Project on 400 acres, approved in 2023. In fact, the final EIR for Sloughhouse included the proposed Project in its table of cumulative projects.⁶⁹

⁶³ Country Acres Solar Project SCH Number 2021110307

⁶⁴ Oveja Ranch Solar Project SCH Number 2024090310

⁶⁵ Sloughhouse Solar Facility SCH Number 2021100444

⁶⁶ Sacramento County Planning Number PLNP2017-00243

⁶⁷ Sacramento County Planning Number PLNP2013-00065

⁶⁸ Sacramento County Planning Number PLNP2010-00081

⁶⁹ County of Sacramento. Final Environmental Impact Report Sloughhouse Solar Facility. December 2023. at pg. 15-28.

RESPONSE O3-206

As noted above, the 5-mile radius generally used for the cumulative analysis in the DEIR encompasses a very large area: approximately 50,265 acres of land. To the extent relevant to the topic, the effects of past, present, and future projects more distant from the project site are considered in the DEIR cumulative analysis. Including on a list of projects those which are 8 miles from the project site would not change the impact analysis or the significance conclusions for the cumulative impact analysis presented in DEIR Chapter 17. Refer also to Response O3-205. See also the response to comment O3-203.

COMMENT O3-207

Even with the selected 5-mile radius, the analysis failed to include projects located within El Dorado County— less than 3 miles to the east of the proposed Project site.⁷⁰ At least three reasonably foreseeable projects are located within 5 miles of the proposed Project site in El Dorado County. These projects are either in the permitting process or have been discussed publicly by the applicant and are known to the lead agency and community. These projects include:⁷¹

- Gateway Specific Plan covering 97⁷² acres
- Creekside Village Specific Plan⁷³ covering 208 acres
- Community Health and Independence (AKT/UCD) Project⁷⁴ covering 1,460 acres

⁷⁰ See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713 (an inconsistency in the EIR raises questions about the adequacy of the cumulative impacts analysis).

⁷¹ <https://engageeldorado.us.engagementhq.com/edc-projects-in-your-area>

⁷² El Dorado County Planning Application #PA24-0009

⁷³ El Dorado County Planning Applications General Plan Amendment GPA20-0001, Rezone Z20-0005, Specific Plan SP20-0001, Tentative Map TM20-0002

⁷⁴ El Dorado County Planning Application PA23-0015

RESPONSE O3-207

The El Dorado County boundary is approximately 4 miles east of the project site. With respect to the projects referenced by the comment in El Dorado County: The Gateway Specific Plan was approved many years ago and is already partially built out; it is located in the existing urbanized residential and light industrial area along Latrobe Road south of U.S. 50. The 2024 pre-application “project” referred to by the commenter simply requests a change in proposed land uses on the remaining portion of the Gateway site from Research and Development to commercial, multi-family residential, park, and open space. The Gateway Specific Plan pre-application encompasses 66.9 acres and is located approximately 4.5 miles east of the project site. Since the Gateway site would still be fully developed with urban land uses as previously planned for years ago, including the requested land use change for the Gateway site in the project’s cumulative project list (DEIR Table SI-6, pages 17-36 through 17-39) would not change the cumulative analysis or conclusions for the proposed project – no impacts of this project would create a significant cumulative impact that would not exist without the addition of this project. With regard to the Creekside Village Specific Plan (which would construct 918 residential units on 208 acres), public notice regarding this project was not published until after the DEIR for the proposed project was released for public review. The Creekside Village Specific Plan area is also approximately 4.5 miles east of the project site, in El Dorado County adjacent to the southern end of the existing urbanized residential and light industrial area south of U.S. 50 along Latrobe Road. The proposed project’s significant and unavoidable cumulatively considerable contribution to the loss of native trees and tree canopy and tribal cultural resources would not be any more severe in consideration of the El Dorado County projects (El Dorado County 2025). The Community for Health and Independence Project is proposed in El Dorado County approximately 4 miles east of the proposed project. The Community for Health and Independence Project is a pre-application for a master planned community designed for older adults and people with disabilities, who would be participants in studies related to aging at a proposed on-site U.C. Davis Health research center devoted to aging. This concept appears to be in the pre-application stage with only conceptual land use illustrations. In summary, the addition of projects to Table SI-6, “Cumulative Related Projects,” does not change any of the cumulative impact analysis presented in the DEIR. There is no new significant cumulative impact to which the proposed project would contribute. There is no less than cumulatively considerable contribution to a significant cumulative impact that would now be cumulatively considerable with the addition of projects to this project list. Refer also to Response O3-203 and O3-205.

COMMENT O3-208

CEQA requires that the DEIR address cumulative impacts from past, current, and probable future projects.⁷⁵ Moreover, the cumulative impact analysis is not limited to projects within the agency’s control.⁷⁶ The standard for compiling the list of projects that should be included when it is reasonable, feasible, and practical to do so, given the

information available about the projects and when the failure to include those projects in the cumulative impact analysis would result in an inadequate analysis of the severity and significance of the cumulative impacts.⁷⁷ As discussed by the court in *Environmental Protection Information Center v. Department of Forestry & Fire Protection* (2018) 44 Cal.4th 459, 524, the requirement that the cumulative impacts analysis take into account past projects “signifies an obligation to consider the present project in the context of a realistic historical account of relevant prior activities that have had significant environmental impacts.” This historical information helps to identify “previous activities that have caused intensive environmental impacts in a given area, the full effects of which may not yet be manifested, thereby disclosing potential environmental vulnerabilities that would not be revealed merely by cataloging current conditions.”⁷⁸

⁷⁵ CEQA Guidelines, § 15065(a)(3).

⁷⁶ CEQA Guidelines, § 15130(b)(1)(A).

⁷⁷ *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 529.

⁷⁸ *Environmental Protection Information Center v. Department of Forestry & Fire Protection* (2018) 44 Cal.4th 459, 524

RESPONSE O3-208

The County notes that CEQA Guidelines Section 15130 (b)(2) states, “When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.” The DEIR followed this approach. For example, including projects in El Dorado County would not be appropriate for the project’s analysis related to groundwater sustainability since those projects are in a different groundwater basin. The DEIR properly utilized the “list approach” per CEQA Guidelines Section 15130, to provide details related to present and probable future projects that were considered in the cumulative analysis given the type, size, and location of the project. Similarly, given the type, size, and location of the project, a general 5-mile radius (which encompasses approximately 50,265 acres of land) was determined to be appropriate for the project’s cumulative analysis. See also the response to comment O3-203.

COMMENT O3-209

The DEIR’s cumulative impacts analysis fails to consider the effects of projects that have already been built out in Rancho Cordova and Folsom and Folsom Lake, and Lake Natoma and approved development in Rancho Cordova. These projects have created or are further adding to a substantial barrier to animal movement, to which the Coyote Creek Project will contribute. Many of the cumulative effects of habitat loss on wildlife species depend on their populations and extend substantially beyond a 5-mile distance from the project site.

The DEIR provides no justification for the limited and less rigorous analysis of projects that would contribute to cumulative impacts from the proposed Project.

RESPONSE 03-209

In fact, the cumulative analysis in DEIR Chapter 17 (“Summary of Impacts and Their Disposition”) does consider the effects of projects that have already been built out in Rancho Cordova and Folsom (note that Folsom Lake and Lake Natoma are in the City of Folsom). CEQA does not require that a lead agency identify by name every single past development that has ever occurred in a project region. As explained on DEIR page 17-35, “This EIR uses the combination of the list approach and summary of effects approach to analyze the potential cumulative impacts of other *reasonably foreseeable projects...*” (emphasis added). As also stated on DEIR page 17-35, the cumulative analysis considers the “...result of the incremental effects of the project combined with the effects of other closely related *past, present, and reasonably foreseeable probable future projects*” (emphasis added). Furthermore, DEIR page 17-39 contains two bulleted paragraphs of text explaining that the cumulative analysis considers the combined effects of past, current, and probable future projects.

As explained on DEIR page 17-43 introducing the cumulative analysis for biological resources, in addition to the 5-miles radius, “For species and resources for which modeled suitable habitat data are available from the SSHCP, a ‘regional project analysis area’ consisting of the northeastern portion of the SSHCP Plan Area (i.e., Preserve Planning Units 1 and 5 and the portion of the SSHCP Plan Area in between) was used to evaluate the impact context for biological resources (see Chapter 6, ‘Biological Resources,’ of this EIR for more detail). Furthermore, DEIR page 17-47 contains a thorough, detailed analysis related to wildlife movement corridors, explains the reduction in the project’s contribution to cumulative impacts with implementation of mitigation measures, and notes that the proposed project has been designed to avoid development along the two main creek corridors which provide the primary wildlife movement opportunities and the functions along the Coyote/Carson Creek habitat connectivity area would be maintained.

The cumulative analysis contained in DEIR Chapter 17 is appropriate and meets the requirements of the CEQA statutes and guidelines. See also the response to comment 03-203.

COMMENT 03-210

The arbitrarily selected 5-mile radius must be discarded, and meaningful areas should be proposed and defended for the cumulative analyses, based on the characteristics of resources. For example, watershed effects on streams should be based on effects within their watershed areas. The cumulative impacts analysis must be revised to include the complete suite of projects, including mining and other extractive projects, located within an appropriate, resource- determined distance of the proposed Project, regardless of the jurisdiction they are located. Jurisdictional boundaries do not limit cumulative environmental impacts. The DEIR must be revised to include an expanded cumulative impacts analysis and recirculated.

RESPONSE 03-210

Refer to Responses 03-203 through 03-209. There is no basis for recirculation. See Master Response H.

COMMENT 03-211

11. Growth Inducement

CEQA requires that an EIR describe any growth-inducing impacts of the proposed project.⁷⁹ Thus, the EIR must discuss “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth.”⁸⁰ The discussion “must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”⁸¹ The growth-inducing impacts must be discussed, even though those effects will result only indirectly from the project.⁸²

As discussed below, the development of electric infrastructure, including the gen-tie power line and electrical generating capacity that can be used to serve other projects in the region, constitutes a growth-inducing impact. This is especially true when the power generated by the project is not needed to replace other electrical generation in the area, but would add to the electrical power available to the region.

⁷⁹ Pub. Resources Code, § 21100(b)(5); CEQA Guidelines, § 15126(d).

⁸⁰ CEQA Guidelines, § 15126.2(e).

⁸¹ Id.

⁸² *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 368.

RESPONSE 03-211

DEIR Chapter 17, (“Summary of Impacts and Their Disposition”), page 17-66, contains an analysis of the project’s potential to induce growth as required by the CEQA statutes and guidelines. As explained therein, the proposed project would provide a renewable source of electricity utilizing existing adjacent electrical distribution system facilities. No new land uses or geographic areas would be served by implementation of the proposed project that would otherwise not receive service without the project. SMUD’s current mix of electrical generation capacity provides electrical power for existing and proposed development in SMUD region. The SMUD 2030 ZCP seeks to replace fossil fuel sources of SMUD’s generation capacity with renewable sources, including specifically from the project. No new water or sewer services or road improvements would be extended to the project site. The proposed project does not include new housing, offices, or shopping centers that would bring more people to the area. The project is consistent with both the County Climate Action Plan and the SMUD ZCP that seek to substitute non-renewable sources of energy with renewable sources, such as the solar energy that would be provided by the proposed project. For these reasons, the additional energy provided by the project would not remove any barriers to growth or induce growth.

COMMENT 03-212

The analysis of the potential for growth inducement of the proposed Project on page 17-66 of the DEIR is unacceptably narrow. Substantial additional urban development to the northeast and just to the east of the north part of the proposed solar facility, extending into El Dorado County, is under consideration by the City of Folsom and El Dorado County. While the proposed solar facility might not directly induce development, it would definitely facilitate it by extending the electrical infrastructure. In addition, by substantially reducing the quality and value of the natural landscape outside the UDA, the proposed Project would provide an additional rationale to justify further eastward urban expansion.

RESPONSE 03-212

The commenter attempts to create a chain of cause of effect that does not exist, and therefore the claims that the project's analysis is unacceptably narrow are incorrect. For example, the Folsom South of 50 Specific Plan Area is already under construction and portions have been completed and the buildings are occupied and operational. If the commenters' claims that the project's electricity were needed for this development were indeed true, then none of the existing development (and the current ongoing development) within the Folsom South of 50 Specific Plan Area could have been built. The same situation is true with regards to projects in El Dorado County. The proposed project is intended to assist SMUD in achieving its Renewable Portfolio Standard goals for renewable energy, and carbon reduction targets, including SMUD's 2030 Zero Carbon Plan (DEIR page 2-10). Refer also to Response 03-211.

The commenter further asserts that by substantially reducing the quality and value of the natural landscape outside the County's urban development area, the proposed project would provide an additional rationale to justify further eastward urban expansion. The rationale presented in this comment is not related to the project's potential to induce growth because solar electrical generating projects, by their very nature, require large areas of land for the photovoltaic panels and most such land areas are outside of the Urban Service Boundary. Furthermore, the proposed project would not require new urban services in order to operate.

COMMENT 03-213

The proposed Project includes the development of a new 1.3-mile-long gen-tie power line and a new switch yard. Much like new roads and housing developments, new power lines and switchyards can induce additional development of industrial and energy uses. The DEIR failed to consider the potential for the proposed Project to induce additional solar energy development in the blue oak woodlands to the east and south of the project site. Privately developed solar facilities are, after all, economic investments, and they rightly belong within the scope of the CEQA guidelines.

RESPONSE 03-213

Refer to Responses 03-211 and 03-212. The County is not aware of any proposals for any additional renewable energy or solar developments in the project vicinity, and the

commenters' claim that the proposed project could somehow "induce" more of these types of projects in the area is purely speculative. No changes to the DEIR are required.

COMMENT 03-214

The proposed Project would represent the first proposed solar facility in the midst of an oak woodland within the greater Sacramento Region, possibly within all of Northern California. Its construction would substantially alter the oak woodland environment. It is not unreasonable to suggest that further solar development proposals, either expansion by the project developer or new projects by other solar entities with no connection to SMUD, will be forthcoming if this project is approved and will result in further destruction of oak woodlands in the area. The DEIR should consider the potential impacts of induced development due to additional solar facilities in the oak woodlands of Sacramento and El Dorado Counties.

RESPONSE 03-214

The commenter asserts the DEIR should consider the potential impacts of induced development due to additional solar facilities that might at some unspecified time in the future and with no current applications, be developed in other oak woodlands in Sacramento and El Dorado counties. The suggestion presented in this comment is speculative. No change to the DEIR is needed.

COMMENT 03-215

12. Conclusion

The proposed Coyote Creek Project would result in numerous adverse impacts to species protected under state and federal laws and regulations, and many of those impacts are significant, as defined under CEQA.

RESPONSE 03-215

Refer to Master Response B, and refer to responses in letter A2. CDFW has confirmed that proposed mitigation measures in the DEIR (with recommended CDFW refinements shown in Chapter 6 of this FEIR) would fully mitigate the project-level impacts to biological resources (California Department of Fish and Wildlife 2025). As discussed in DEIR Chapter 17, "Summary of Impacts and Their Disposition," pages 17-47 and 17-48, the project would result in a cumulatively significant and unavoidable impact related to loss of oak trees and oak woodland canopy, even after implementation of mitigation.

COMMENT 03-216

The alternative locations proposed for the Project are deficient because they were arbitrarily constrained by limiting the distance from the Project to the nearest transmission infrastructure, and by unsubstantiated dismissal of the feasibility of urban or brownfield alternatives.

RESPONSE 03-216

Refer to Master Response D, Alternatives.

COMMENT 03-217

The DEIR lacks sufficient impact analysis, documentation, and specific actions to fully mitigate significant adverse impacts to attain the required no net loss to numerous species and their habitats. Similarly, the hydrological analysis was deficient because of numerous omissions, and it requires substantially more analysis before it approaches being sufficient as an informational document.

RESPONSE 03-217

Refer to Master Response B. The comment also asserts that the hydrologic analysis in DEIR Chapter 10, “Hydrology and Water Quality,” was deficient because of “numerous omissions, and it requires substantially more analysis before it approaches being sufficient as an informational document.” Refer to Master Responses A, E, and H.

COMMENT 03-218

For all of the above reasons, the DEIR is inadequate and lacks sufficient information to be relied upon by the County and other trustees and responsible agencies for decision-making. Thus, the DEIR must be substantially revised to correct deficiencies identified in this comment letter and must be recirculated for agency and public review and comment.

RESPONSE 03-218

Refer to Master Responses A through H.

COMMENT 03-219

Notwithstanding this need, we are dubious that even fully analyzed and documented impacts are likely to comply with CEQA requirements to select the least environmentally detrimental alternative, which is a relocation to another less sensitive site. Therefore, we recommend that the proposed Project site not be approved and that either another less-damaging site be selected or the No Action alternative be identified as the most appropriate choice in complying with numerous laws and regulations governing the species and their habitats that occur on the proposed Project site.

RESPONSE 03-219

CEQA does not require that a lead agency select “the least environmentally detrimental alternative” for adoption. CEQA requires that the lead agency disclose the probable significant physical environmental impacts that could occur from project implementation, identify (among the proposed project and the alternatives considered) which alternative would result in the fewest environmental impacts, and when making a decision whether to adopt the proposed project or one of the alternatives where significant and unavoidable impacts would occur, the lead agency must adopt a written Statement of Overriding

Considerations which identifies the specific economic, legal, social, technological, or other considerations that outweigh the adverse environmental impacts. Prior to its decision whether to approve the project, the County will prepare findings as required by Public Resources Code Section 21081 and Sections 15091 and 15093 of the CEQA Guidelines, including a Statement of Overriding Considerations regarding significant and unavoidable impacts. The commenters' opinion that the project should not be approved is noted.

COMMENT 03-220

Respectfully submitted,

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RESPONSE 03-220

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-221

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RESPONSE 03-221

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-222**14. Comment Preparers**Jeff Aardahl - Biological Resources, Alternatives, and Cumulative Impacts

Jeff is a Wildlife Biologist and Senior California Representative for Defenders of Wildlife's California Program. Thirty-two-year career in federal government, including Wildlife Biologist and Supervisory Natural Resource Specialist with the Bureau of Land Management and National Park Service.

Dan Airola - Biological Resources, Alternatives, and Cumulative Impacts

Daniel is a Certified Wildlife Biologist who has worked for over 40 years in Northern California in land planning, environmental compliance, resource management, and conservation-related research. He has conducted studies for over 10 years on the population status and habitat requirements of the Tricolored Blackbird in the foothills of the Sierra Nevada. He has also published recent research on Swainson's Hawks, Bald Eagles, and other raptors and songbirds. He also serves as the editor of the regional ornithological journal Central Valley Birds. In 2025, Dan received the Outstanding Professional award from the Western Section of the Wildlife Society.

Rob Burness - Land Use and Growth Inducement

Rob was a senior planner at the County of Sacramento for thirty years, where, among many accomplishments, he was the architect of the Urban Services Boundary. He is currently the conservation chair for and on the board of Friends of Stone Lakes. He is on the board, executive committee, and co-chairs the habitat committee for the Environmental Council of Sacramento. He is also on the Conservation Committee of the Mother Lode Chapter of the Sierra Club.

Rick Codina - Alternative Analysis

Rick is the chair of the SMUD Watch Team for 350 Sacramento. He retired after more than 30 years at the Sacramento Municipal Utility District in varying capacities, including Commercial Energy Auditor, Resource Planner, and Rate Analyst (1981-2014). He helped to develop the utility's marginal cost model for project evaluations, assisted in several Integrated Resource Plans for state submittals, and helped design some of SMUD's innovative rates, including for time of day, electric vehicle, and customer solar. Prior to SMUD, he served as the Conservation Director for the Bureau of Electricity in Alameda (1979-1981), California, and before that, worked as a technical writer for Department of Energy grants at Lawrence Berkeley Lab (1977- 1979). He has a Bachelor's in communication from the University of Texas, Austin, and a masters in Regional Planning from the University of California, Berkeley, where he also did coursework in the Energy Resources Department.

Pamela Flick - General

Pamela Defenders of Wildlife's California Program Coordinator and is their liaison to federal and state agencies, elected officials and their staff, and the general public. Pam has over 20 years of experience in public and private land use planning and policy, species conservation, and water policy. Her core programmatic issues include California condor conservation and recovery with emphasis on impacts from spent lead ammunition; public lands management, especially in the Sierra Nevada; increasing public awareness about California's marine environment and the federally threatened southern sea otter; reducing human-wildlife conflicts; and working to protect other species native to the Golden State, including Pacific fisher, northern and California spotted owls, and San Joaquin kit fox.

Luz Lim - General

Luz is the Policy Analyst for Habitat 2020 and the Environmental Council of Sacramento (ECOS). She also serves as the co-lead for the ECOS Environmental Justice Team. Luz has a Bachelor of Arts in Geology from Amherst College and is currently pursuing a Master's in the Department of Geological Sciences and Engineering at the University of Nevada, Reno. Her research investigates the impact of ultra-high pressure and temperature tectonic processes on the preservation of chemical records in zircon, one of the most used minerals in geochemical investigations.

Brendan Wilce - Biological Resources, Alternatives, and Cumulative Impacts

Brendan joined CNPS in spring 2022 as the Natalie Hopkins Conservation Intern. He has a background in horticulture with a Bachelor of Science from UC Davis in Environmental Horticulture and Urban Forestry with an emphasis in Greenhouse and Nursery Production, including extensive coursework in restoration ecology. He has enjoyed over 15 years in the nursery industry working as an assistant manager and grower in the Sierra Nevada foothills. Brendan's knowledge and love of plants and nature led him from production to protection, working with the CNPS's conservation team. His current project is the compilation of an annotated bibliography of scientific research and reviews relating to fuel breaks, effects of grazing, type conversion, invasive species, post-fire recovery, effects of salvage, industrially managed forests, and restoration. He also supports the conservation team in the review of proposed projects, environmental assessments/impact reports, and identifies research to support concerns and objections to these projects and assessments.

Sean Wirth - Biological Resources and South Sacramento Habitat Conservation Plan Consistency

Sean has a zoology degree from UC Berkeley and worked as an environmental representative directly with the wildlife agencies in the preparation of the South Sacramento Habitat Conservation Plan. He currently sits on the Implementation Review Committee for that Plan. He has been the Conservation Chair for the Mother Lode Chapter of the Sierra Club for the last twelve years, and also sits on the board, executive committee, and co-chairs the habitat committee for the Environmental Council of Sacramento.

David Wright - Biological Resources, Alternatives, and Cumulative Impacts

David has a Ph.D. in Ecology and Evolutionary Biology from the University of Arizona. David is now retired, after working as an Entomologist at the California Department of Fish and Wildlife.

CONSULTANTS

Kim Delfino - General

Kim is the President and Founder of Earth Advocacy. Kim provides policy and advocacy expertise to nonprofits and foundations with the goal of protecting and restoring our lands, water, and wildlife for future generations. Prior to establishing Earth Advocacy, Kim was the California Program Director for Defenders of Wildlife for two decades. Kim has thirty years of experience in public and private land use planning and policy, species conservation, and water policy, including serving on the California Water Commission from 2010-2015. Kim serves on the board of the American Bar Association Section of Environment, Energy and Resources *Trends*. She is also an adjunct professor at the University of the Pacific McGeorge School of Law. Kim began her career as an associate attorney in Washington, D.C. with the public interest law firm of Meyer & Glitzenstein, where she specialized in cases involving the Endangered Species Act, Clean Water Act, and other environmental laws. She holds a B.A. from UC Davis and a J.D., *cum laude*, from McGeorge School of Law at the University of the Pacific.

Kate Kelly - Land Use, Tribal Cultural Resources, Alternatives Analysis, Cumulative Impacts, and Growth Inducement

Kate provides land use, project management, and governmental relations consulting to conservation organizations and public agencies. Kate focuses on land use policies and planning for siting and procurement of renewable energy that balances the protection of natural and cultural resources with meeting climate goals. She is engaged in energy policy, planning, and procurement proceedings at the California Public Utilities Commission, California Energy Commission, California Independent System Operator, and local governments. As a consultant to Defenders of Wildlife, Kate has been a leader in their California Renewable Energy Programs and works to incentivize siting of renewable energy projects in least-conflict areas with low natural and cultural resource value as an essential strategy for accelerating renewable energy development and protecting vital natural and cultural resources. Kate is the principal author of:

- Conserving California's Harvest: A Model Mitigation Program and Ordinance for Local Governments, which provides a comprehensive guide to assist local governments in developing and implementing farmland mitigation programs, including the use of conservation easements.
- Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley, which provides a suite of recommendations and implementation strategies for environmentally sensitive renewable energy development.

Luhdorff & Scalmanini Consulting Engineers (LSCE) - Hazards/Hazardous Materials and Hydrology

LSCE provides hydrological consulting to address groundwater quality at local and regional scales, including anthropogenic and naturally occurring water quality

phenomena. They provide consulting services on projects that range from site-specific investigations at wastewater treatment plants, landfills, mining operations, and other facilities to non-point source regional water quality issues.

Don Mooney - Legal Review

Donald Mooney has been a CEQA practitioner for over 35 years, primarily representing citizen groups and environmental groups throughout northern and central California. During this time, he has litigated hundreds of CEQA cases at the trial court level and handled over 100 appeals.

RESPONSE 03-222

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-223

15. Attachments

- A. Errata in the Biological Resources Technical Report, Appendix C, Observed Species Compendium
- B. Suggested Amendments to Avoidance, Minimization, and Mitigation Measures of Botanical Resources
- C. Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report - Luhdorff and Scalmanini Consulting Engineers, April 2025

RESPONSE 03-223

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-224

Sambucus nigra ssp. *caerulea* - now known as *Sambucus mexicana*

Pistacia chinensis - Chinese pistache - non native

Daucus pusillus - wild carrot - native

Asclepias fascicularis - Mexican whorled milkweed - obscure common name for narrow leaf milkweed

Artemisia californica - California native, although likely introduced to project site

Carduus tenuiflorus - non native

Wyethia angustifolia - native, additionally California compass plant is an obscure common name for narrow leaf mules ear

Arctostaphylos sp. - this should have been identified to the species level to ensure status

Cercis canadensis - eastern redbud - non native

Mentha arvensis - native

Fraxinus angustifolia sub sp. oxycarpa - raywood ash - non native

Platanus racemose - California sycamore - native - misspelled, should be “racemosa”

Acer saccharinum - silver maple - non native

Tamarix chinensis - five-stamen tamarisk - non native

Allium sp. - onion species - this should have been identified to the species level to ensure status

Iris sp. - Iris species - this should have been identified to the species level to ensure status

RESPONSE O3-224

The comment consists of Attachment A to comment letter O3, which provides an unexplained list of Latin names of plant species with several notations such as “non-native plant.” The purpose of this list is unclear. The cover sheet for the attachment (O3-223) states that this list is an “errata” sheet for the BRTR prepared by Dudek in 2024. These notations regarding Latin names constitute minor notations regarding plant species that do not affect the analysis or conclusions in the BRTR or the DEIR. No changes are required.

COMMENT O3-225

ATTACHMENT B. SUGGESTED AMENDMENTS TO AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES OF BOTANICAL RESOURCES

MITIGATION MEASURES 6-49

BR-1a: Implement Construction Best Management Practices to Avoid and Minimize Potential for Construction-Related Impacts on Special-Status Plants and Wildlife.

Erosion Control. Before implementing ground-disturbing activities, temporary control measures for sediment, stormwater, and pollutant runoff shall be installed to protect water quality and species habitat. Silt fencing or other appropriate sediment control device(s) shall be installed downslope of any activities that disturbs soils. Fiber rolls and seed mixtures used for erosion control shall be free of **any** viable ~~noxious~~ **nonnative weed** seed. Erosion controls installed ~~in or adjacent to known or potential habitat for western pond turtle and western spadefoot~~ must be of appropriate design and materials that shall not entrap the species (e.g., not contain mesh netting). Regular monitoring and maintenance of the project’s erosion control measures shall be conducted until project completion to ensure effective operation of erosion control measures.

Revegetation. Cut-and-fill slopes shall be revegetated with **locally native or existing noninvasive, non-native plants (e.g., non-native grasses)** suitable for the altered soil conditions. **Any seed or transplants should be sourced from seed collected on or adjacent to the project site, or from seed that has been bulked from material collected on or adjacent to the project site.** Non-native plants identified as a State listed noxious weed or as a California Department of Food and Agriculture rated A through C invasive plant are prohibited.

A species-specific impact analysis and identification of required mitigation are provided in the following sections.

RESPONSE O3-225

The recommended changes consist of minor phrasing details that are not related to the effectiveness of the mitigation measure. Because CDFW has already confirmed that the DEIR mitigation measures related to biological resources (with recommended CDFW refinements shown in Chapter 6 of this FEIR) meet CDFW standards, the changes suggested by the commenter have not been made (California Department of Fish and Wildlife 2025). Please refer to Master Response B and correspondence received from CDFW in letter A2.

COMMENT O3-226

SPECIAL-STATUS PLANT SPECIES (page 6-52)

However, four rare plants were observed during project surveys in 2023 and 2024 within and near the solar development area that could be affected by project activities: spiked western rosinweed (*Calycadenia spicata*) (within and adjacent to the solar development area), and Ahart's dwarf rush and pincushion navarretia (adjacent to the solar development area), as further described next.

MITIGATION MEASURES BR-1b: Avoid, Minimize, and Mitigate for Impacts on Special-Status Plants.

Conduct pre-construction surveys following the 2021 update to the 2018 CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities at the appropriate times of year to identify target species within 1 year prior to ground disturbance.

For special-status plant occurrences identified during project surveys, **pre-construction surveys, or during project activities** to be within 100 feet of the solar development area (i.e., **valley brodiaea**, spiked western rosinweed, Ahart's dwarf rush, ~~and~~ pincushion navarretia, **or other special status species**), install environmentally sensitive area (ESA) fencing to protect and avoid these occurrences from inadvertent encroachment from adjacent construction activities. ESA fencing and/or appropriate signage shall be installed at a minimum of 20 feet from the edge of special-status plant populations. The project shall avoid performing any construction-related activities within the ESA. For work that cannot be avoided in the ESA, a biological monitor shall be present when project construction-related activities occur.

For special-status plant occurrences **identified during project surveys, pre-construction surveys, or during project activities** within the solar development area (i.e., spiked western rosinweed), install ESA fencing to protect and avoid all (i.e., complete avoidance) ~~or portions of~~ known occurrences from direct disturbances during construction ~~(i.e., spatial avoidance) to the maximum extent feasible. ESA fencing shall be installed as described above.~~ A biological monitor shall be present when project construction-related activities occur within **or adjacent to** the ESA. **Avoidance of special status species shall be prioritized over any form of disturbance.**

RESPONSE 03-226

The recommended changes consist of minor wordsmithing edits such as requests to remove the word “and,” along with a suggested deletion of a requirement for exclusionary fencing (which would not be an appropriate change). Because CDFW has already confirmed that the DEIR mitigation measures related to biological resources (with recommended CDFW refinements shown in Chapter 6 of this FEIR) meet CDFW standards, the changes suggested in the comment are not necessary and have not been made (California Department of Fish and Wildlife 2025). Please refer also to Master Response B and correspondence received from CDFW in letter A2.

COMMENT 03-227

Where ~~spatial~~ avoidance **of all occurrences** during construction, as described above, ~~does not avoid effects is not feasible,~~ implement temporal avoidance by scheduling work activities (e.g., overland travel, grading, etc.) within known occurrences of spiked western rosinweed to occur after the majority of plants within the occurrence have set seed for the year (i.e., typically in late summer/early fall), as determined by a qualified botanist. If ground-disturbing activities must be conducted within known occurrences of this species, the following shall also be required in addition to temporal avoidance:

- salvage topsoil from occupied areas prior to ground-disturbances for reestablishment once construction is complete. Salvaged topsoil shall be stored in an area where it will be kept free of any additional non native seed, and where it can be kept dry until it is reapplied to the disturbed areas, as exposure to moisture will cause seeds to germinate and render the topsoil useless for reestablishment. Prior to ground disturbance spiked western rosinweed seed should be collected, this seed should be bulked by a qualified California native seed producer for future reintroduction.
- retain a qualified botanist to monitor during initial ground-disturbing activities within known occurrences of this species to ensure all required measures are being implemented, and
- retain a qualified botanist to conduct periodic surveys throughout the operational life of the project ~~(including the first year post construction and approximately every five years on average thereafter, with the goal of targeting years with sufficient rainfall for successful germination of this species).~~ The intent of monitoring during operations is to confirm the re-establishment and continued occupancy of spiked

western rosinweed within each recorded occurrence where temporal avoidance is implemented and to ensure no net loss of occurrences of this species. **The qualified botanist shall monitor populations of special status plant occurrences each year for the first five years post-construction to ensure no net loss of any special status plant occurrences. If monitoring shows a loss of occurrences or reduced population numbers at occurrences, active management to restore occurrences and/or increase population numbers shall be implemented. Seed should be collected from declining populations or from populations adjacent to extirpated occurrences, this seed will be bulked by a qualified native plant seed producer for reintroduction into the project site. Post reintroduction populations shall continue to be monitored annually for 5 years. If monitoring shows stable populations for 5 consecutive years post construction, or post reintroduction, monitoring shall occur every three years throughout the life of the project. If at any point monitoring shows a decline in population numbers or a loss of occurrences, seed collection, bulking, and reintroduction shall occur, followed by 5 years of annual monitoring, returning to monitoring every three years after monitoring shows stable populations for 5 consecutive years.**

- offsite preservation of spiked western rosinweed at a 2:1 preservation to impact ratio of area of occupancy lost shall be implemented in addition to onsite restoration efforts

- **financial assurances for the funding of mitigation efforts including associated seed collection, bulking, maintenance and monitoring.**

RESPONSE 03-227

The recommended text changes consist of minor wordsmithing, and a request to remove 5-year monitoring that would not be appropriate. Therefore, the suggested text changes have not been made. Please refer to Master Response B and correspondence received from CDFW in letter A2 that confirms survey methodologies and mitigation for botanical resources (with recommended CDFW refinements shown in Chapter 6 of this FEIR) meet CDFW standards (California Department of Fish and Wildlife 2025).

COMMENT 03-228

Incorporate specific grazing/mowing regimes and other relevant management measures consistent with the long-term preservation of ~~spiked western rosinweed~~ **special status plant** occurrences onsite **approved by a qualified botanist** into the Agricultural Management Plan (see Mitigation Measure AG-1 in Chapter 4, “Agricultural Resources”), such as mowing after seed set, incorporating compatible grazing prescriptions, and installing permanent ESA signage near spiked western rosinweed occurrences within/adjacent to the solar development area to alert Operations and Management staff of the ESA and any associated operational restrictions. **The qualified botanist conducting special status plant monitoring throughout the operational life of the project shall have the authority to implement adaptive management measures into**

the Agriculture Management Plan to insure the persistence and stability of special status plant occurrences on the project site.

RESPONSE 03-228

The comment presents a suggested text change to the third part of Mitigation Measure BR-1b to change a reference from a single specific special-status plant (spiked western rosinweed) to all special-status plants. This suggested text change would not be appropriate, since the text is intended specifically to apply to spiked western rosinweed; thus, the suggested text change has not been made. Please refer to Master Response B and correspondence received from CDFW in letter A2 that confirms survey methodologies and mitigation for botanical resources (with recommended CDFW refinements shown in Chapter 6 of this FEIR) meet CDFW standards (California Department of Fish and Wildlife 2025).

COMMENT 03-229

BR-2: Avoid, Minimize, and Mitigate for Impacts on Riparian Habitat and Other Sensitive Natural Communities. (page 6-88)

Implement Valley Needlegrass Grassland Protection Measures as follows:

A qualified biologist shall conduct a preconstruction survey in advance of ground disturbing activities and vegetation removal occurring in areas with potential for this sensitive community type, to map any occurrences of Valley needlegrass grassland within the solar development area. Surveys shall be conducted at an appropriate time of year for detection of purple needlegrass (*Stipa* [*Nassella*] *pulchra*) **following CDFW Protocols.**

If mapped occurrences of Valley Needlegrass Grassland are identified within the solar development area impact footprint and cannot be avoided, incorporate specific restoration and management prescriptions consistent with the long-term preservation of Valley Needlegrass Grassland occurrences on-site into the Agricultural Management Plan to be implemented as part of Mitigation Measure AG-1 (see Chapter 4, “Agricultural Resources”). This could include specific prescriptions such as plant or topsoil salvage for replacement after ground disturbing activities, incorporating **locally collected, or bulked from locally collected**, purple needlegrass (*Stipa pulchra*) and other associated species seed into the restoration seed mix in areas where Valley Needlegrass grassland have been impacted by the project, mowing after seed set of purple needlegrass, prohibiting ground-disturbing operational activities in these areas, restricting operational activities to “drive and crush.” A monitoring and adaptive management approach shall also be identified for implementation throughout the operational life of the project (including **monitoring populations each year for the first five years post- construction to ensure no net loss of any Valley Needlegrass Grassland. If monitoring shows a loss of occurrences or reduced population numbers at occurrences, active management to restore occurrences and/or increase population numbers shall be implemented. Seed should be collected from declining populations or from populations adjacent to extirpated occurrences, this seed will be bulked by a**

qualified native plant seed producer for reintroduction into the project site. Post reintroduction populations shall continue to be monitored annually for 5 years. If monitoring shows stable populations for 5 consecutive years post construction, or post reintroduction,

RESPONSE O3-229

The comment restates the first part of Mitigation Measure BR-2 and does not appear to request any substantive revisions. changes. Please refer to Master Response B and correspondence received from CDFW in letter A2 that confirms survey methodologies and mitigation for botanical resources (with recommended CDFW refinements shown in Chapter 6 of this FEIR) meet CDFW standards (California Department of Fish and Wildlife 2025).

COMMENT O3-230

monitoring shall occur every three years throughout the life of the project. If at any point monitoring shows a decline in population numbers or a loss of occurrences, seed collection, bulking, and reintroduction shall occur, followed by 5 years of annual monitoring, returning to monitoring every three years after monitoring shows stable populations for 5 consecutive years. ~~the first year post construction and every five years on average thereafter~~) to confirm re-establishment and continued occupancy of the solar development area by Valley Needlegrass Grassland throughout the operational life of the project, at a performance standard of no net loss of mapped occurrences of this community type within the solar development area. The project proponent shall provide financial assurances for the funding of mitigation efforts including associated seed collection, bulking, maintenance and monitoring.

RESPONSE O3-230

The comment presents a suggested text change to the second part of Mitigation Measure BR-2 to remove the 5-year monitoring requirement, which would not be appropriate. Therefore, the suggested text change has not been made. Please refer to Master Response B and correspondence received from CDFW in letter A2 that confirms survey methodologies and mitigation for botanical resources (with recommended CDFW refinements shown in Chapter 6 of this FEIR) meet CDFW standards (California Department of Fish and Wildlife 2025).

COMMENT O3-231

Implement Oak Woodland and Native Tree Mitigation, as follows: (page 6-89)

Implement Oak Woodland and Native Tree Mitigation, as follows: – The project applicant shall ~~mitigate for~~ **avoid all** impacts to oak woodlands (i.e., oak canopy loss), and for the loss of native oaks and other native trees species (i.e., native tree removal) ~~by implementing the following three mitigation components: 1) avoidance and minimization of native trees retained within and adjacent to the solar development area, 2) preservation of oak woodlands at a 1:1 preservation to impact ratio of native oak tree canopy area lost,~~

and 3) in-kind establishment plantings of native trees at a 1:1 tree replacement ratio, as further detailed below, and as described in a Tree Resource Mitigation Plan developed by the project applicant and subject to approval by Sacramento County prior to issuance of a grading permit.

1) Avoidance and Minimization:

- Retain and protect native trees within the solar development area that would not conflict with construction or operational activities of the project, as determined by a qualified arborist upon review of final construction drawings in collaboration with the project applicant. Retained and protected trees could include those located within identified exclusion zones or in temporary work areas outside of the facility fence line (e.g., along the geotie and within earthwork limits).

- Identify root protection zones (at a minimum inclusive of the tree dripline) for all native trees to be retained and protected within the solar development area. Root protection zones shall be clearly identified on final construction drawings. Temporary orange construction fencing or a similar protective barrier shall be installed one foot outside the root protection zones of retained native trees prior to initiating project construction. To the maximum extent feasible, soil disturbance (e.g., scraping, grading, trenching, excavation) is to be avoided within root protection zones. If work is necessary within identified root protection zones, a qualified arborist shall provide specifications for this work such as methods for root pruning, backfilling specifications, and irrigation management guidelines.

- For native trees identified to be retained and protected within the solar development area (see above), retain a qualified arborist who shall:

- Clearly designate an area within the solar development area that is outside the root protection zones of all trees where construction materials may be stored/stockpiled and where vehicle and equipment parking can take place. No materials storage/stockpiling or parking shall take place within the root protection zones of retained trees.

Establish specifications for care of the retained trees within the solar development area. Implement recommended tree care or oversee the implementation of tree care if conducted by a construction contractor, and develop and implement a tree inspection schedule to ensure tree health is being maintained throughout the construction period and for one year post construction. Tree care specifications may be adjusted by the qualified arborist as needed to provide optimal tree health as a result of inspections. Potential tree care performance standards shall at minimum include:

- Prior to any grading or other work within 50 feet of any tree to be retained, a qualified arborist shall determine whether irrigation needs to be installed from April through September and/or placement of a 4- to 6-inch layer of chip mulch over the root protection zone of any trees is required to minimize potential for impact.

~~• All work to be performed inside the root protection zone shall have fencing (i.e., exclusion fencing) installed at the edge of construction in accordance with recommendations of a qualified arborist; the exclusion fencing shall be inspected by the qualified arborist prior to grading and/or grubbing to ensure it is functional; any fence deficiencies shall be corrected before associated work activities may begin.~~

~~• The qualified arborist shall supervise any recommended clearance pruning, irrigation, fertilization, and placement of mulch and/or chemical treatments. Chemical treatments shall not occur without authorization by the qualified arborist. • Trenching inside the root protection zone, if necessary, shall be by a hydraulic or air spade, placing pipes underneath the roots, or boring deeper trenches underneath the roots.~~

~~• Clearance pruning, if necessary, shall include removal of all the lower foliage that may interfere with equipment prior to having grading or other equipment on site. A qualified arborist shall approve the extent of foliage removal in accordance with ANSI A300 standards and oversee the pruning to be performed by a contractor.~~

~~• Grading beneath trees to be retained shall be given special attention. A qualified arborist shall identify actions to avoid creating conditions adverse to any retained tree's health. The natural ground within the root protection zones of retained/protected trees shall remain undisturbed as determined by a qualified arborist to increase the likelihood of survival of the retained/protected trees. Grading within the root protection zones of native trees shall not be permitted unless specifically authorized by Sacramento County.~~

~~– No grade cuts greater than one foot shall occur within the root protection zones of native trees to be retained, and no grade cuts whatsoever shall occur within five feet of their trunks.~~

~~▪ Major roots two inches or greater in diameter encountered within any retained tree's root protection zone during excavation shall not be cut and shall be kept moist and covered with earth as soon as possible.~~

~~▪ Roots one inch to two inches in diameter encountered within any retained tree's root protection zone during excavation that are severed shall be trimmed and treated with pruning compound and covered with earth as soon as possible.~~

~~▪ Support roots encountered within any retained tree's root protection zone during excavation shall be protected. A qualified arborist shall be required to hand dig in the vicinity of retained trees to prevent root cutting and mangling that may be caused by heavy equipment.~~

~~▪ All stumps within the root protection zone of trees to be retained shall be ground out using a stump router or left in place. No trunk within the root protection zone of retained trees shall be removed using a backhoe or other piece of grading equipment.~~

~~– No fill greater than one foot shall be placed within the root protection zones of native trees to be preserved and no fill whatsoever shall be placed within five feet of~~

~~their trunks. Fill material shall not be placed in such a manner that encases the tree. Surface water drainage must be able to move away from the tree.~~

~~– No irrigation system shall be installed within the root protection zones of native tree(s) to be retained that may be detrimental to the preservation of the native tree(s) unless specifically authorized by Sacramento County.~~

2) Oak Preservation:

~~• Consistent with Sacramento County Policy CO-140, compensation for the unavoidable loss of native oak tree canopy area as a result of project construction shall be provided by the project applicant to achieve a performance standard of no net loss, defined as a minimum 1:1 preservation to impact ratio of native oak tree canopy area lost, through one or more of the following options. The removal of, and compensation for native oak tree canopy area shall be quantified in the Tree Resource Mitigation Plan, subject to Sacramento County review and approval:~~

~~– On-site preservation of native oak tree canopy shall be considered as a first priority for fulfillment of this preservation mitigation requirement. For the purposes of this mitigation measure, “on-site” constitutes being within Adjacent Other Lands (Plate PD-2, Project Setting) of the project site, or immediately adjacent to the project site such that at least a portion of the boundary of the preservation area directly borders oak woodlands in the project site. On-site native oak tree canopy preservation shall preserve the main, central portions of consolidated and isolated groves constituting the existing canopy on-site, and provide an area on-site that compensates for canopy area lost. On-site preservation areas shall prioritize areas that provide connectivity between existing oak woodlands and forest and/or riparian habitat that may serve as potential wildlife movement corridors. The native oak canopy preservation area must be a single contiguous area on-site, adjacent to existing oak canopy to ensure opportunities for regeneration, and at least equal to the size of canopy area lost or else additional compensation as described below (i.e., off-site preservation, preservation bank credit purchase, or in-lieu fee to a tree preservation fund) shall be required to ensure no net loss.~~

~~– If on-site mitigation does not achieve the no net loss performance standard, offsite preservation may be considered in entirety or in combination with on-site preservation. The off-site preservation area shall meet all the following criteria to preserve, enhance, and maintain a natural woodland habitat in perpetuity. Protected woodland habitat could be used as a suitable site for establishment tree plantings (see 3, Establishment, below), if appropriate and approved by Sacramento County.~~

- ~~• Be equal or greater in area to the total area that is included within a radius of 30 feet of the root protection zone of all trees to be removed;~~
- ~~• Be adjacent to a protected stream corridor or other preserved natural areas;~~
- ~~• Support a significant number of native broadleaf trees;~~
- ~~• Offer good potential for continued regeneration of an integrated woodland community~~
- ~~• Be located within the boundaries of Sacramento County; and~~

- ~~• Be within parcels immediately adjacent to and surrounding the project site parcels such that the boundary of the off-site preservation parcel(s) share a boundary, at least in part, with the project site parcel boundaries. If preservation of adjacent parcels is not feasible, then preservation shall be within mapped areas of Savannah and Blue Oak Woodland on the Habitat Component map of the Open Space Vision Diagram included in the Sacramento County General Plan.~~
- ~~– A combination of on-site or off-site preservation, as described above.~~
- ~~– Oak tree canopy area lost shall be calculated as the total collective area of contiguous canopy cover representing the downward projection of the crown or crowns of overlapping adjacent tree canopies (i.e., outer extent of leaves and small twigs) for all native oak trees to be removed according to the County-approved final project designs. Oak tree canopy area shall be calculated using a consistent method for determining canopy area impacts as for identifying a suitable mitigation area and may be calculated as described in the Arborist Report Coyote Creek Agrivoltaic Ranch Project, dated August 2023 (Dudek 2023). At the time of preparation of this environmental impact report, a total of 54.61 acres of native oak tree canopy area was estimated to be permanently lost and an equal amount would be required for preservation as described in this mitigation measure.~~
- ~~– If neither on-site nor off-site preservation is sufficient to achieve the no net loss performance standard, or if the full preservation mitigation requirement cannot be accomplished with on-site and off-site preservation alone, the project applicant shall fulfill any remaining preservation mitigation requirement through either: a preservation bank credit purchase for an equivalent oak canopy area of blue oak woodland, or a sum equivalent to the replacement cost for all unmitigated trees within the solar development area shall be paid by the project applicant as an “in-lieu fee” to the County’s Tree Preservation Fund or another appropriate tree preservation fund (e.g., Sacramento Valley Conservancy). The total amount to be paid shall be based on the current cost per inch in DBH inch for all trees to be mitigated and shall be approved by Sacramento County.~~
- ~~– Any on- and/or off-site preservation lands used or acquired to fulfill this compensatory mitigation requirement shall include legal protections for protection into perpetuity (e.g., conservation easement, restrictive covenant, or other Sacramento County approved mechanism). In addition, the project applicant shall provide funding for (1) acquisition in fee title or any legal protections of the preservation lands, (2) initial habitat improvements (if needed), (3) long-term habitat maintenance and management of the preservation lands in perpetuity, and (4) preparation of a Preserve Management Plan that describes the preserved oak canopy resources on-site, responsible parties, management goals and objectives, management activities, and reporting requirements. The responsibilities for acquisition and management of the preservation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the County. Funding for on- and/or off-site preservation lands shall be estimated through preparation of a Property Analysis Record (PAR), or PAREquivalent Analysis, which is an itemized cost estimate of the initial and capital period costs and annual, ongoing costs of in-perpetuity land management.~~

~~= Preservation as described in this measure either through on-site or off-site means, a preservation bank credit purchase, in lieu fee, or a combination thereof representing the full mitigation requirement as identified in this mitigation measure shall be completed within 24 months from the start of project-related tree removal activities; any extension must be approved by Sacramento County. If preservation is not completed prior to the start of tree removal activities, the project applicant shall provide financial assurances to guarantee that an adequate level of funding is available to implement the acquisition, initial improvements (if needed), and long-term maintenance and management of preservation lands and/or to cover any additional mitigation options (e.g., bank credit purchase, in-lieu fees). Financial assurance shall be provided to Sacramento County prior to the issuance of a grading permit and can be provided in the form of irrevocable letter of credit, bond, a pledged savings account, or another form of security as approved by the County. The total amount of financial assurances shall be determined by an updated appraisal and PAR or PAR-Equivalent Analysis as described above.~~

~~3) Additional Establishment and Enhancement:~~

~~▪ In addition to the first two steps of this three-part mitigation measure described above, the effects of the removal of oak trees shall be further mitigated and compensated for by the project applicant through establishment and enhancement of oak trees and native trees other than oaks.~~

~~In consideration of the Sacramento County General Plan Policies CO-139 and CO140, compensation for the loss of native oak trees, and native trees other than oaks, that are greater than 6 inches DBH shall be provided by the project applicant through in-kind establishment plantings of native tree species with a minimum performance standard of a 1:1 tree replacement ratio of surviving trees at 7 years after replacement (i.e., planting) to those removed/lost. The removal of, and compensation for native trees shall be quantified in the Tree Resource Mitigation Plan, subject to Sacramento County review and approval.~~

~~▪ The establishment planting area shall be described in the Tree Resource Mitigation Plan, including rationale demonstrating the value of the establishment planting area to oak woodlands conservation in Sacramento County and the region (e.g., wildlife movement corridor) and the characteristics that make the planting area well suited for successful establishment. The establishment planting area shall, at minimum, meet the following listed criteria:~~

- ~~– be suitable for tree planting – in particular for native tree and oak species targeted for mitigation (consistent with Sacramento General Plan Policy CO133),~~
- ~~– be large enough to accommodate the planned establishment plantings,~~
- ~~– be located within the boundaries of Sacramento County,~~
- ~~– be within parcels immediately adjacent to, and surrounding project site parcels such that the boundary of the off-site preservation parcel(s) share a boundary, at least in part, with the project site parcel boundaries. If preservation of adjacent parcels is not feasible, then preservation shall be within mapped areas of Savannah and Blue Oak Woodland on the Habitat Component map of the Open Space Vision Diagram included in the Sacramento County General Plan or in areas which support the appropriate soil characteristics to support oak woodland growth and regeneration, and~~

- ~~– Mitigation tree plantings within the establishment planting area shall not:~~
 - ~~• conflict with current or planned land uses;~~
 - ~~• require removal of existing natural habitats to accommodate establishment plantings (although removal of dead trees to facilitate plantings that serve to promote stand recruitment may occur);~~
 - ~~• create unnatural canopy closure that would reduce wildlife value or contribute to increased fire hazard.~~
- ~~• Establishment plantings shall be accomplished by any of the following approaches, or a combination thereof, and to be detailed in a Sacramento County-approved Tree Resource Mitigation Plan.~~
 - ~~– Stand infill plantings within on-site or off-site preservation areas serving as compensation for oak tree canopy area lost (see #1, Preservation, above). This could include actions such as replacing dead/dying trees or providing additional understory recruitment at natural densities in an otherwise healthy stand.~~
 - ~~– Restoration focused plantings on new lands acquired in fee title or for which an easement is obtained that historically supported but current lack presence of trees/woodland habitat in all or some areas that would be targeted for large-scale establishment plantings.~~
 - ~~– Funding one or more tree planting projects in partnership with a local conservancy or existing preserve that would at minimum meet the required establishment performance standard. An example includes providing mitigation funding for blue oak woodland regeneration projects in Deer Creek Hills Preserve as identified in the Deer Creek Hills Preserve Master Plan.~~
 - ~~– Any combination of above.~~
- ~~• Establishment plantings shall be accomplished through one or more of the following methods, to be detailed in the Tree Resource Mitigation Plan:~~
 - ~~1) for oak trees, acorn plantings, shall be completed by collecting acorns from on-site or nearby locations off-site (i.e., local sources) in accordance with published guidance specific to blue oak acorn regeneration (McCreary 2001);~~
 - ~~2) for native trees, container tree plantings may be used for establishment plantings.~~
 - ~~– This mitigation measure does not preclude over-planting such that the minimum performance standard (see above) shall be accomplished at the end of the 7-year maintenance and monitoring period.~~
 - ~~• Establishment planting plans shall be developed by a qualified oak restoration specialist and detailed in the Tree Resource Mitigation Plan to be reviewed and approved by Sacramento County. Establishment planting plans shall address, at minimum, the following:~~
 - ~~– project-related impact on native tree resources, including oak trees and riparian trees.~~
 - ~~– establishment planting goals and performance standards (i.e., success criteria), including interim performance targets for evaluating progress towards success criteria.~~
 - ~~– suitability of the site for proposed tree plantings demonstrated with soil information, aerial photography, and/or other resources.~~
 - ~~– for native oak tree plantings, provide information on acorn collection, storage, planting methods, and planting schedule; for native tree plantings, other than for~~

~~oak trees, provide information on tree container sizes targeted for planting, planting methods, and planting schedule~~

~~– planting densities per species based on plant material type (e.g., acorn, size of tree container), accepted practice, current research, site-specific conditions, establishment goals, performance standards, and the recommendations of a qualified arborist.~~

~~– consistency with accepted native tree planting standards, including those for oak trees outlined in Regenerating Rangeland Oaks in California (McCreary 2009), How to Grow California Oaks (McCreary 1995), How to Collect, Store and Plant Acorns (McCreary undated), and other applicable publications and protocols that may be established by the University of California, Division of Agriculture and Natural Resources.~~

~~– maintenance (e.g., weed control/pest management, fertilization, tree/seedling protection, or other best management practices, etc.), monitoring, and reporting requirements and schedules to ensure performance targets are being met throughout the 7-year establishment period, calculated from the day of planting. At minimum, performance monitoring and reporting shall be required annually for 3 years postplanting and at the end of years 5 and 7.~~

~~– contingencies (i.e., adaptive management) if interim performance targets or success criteria at the end of the 7-year monitoring term are not met, such as additional or replacement plantings or payment of an “in lieu” fee similar to that described under 2 Preservation, above, based on the current cost per DBH inch⁵ set by the County that remains unmitigated by the end of the 7-year monitoring term.~~

~~• Any on- and/or off-site mitigation lands used or acquired to fulfill this establishment mitigation requirement shall include legal protections for protection in perpetuity, including restrictions on land use (if necessary) to ensure compatibility with long term goals for tree establishment (e.g., conservation easement, restrictive covenant, or other Sacramento County-approved mechanism). In addition, the project applicant shall provide funding for 1) acquisition in fee title or any legal protections of mitigation lands, 2) establishment plantings necessary to meet performance standards, 3) long-term habitat maintenance and management of mitigation lands in perpetuity, and 4) preparation of a Preserve Management Plan that describes the mitigated tree resources established on-site, responsible parties, management goals and objectives, management activities, and reporting requirements. The responsibilities for acquisition and management of the mitigation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the County. Funding for mitigation lands shall be estimated through preparation of a PAR, or PAR-Equivalent Analysis, which is an itemized cost estimate of the initial and capital period costs and annual, ongoing costs of in-perpetuity land management.~~

~~• Establishment planting representing the full mitigation requirement as identified in this above mitigation measure shall be completed within 24 months from the start of project-related tree removal activities; any extension must be approved by~~

~~Sacramento County. If establishment planting is not completed prior to the start of tree removal activities, the project applicant shall provide financial assurances to guarantee that an adequate level of funding is available to implement the acquisition, establishment plantings, and longterm maintenance and management of mitigation lands and/or to cover any additional mitigation options (e.g., contingency plantings, in lieu fees).~~

~~Financial assurance shall be provided to Sacramento County prior to the start of tree removal activities and can be provided in the form of irrevocable letter of credit, bond, a pledged savings account, or another form of security as approved by the County. The total amount of financial assurances shall be determined by an updated appraisal and PAR or PAR-Equivalent Analysis as described above.~~

RESPONSE 03-231

This suggested change to Mitigation Measure BR-2 is infeasible; therefore, the requested change has not been made. Please refer to Master Response B and correspondence received from CDFW in letter A2 that confirms survey methodologies and mitigation for botanical resources (with recommended CDFW refinements shown in Chapter 6 of this FEIR) meet CDFW standards (California Department of Fish and Wildlife 2025).

COMMENT 03-232

ATTACHMENT C. Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report – Luhdorff and Scalmanini Consulting Engineers, April 2025

RESPONSE 03-232

This is a cover sheet that encloses Attachment C to the letter. There is no comment and thus no response is required.

COMMENT 03-233

EXECUTIVE SUMMARY

The Coyote Creek Agrivoltaic Ranch Project (Project) is a proposed photovoltaic solar energy producing facility to be located on a 2,704-acre site in an unincorporated area of Sacramento County. Luhdorff and Scalmanini, Consulting Engineers (LSCE) reviewed the assessment of hydrologic conditions and potential impacts presented in the Draft Environmental Impact Report (DEIR) for the Project in conjunction with additional publicly available information on water resources in the vicinity of the Project and prepared this summary technical memorandum.

RESPONSE 03-233

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-234

Multiple natural surface watercourses and potential groundwater dependent ecosystems (GDEs) exist on or in the vicinity of the Project site and the site overlaps the South American Groundwater Subbasin (Subbasin), a high-priority subbasin regulated under the Sustainable Groundwater Management Act. Groundwater contamination plumes exist within and in the vicinity of the Project site. Several nearby wells monitored for the South American Subbasin Groundwater Sustainability Plan (GSP) exhibit declining groundwater levels and are below or only slightly above the minimum thresholds used to define sustainable conditions in the Subbasin. LSCE's review of the DEIR finds that it does not sufficiently evaluate or address a number of key potential impacts from the Project on water resources as described below.

RESPONSE 03-234

The County agrees that there are several natural surface watercourses within and in the vicinity of the project site, and that the northern portion of the project site overlies a portion of the South American Groundwater Subbasin, as shown in DEIR Plates HYD-1 and HYD-2 (Chapter 10, "Hydrology and Water Quality," pages 10-2 and 10-5), and as discussed in detail on DEIR pages 10-1, 10-6, and 10-7. However, as explained on DEIR pages 10-24 and 10-25, there are no GDEs on the project site or within 4 miles of the project site. Refer to Master Response E regarding GDEs. Refer also to detailed responses to LSCE comments 03-235 through 03-285, below.

COMMENT 03-235

The DEIR does not sufficiently characterize groundwater quality conditions within the Project site and does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to exacerbate or induce migration of groundwater contamination plumes within and in the vicinity of the Project site.

RESPONSE 03-235

LSCE states in comment 03-261 (below) that, "Potentially significant impacts relating to groundwater pumping impacts on groundwater contamination plumes within and near the Project site are acknowledged in the DEIR..." and further states in comment 03-262 (below) that, "The Water Supply Assessment completed for the Project notes the presence of groundwater contamination plumes under parts of the Project area and the potential for groundwater pumping in areas to impact the migration of these plumes..." The comment does not include specific details related to groundwater quality conditions that LSCE believes are missing, nor does the comment identify any specific perceived deficiencies in the DEIR analysis related to pumping effects on groundwater plumes. Groundwater quality is discussed in detail in DEIR Chapter 9, "Hazards and Hazardous Materials," pages 9-4 through 9-10 (Environmental Setting) and the potential for plume migration is evaluated in Impact HAZ-2 (pages 9-30 through 9-33). Refer also to Master Response E.

COMMENT 03-236

The DEIR does not sufficiently characterize surface water quality conditions and does not sufficiently evaluate potential for the Project to impact surface water quality through on-site runoff of contaminants and altering of drainage and runoff processes.

RESPONSE 03-236

Surface water quality conditions are presented on DEIR pages 10-3 and 10-4. The comment does not include specific details related to surface water quality conditions that LSCE believes are missing, nor does the comment identify any specific perceived deficiencies in the DEIR analysis from project-related surface water quality impacts related to alteration of drainages and stormwater runoff (evaluated in DEIR Impacts HYD-1, HYD-3, and HYD-4, and Mitigation Measure HYD-3 in Chapter 10, “Hydrology and Water Quality”). Refer to Master Responses G and E.

COMMENT 03-237

The DEIR does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to impact groundwater levels in the Project vicinity in relation to the sustainability of groundwater in the Subbasin, as defined in the Subbasin GSP.

RESPONSE 03-237

This analysis is contained in DEIR Impact HYD-2 and is addressed by Mitigation Measure HYD-2 (Chapter 10, “Hydrology and Water Quality”). Refer also to Master Response E.

COMMENT 03-238

The DEIR does not sufficiently characterize GDEs in the Project vicinity and does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to impact GDEs in the Project vicinity.

RESPONSE 03-238

The comment does not identify any specific perceived deficiencies in the DEIR analysis related to GDEs, which are evaluated in DEIR Impact HYD-2 (Chapter 10, “Hydrology and Water Quality”). Refer also to Master Response E.

COMMENT 03-239

The DEIR does not sufficiently characterize interconnected surface water (ISW) conditions in the Project vicinity and does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to impact ISW in the Project vicinity.

RESPONSE 03-239

The comment provides no evidence that interconnected surface waters are present at the project site, and since none are present, the County asserts there would be no impact

from project-related groundwater pumping on such waters. Refer also to Master Response E.

COMMENT O3-240

The DEIR does not sufficiently evaluate potential impacts on groundwater conditions from land grading, blasting, and excavation activities associated with the Project.

RESPONSE O3-240

The comment does not specify the types of impacts that the commenter believes could occur, and the comment provides no evidence of any kind that blasting would negatively affect groundwater conditions. Potential project impacts on groundwater from land grading and excavation are evaluated in DEIR Chapter 10, “Hydrology and Water Quality.” Refer also to response to comment O3-236 and Master Responses A and G.

COMMENT O3-241

The DEIR does not sufficiently evaluate potential impacts of increased impermeable surfaces related to photovoltaic panel surfaces proposed as part of the Project on stormwater drainage and groundwater recharge processes.

RESPONSE O3-241

As described in DEIR Chapter 2, “Project Description,” (page 2-15) the photovoltaic panels would be mounted on poles that would elevate the panels above the ground surface; therefore, the panels would not result in new impermeable surfaces and would have no impact on groundwater recharge. With respect to changes in stormwater runoff, as discussed in DEIR Impact HYD-3 (Chapter 10, “Hydrology and Water Quality”) the results of hydrologic modeling performed for the site-specific Level 3 Drainage Study confirmed that construction of the proposed solar field with proposed native surface/gravel roads and creek crossings, and the proposed substation, BESS, and maintenance yard, would not alter the existing drainage patterns. Stormwater runoff for the 100-year design storm within each subshed at the project site would be substantially the same as existing conditions; either no increase in flow rates at all, or minor increases of 1 to 4 cubic feet per second. As explained in DEIR Impact HYD-3 and the Level 3 Drainage Study (Kimley Horn 2023a), an increase in runoff of 1 to 4 cfs is very minor, and would only occur 1 percent of the time in any given year, which is inconsequential and therefore a cumulatively significant impact related to stormwater runoff would not occur. Four cubic feet per second is equivalent to only approximately 30 gallons per minute.

The proposed switchyard in the northwestern corner of the project site would create approximately 8.25 acres of new impervious surfaces (600 feet x 600 feet). A detention basin (approximately 300 feet by 100 feet) would be constructed on the southwest side of the switchyard to control the associated stormwater flows. The Drainage Study also included hydraulic modeling as required by Sacramento County for the areas where solar panels and the associated access roads would be installed. The project includes 28 proposed roadway crossings over existing creeks. However, only five of the proposed

crossings were considered substantial enough to model in the Drainage Study (shown on Plate HYD-3). Four of these crossings are within the Coyote Creek subwatershed and one is within the Carson Creek subwatershed. The remaining proposed 23 crossings all drain less than 30 acres of land. These drainages (if upstream from the modelled crossings) would still factor into the modelling for the crossings that were modelled. Essentially the small drainage size is indicative of a low volume of water/flow and thus a study is not necessary to inform the design. Hydraulic modeling was performed for the 2-, 10-, and 100-year design storm events for each of the five crossings. The proposed on-site roads would all be 20 feet wide and would include culvert crossings underneath, which would allow for proposed drainage patterns to be consistent with existing conditions.

As explained in Master Response E, since the solar panels would be pole mounted and the ground would be re-seeded with vegetation after construction, the Level 3 Drainage Study properly assumed the existing pre-project grassland land use type would be maintained during project operation. Thus, most of the operational stormwater drainage would continue to percolate into the ground for recharge and to sheet flow overland to existing watercourses similar to existing conditions. Refer also to Master Responses E and G.

COMMENT 03-242

INTRODUCTION

Luhdorff and Scalmanini Consulting Engineers (LSCE) has prepared this technical memorandum (TM) for the Defenders of Wildlife summarizing LSCE's technical review of hydrology considerations presented in the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Project) (County of Sacramento, 2025). The DEIR was released on March 5, 2025, and the public was provided an opportunity to review and provide comments on the DEIR by May 5, 2025. This technical review was conducted to assess information on water resource conditions in the vicinity of the Project, consider potential impacts from the proposed Project on water resources in the area, and review and comment on the adequacy of the DEIR in addressing hydrologic considerations. LSCE's technical review involved evaluation of existing hydrologic and geologic data presented in the DEIR in conjunction with review of supplemental data sources.

RESPONSE 03-242

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-243

PROJECT DESCRIPTION & BACKGROUND

Sacramento Valley Energy Center, LLC proposes to construct, operate, and decommission the Coyote Creek Agrivoltaic Range Project (Project), a 200-megawatt

(MW) photovoltaic solar energy generating facility on a 2,704-acre site. According to the DEIR and supporting documents, the Project also includes a 4-hour/100 MW battery energy storage system, an on-site substation, inverters, solar array, fencing, roads, supervisory control, data acquisition system, generation tie line, and switchyard.

RESPONSE 03-243

The County notes that as stated on DEIR page 2-1 (Chapter 2, “Project Description”), approximately 1,412 acres of the project site would be developed to support the proposed project, and the remaining 1,292 acres would not be developed. This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-244

The Project is located in unincorporated Sacramento County east of the City of Rancho Cordova and south of the City of Folsom, near the Prairie City State Vehicle Recreation Area (SVRA). As noted in the DEIR, the topography across most of the Project site is characterized as rolling hills. The Project site is largely characterized by grazing land (USDA, 2025) with mostly grass and pasture and some areas of shrubland (DOC, 2025).

RESPONSE 03-244

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-245

Key natural surface watercourses in the vicinity of the Project include Carson Creek, Coyote Creek, and Little Deer Creek, all of which eventually flow into Deer Creek. The Project is partly within the South American Groundwater Subbasin, which is designated as a high priority basin by the Department of Water Resources (DWR) and has an approved Groundwater Sustainability Plan (GSP) in accordance with requirements of the Sustainable Groundwater Management Act (SGMA). Groundwater at the site occurs within the South American Subbasin, which is delineated by the extent of relatively younger Cenozoic- aged geologic units present in the western and northern portions of the Project, and also outside the Subbasin in older Mesozoic bedrock. The geologic units within the South American Subbasin tend to yield groundwater more readily than the bedrock geologic units outside of the Subbasin, where groundwater occurrence and movement are more limited because of the generally lower conductivity of these more consolidated materials.

RESPONSE 03-245

This comment restates information that is presented in DEIR Chapter 10, “Hydrology and Water Quality.” This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-246

As stated in the DEIR, the Project site is in the vicinity of widespread known groundwater contamination plumes associated with operations related to Aerojet Rocketdyne Holdings Inc. (Aerojet), Mather Air Force Base, and McDonnell Douglas. Aerojet and its associated facilities were added to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) list of remediation sites in 1982 as a result of discharge, leakage, and spillage of contaminants into the soil and groundwater. The Aerojet Superfund site encompasses 5,900 acres of land, although the area of contaminated groundwater associated with the site includes at least 27 square miles, more than 17,000 acres (USEPA, 2025). Groundwater contaminants associated with these plumes include trichloroethene (TCE), tetrachloroethene (PCE), freon, chloroform, ammonium perchlorate, hydrazine and kerosene. The many groundwater contamination plumes and source areas in the Project vicinity are in various stages of remediation with numerous monitoring and extraction wells associated with the monitoring and remediation efforts related to the groundwater contamination plumes. The Project site overlaps the mapped extent of groundwater contamination plumes in the area.

RESPONSE 03-246

This comment generally restates information that is provided in DEIR Chapter 9, “Hazards and Hazardous Materials.” A small portion of the northern portion of the project site overlaps with the Aerojet contaminated groundwater plume in OU-5 and hazardous materials that are present in Area 39 as shown on DEIR Plate HAZ-2 (Chapter 9, “Hazards and Hazardous Materials,” page 9-7, as revised in Chapter 9 of this FEIR). The project site does not overlap with “other contaminated groundwater plumes in the area.” This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-247**WATER RESOURCES IN THE PROJECT VICINITY**

LSCE’s technical review included compiling and reviewing available hydraulic information for the Project vicinity to support evaluation of the completeness and accuracy of information and analyses presented in the DEIR. Data collected and evaluated for this review include but are not limited to data and information from the South American Subbasin Groundwater Sustainability Plan (GSP) and South American Subbasin GSP annual reports, DWR SGMA Data Viewer, State Water Resources Control Board (SWRCB) Groundwater Ambient Monitoring and Assessment Program (GAMA) Groundwater Information System, SWRCB GeoTracker, and DWR Water Data Library (WDL).

RESPONSE 03-247

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT O3-248***Groundwater Level Trends***

Review of publicly available groundwater level data suggest that long-term trends of declining groundwater levels exist in the area. The Project site straddles the boundary of the South American Subbasin with approximately half of the site within the Subbasin and the other half outside of the Subbasin to the east and outside of any DWR-designated groundwater basin. The extent of the South American Subbasin is defined by DWR based on surficial mapping of the presence of unconsolidated geologic materials with higher water storing and yielding characteristics; more consolidated geologic units with lower water storing and yielding characteristics occur outside of the Subbasin on the eastern side.

RESPONSE O3-248

As shown in DEIR Page HYD-1 (Chapter 10, “Hydrology and Water Quality,” page 10-2), and discussed on DEIR page 10-6, the County agrees with LSCE’s characterization that the project site is partially within, and partially outside of, the South American Groundwater Subbasin. See Master Response E and the response to comment O3-249.

COMMENT O3-249

The Groundwater Sustainability Agencies (GSAs) in the South American Subbasin developed a GSP in 2022 to guide sustainable groundwater management in the Subbasin. The Sustainability Goal for the Subbasin as stated in the GSP is “to protect and ensure the long-term viability of groundwater resources for domestic, urban, agricultural, and environmental beneficial users of groundwater.” The GSP estimates a Sustainable Yield for the Subbasin or an estimate of the amount of groundwater that can be extracted annually on average without causing significant and unreasonable impacts to beneficial users of groundwater, also referred to as Undesirable Results. The South American Subbasin includes an area of about 250,000 acres with varying hydrogeologic, water source, and land use conditions. Although the GSP includes an estimate of Sustainable Yield for the entire Subbasin, the measure of sustainability of the Subbasin is ultimately based on avoiding Undesirable Results defined in the GSP. Because of the inherent variability of characteristics across the Subbasin, the amount of groundwater that can be extracted without causing Undesirable Results is likely to vary by location within the Subbasin.

RESPONSE O3-249

The comment restates information presented in the South American Subbasin GSP, DEIR Chapter 10, “Hydrology and Water Quality,” and the Dudek Groundwater Resource Study (Dudek 2024b) related to the sustainable yield calculated for the Subbasin in the GSP. The comment asserts that although the GSP includes an estimate of sustainable yield for the entire Subbasin, the measure of sustainability of the Subbasin is ultimately based on avoiding undesirable results defined in the GSP. Sustainable yield is a mathematical calculation based on modeling. California Water Code Section 10727(a)

requires that all GSPs account for “significant and unreasonable” impacts (i.e., undesirable results) to sustainability indicators. The Sustainable Groundwater Management Act defines Sustainable Management Criteria as measurable steps towards a Sustainability Goal, which culminates in the absence of undesirable results within 20 years of GSP implementation. Sustainable Management Criteria are thus “management goalposts” that inform discrete actions to be taken over the management and implementation horizon and provide a quantitative means to evaluate progress towards the GSP’s Sustainability Goal. As explained in the GSP, the California Water Code (23 CCR Section 354.24) requires each Groundwater Sustainability Agency to establish in its GSP “a sustainability goal for the basin that culminates in the absence of undesirable results within 20 years of the applicable statutory deadline. The Plan shall include a description of the sustainability goal, including information from the basin setting used to establish the sustainability goal, a discussion of the measures that will be implemented to ensure that the basin will be operated within its sustainable yield, and an explanation of how the sustainability goal is likely to be achieved within 20 years of Plan implementation and is likely to be maintained through the planning and implementation horizon.”

The comment further provides an opinion that because of the inherent variability of characteristics across the South American Subbasin, “the amount of groundwater that can be extracted without causing Undesirable Results is likely to vary by location within the Subbasin.” See Master Response E.

COMMENT 03-250

Groundwater levels are one of the Sustainability Indicators in the GSP. The South American Subbasin GSP defines a network of Representative Monitoring Sites (RMS) for the purpose of defining sustainable groundwater management in the Subbasin. Each RMS has associated Minimum Thresholds (MTs) defined in the GSP; these MTs correspond with groundwater levels that should be maintained to avoid Undesirable Results and maintain groundwater sustainability. RMS also have Measurable Objectives (MOs) that represent the long-term target level for groundwater management. Data for the two RMS wells in the vicinity of the Project with long data records suggest long-term declines in groundwater levels have been occurring in this part of the Subbasin. **Figure 1** illustrates groundwater level trends since 1960 at two South American Subbasin RMS wells: 09N07E36F001M (RMP_41; 385923N1211621W001), located within the northwestern part of the Project site, and 08N07E02N001M (RMP_36; 385707N1211868W001), located a short distance west of the Project site.

RESPONSE 03-250

The State Department of Water Resources reviewed the South American Subbasin GSP and concluded that the GSP complies with the Sustainable Groundwater Management Act. Among other findings by DWR to support its determination, DWR found that the GSP’s projects and management actions “appear capable of preventing undesirable results and insuring that the Subbasin is managed within its sustainable yield within twenty years. (DWR South American Subbasin Statement of Findings; Finding No. 5 (July

27, 2023.) Refer to Responses to Comments O3-251, O3-252, O3-253, and O3-257, and O3-264, and Master Response E.

COMMENT O3-251

Well 09N07E36F001M located within the Project site is reported to be 285 feet deep and exhibits a substantial decline in groundwater levels since 1980. Since 1980 the groundwater levels in the well have declined by approximately 68 feet with a decline of about 44 feet since 2000. On average the rates of groundwater level decline in the well have been about 1.5 feet per year since 1980 and about 1.8 feet per year since 2000. Recent data indicate water levels are about 10 feet above the MT defined for the well, although these levels are still more than 20 feet below the target MO.

RESPONSE O3-251

Beginning in the 1950s, the northwestern portion of the project site and the adjacent property to the north and east were acquired and later used by Aerojet General Corporation and other companies to test fueled propellant rocket engines for the federal government. In the early 1970s, 435 acres were leased from Aerojet by Roy and Mary McGill, who created a motorcycle riding and competition facility called McGill's Cycle Park that was privately operated from 1972 until 1975, and then briefly operated by Sacramento County, before State Parks purchased it using OHV trust funds. As noted in the Prairie City SVRA General Plan, "Over the 24-year period from January 1990 to December 2013, Prairie City SVRA hosted an average of 107,009 recreational and special-event visitors each year. Attendance grew steadily, peaking in 2004 (to 193,330 visitors), and then declined after 2005 likely caused in part by the 2008 recession and the resulting decrease in disposable household incomes" (California State Parks 2016). Since the number of visitors at the park that are serviced by the Prairie City SVRA groundwater well has grown from a few hundred to nearly 200,000 visitors annually, naturally one would expect the groundwater levels in the park's water supply well to decline over the last 55 years. Furthermore, as described in detail in DEIR Chapter 9, "Hazards and Hazardous Materials," contaminated groundwater in the vicinity of the Prairie City SVRA well has been (since the mid-1980s) and still is being actively pumped for remediation of the Aerojet groundwater plume. These factors have nothing to do with the project's potential impacts on groundwater sustainability. As indicated in Master Response E, water for construction and de-commissioning would be obtained from off-site sources (Sacramento County Water Agency or wells at the Sloughhouse Solar Project.) The project site wells are adequate for the project's estimated operational needs (i.e., 10.5 acre feet per year over a 35-year period). The project proposes to meet the project's demands for construction and decommissioning from off-site sources – either groundwater obtained from Sloughhouse Solar Project wells or the Sacramento County Water Agency (SCWA), or a combination of the two sources (DEIR, page 2-22). Should construction water be sourced from on-site sources via new wells, it would be subject to the requirement to perform a groundwater hydrologic study contained in DEIR Mitigation Measure HYD-2 (Chapter 10, "Hydrology and Water Quality") to ensure that adverse effects to groundwater sustainability and the depth to water in other groundwater wells would not occur.

COMMENT 03-252

Well 08N07E02N001M located west of the Project site is somewhat deeper with a total well depth of 675 feet, although the well screens extend from 180 feet to 675 feet below ground surface (bgs). Groundwater level data for this well go back to 1960 and indicate a decline of about 60 feet in groundwater levels since 1960 at the site; since 2000 groundwater levels have declined approximately 34 feet. These total declines correspond with rates of groundwater level declines at the site of about 0.9 feet per year since 1960 and 1.4 feet per year since 2000. Recent water levels at the site are less than a foot (~0.25 ft) above the MT and about 7 feet below the MO.

RESPONSE 03-252

The information provided by the commenter regarding groundwater well RMP 36 is noted. As indicated in Master Response E, water for construction and de-commissioning would be obtained from off-site sources (Sacramento County Water Agency or wells at the Sloughhouse Solar Project.) The project site wells are adequate for the project's estimated operational needs (i.e., 10.5 acre feet per year over a 35-year period). The project proposes to meet the project's demands for construction and decommissioning from groundwater from Sloughhouse Solar Project wells or the Sacramento County Water Agency (SCWA), or a combination of the two sources (DEIR, page 2-22). Should construction water be sourced from on-site sources via new wells, it would be subject to the requirement to perform a groundwater hydrologic study contained in DEIR Mitigation Measure HYD-2 (Chapter 10, "Hydrology and Water Quality") to ensure that adverse effects to groundwater sustainability and the depth to water in other groundwater wells would not occur.

COMMENT 03-253

Another RMS well (RMP_39; 385889N1212051W001) located a little farther west with a shorter period of record, indicates groundwater levels have been below the MT since 2022 when the monitoring of the well started. Recent water levels measured in the well are about 9 feet below the MO. This RMS well is somewhat shallower (screened 79-102 feet bgs) than the two RMS wells located closer to the Project site.

No public data are readily available relating to long-term groundwater level trends in wells located outside the South American Subbasin in the vicinity of the Project.

RESPONSE 03-253

The information provided by the commenter regarding groundwater well RMP 39 is noted. As indicated in Master Response E, water for construction and de-commissioning would be obtained from off-site sources (Sacramento County Water Agency or wells at the Sloughhouse Solar Project). The project site wells are adequate for the project's estimated operational needs (i.e., 10.5 acre feet per year over a 35-year period). Should construction water be sourced from on-site sources via new wells, it would be subject to the requirement to perform a groundwater hydrologic study contained in DEIR Mitigation Measure HYD-2 (Chapter 10, "Hydrology and Water Quality") to ensure that adverse

effects to groundwater sustainability and the depth to water in other groundwater wells would not occur. See Master Response E.

COMMENT 03-254

Groundwater Depth

Review of groundwater level data for South American Subbasin GSP RMS wells and other wells in the vicinity of the Project site, in addition to groundwater level data presented in the DEIR, suggest substantial differences in groundwater levels exist at different depths in the vicinity of the Project. The two RMS wells (with well depths of 285 and 675 feet) reflect recent groundwater depths of around 200 feet bgs. Data presented in the DEIR for much shallower wells and boreholes within and around the Project site suggest groundwater depths of less than 40 feet, with depths to groundwater of less than 15 feet in a number of these wells and boreholes on and around the Project site. Furthermore, a spring was noted on the Project site in the DEIR suggesting the presence of very shallow groundwater conditions. **Figure 2** shows depth to groundwater information compiled for the two RMS wells in the vicinity of the Project and for various wells and other boreholes on or around the Project site as presented in the DEIR. The location of the spring on the Project site is also presented in **Figure 2**.

RESPONSE 03-254

Contrary to the statement in the comment, the information provided by the commenter does not include “other wells in the vicinity of the project site” other than the three South American Subbasin GSP representative monitoring site wells discussed above. The information provided by the comment is noted. Refer to Master Response E regarding groundwater levels and GDEs.

COMMENT 03-255

Groundwater Dependent Ecosystems

Groundwater Dependent Ecosystems (GDEs) are a beneficial user of groundwater and commonly exist in areas where groundwater is relatively shallow and less than the rooting depth of plant communities. Because of the shallow depth to groundwater noted in a variety of wells on and around the Project site, there is potential for GDEs to exist in the vicinity of the Project. As part of the development of the South American Subbasin GSP, an effort was made to map potential and likely GDEs across the entire Subbasin by evaluating the depth to groundwater in mapped areas of different ecosystem communities. In that GDE assessment it was assumed that GDEs do not exist in areas where depth to groundwater is in excess of 30 feet because this exceeds the maximum rooting depth of plant communities in the area. The GSP did not identify any potential or likely GDEs in the vicinity of the Project; however, it is likely that the groundwater level data used to evaluate the potential occurrence of GDEs in the GSP did not include information from the boreholes and variety of other shallow wells on the Project site which suggest depths to groundwater of less than 30 feet.

RESPONSE 03-255

Refer to Master Response E.

COMMENT 03-256

Figures 3 and 4 present maps of potential GDEs in the vicinity of the Project site based on data published by The Nature Conservancy (TNC). **Figure 3** shows the locations of potential GDEs from the Natural Communities Commonly Associated with Groundwater dataset (NCCAG) (TNC, 2025a) developed by TNC with the intent to be used as a starting point for the evaluation of potential GDEs in areas across the State of California. **Figure 4** presents data from the Global Groundwater Dependent Ecosystems Map developed by TNC and the Desert Research Institute (DRI)(TNC and DRI, 2024) and the results from a machine learning approach to evaluate potential GDEs based on consideration of satellite data on a variety of characteristics relevant to identification of GDEs including vegetation and water indices, temperature, climate, and topography. The machine learning approach used in developing the Global GDE Map incorporates analysis of indicators of vegetation health and stress over time to help evaluate potential access to groundwater during dry periods. Although the results from the regional analysis of GDEs conducted for the GSP did not identify potential GDEs in the vicinity of the Project, the combination of data presented in **Figures 3 and 4**, especially when considered in combination with the shallow groundwater data noted above, suggest the potential for GDEs to exist in the vicinity of the Project.

RESPONSE 03-256

Refer to Master Response E.

COMMENT 03-257***Interconnected Surface Water***

Interconnected surface water (ISW) is surface water that is directly hydraulically connected to groundwater. Interconnected surface water conditions can occur where groundwater is shallow and in direct hydraulic communication with a surface water body. Depletion of interconnected surface water by groundwater pumping is a key Sustainability Indicator included in the South American Subbasin GSP. Depletion of interconnected surface water by groundwater pumping can occur when the lowering of groundwater levels from pumping causes a reduction in surface water flow, either by causing increased surface water seepage into the ground or by causing decreased groundwater discharge to surface water. Although the GSP did not identify interconnected surface water in the vicinity of the Project site, as noted in the sections above on depth to water and GDE conditions, the analysis of interconnected surface water in the GSP was likely limited by the lack of publicly available data on groundwater level conditions in this part of the Subbasin. The presence of several surface watercourses near and within the Project site in conjunction with the shallow groundwater conditions noted in some wells and boreholes at and around the Project site suggest some potential for the occurrence of interconnected surface water in the vicinity.

RESPONSE 03-257

See Master Response E. The groundwater investigation completed by Dudek (2024b) to support the DEIR considered the possible reduction of interconnected surface water and indicated that there is insufficient data and information with which to evaluate the feasibility of obtaining all project water from on- or near-site groundwater sources. DEIR Impact HYD-2 (Chapter 10, “Hydrology and Water Quality”) indicates that the Dudek groundwater investigation (Dudek 2024b) assumed that water to meet the project’s demands for construction and decommissioning (253 AF each) would be from groundwater obtained from Sloughhouse Solar Project wells or the Sacramento County Water Agency, or a combination of the two sources.

On-site groundwater in older Mesozoic bedrock that could be used to supply the project’s 10.5 AFY operational water demand would not result in land subsidence, would not result in adverse effects on groundwater dependent ecosystems, and would not result in substantial depletion of groundwater storage or groundwater level drawdown at nearby wells. Therefore, the project’s operational groundwater needs (10.5 AFY over a 35-year period) can be met by on-site groundwater without adverse effects to the sustainable yield of the South American Subbasin or neighboring wells in the Mesozoic bedrock units (DEIR, pages 10-25 and 10-26). The project proposes to meet the project’s demands for construction and decommissioning from off-site sources – either groundwater obtained from Sloughhouse Solar Project wells or the Sacramento County Water Agency (SCWA), or a combination of the two sources (DEIR, page 2-22). Alternatively, should construction water be sourced from on-site sources via new wells, the project applicant will be required to implement Mitigation Measure HYD-2 to ensure adequate groundwater resources and no impact to existing wells. The completed groundwater hydrologic study must be submitted to the Sacramento County Department of Water Resources for review.

The project does not propose to obtain water from surface water sources.

COMMENT 03-258

Groundwater Quality

Extensive groundwater contamination is known to exist in the vicinity of the Project site, including widespread known groundwater contamination plumes associated with operations related to Aerojet, Mather Air Force Base, and McDonnell Douglas. The extent of groundwater contamination related to the Aerojet Superfund site includes at least 27 square miles, more than 17,000 acres (USEPA, 2025) and historical monitoring of this contamination has shown it to extend within areas of the Project site. Many groundwater contaminants are associated with these plumes, including trichloroethene (TCE), tetrachloroethene (PCE), freon, chloroform, ammonium perchlorate, hydrazine and kerosene. The many groundwater contamination plumes and source areas in the Project vicinity are in various stages of remediation with numerous monitoring and extraction wells associated with the monitoring and remediation efforts related to the groundwater contamination plumes. Groundwater contamination monitoring wells and remediation extraction wells exist on and near the Project site and one spring on the Project site has

reportedly been equipped to treat groundwater as part of the ongoing groundwater contamination remediation efforts.

RESPONSE 03-258

The comment restates information presented in DEIR Chapter 9, “Hazards and Hazardous Materials.” This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 03-259

Figure 5 presents the mapped extent of various groundwater contamination plumes in the vicinity of the Project based on publicly available data related to the ongoing contamination monitoring and remediation efforts. No additional water quality sampling data for wells on the Project site were included in the DEIR; however, the numerous wells and boreholes (and one spring) on and around the Project site are in close proximity to the mapped extent of groundwater contamination. Recent and historical information on groundwater quality observed in these additional wells and boreholes on the Project site would be helpful in confirming that the full extent of groundwater contamination (including at various depths) is captured in the publicly available mapping data. Although the prevailing direction of groundwater flow in the general area appears to be from northeast to southwest, which would likely mean the primary direction of movement of contaminated groundwater would not be towards the main area of the Project site, groundwater flow gradients can vary at different depths and can also be influenced by local and regional groundwater pumping activities. As a result, there is potential for further migration of groundwater contamination plumes onto or towards the Project site and this potential would be increased by any groundwater pumping activities occurring on the Project site or in other locations that would induce migration of groundwater contamination towards or onto the Project site.

RESPONSE 03-259

The comment attaches Figure 5, which has been modified and adapted from Figure 5 presented in the Dudek (2024a) Water Supply Assessment (attached to the DEIR as Appendix HY-1). The commenter’s modified version of Figure 5 purportedly presents the mapped extent of various groundwater contamination plumes in the vicinity of the project site based on publicly available data related to ongoing contamination monitoring and remediation efforts. Figure 5 presented by the commenter incorrectly shows a 2,000-foot buffer zone around a group of test boreholes on the project site. There is no buffer zone around these boreholes. There is a 2,000-foot buffer zone adjacent to the boundaries of the Aerojet contaminated groundwater plume, which overlaps with the northern portion of the project site as correctly shown on Figure 5 in Dudek’s Water Supply Assessment (Dudek 2024a). Contaminants associated with the Aerojet groundwater plume, its proximity to the project site, and the 2,000-foot buffer zone are discussed and shown on DEIR pages 9-4 through 9-10 (Chapter 9, “Hazards and Hazardous Materials”).

The comment asserts that no additional water quality sampling data for wells on the project site were included in the DEIR, and that numerous wells and boreholes (and one

spring) on and around the project site are in close proximity to the mapped extent of groundwater contamination. The comment states that recent and historical information on groundwater quality observed in these additional wells and boreholes on the project site would be helpful in confirming that the full extent of groundwater contamination (including at various depths) is captured in the publicly available mapping data. The comment states that although the prevailing direction of groundwater flow in the general area appears to be from northeast to southwest, which would likely mean the primary direction of movement of contaminated groundwater would not be towards the main area of the project site, groundwater flow gradients can vary at different depths and can also be influenced by local and regional groundwater pumping activities. As a result, the comment asserts that there is potential for further migration of groundwater contamination plumes onto or towards the project site and this potential would be increased by any groundwater pumping activities occurring on the project site or in other locations that would induce migration of groundwater contamination towards or onto the project site. The potential for groundwater plume migration is evaluated in DEIR Impact HAZ-3 (Chapter 9, “Hazards and Hazardous Materials”). Refer to Master Response E.

COMMENT O3-260

REVIEW OF HYDROLOGIC ASPECTS OF THE DEIR

Based on LSCE’s review of the hydrologic aspects of the DEIR and considering available data on water resources in the vicinity of the Project site and hydrologic analyses presented in the DEIR, LSCE notes deficiencies in the DEIR described below.

RESPONSE O3-260

The DEIR meets the requirements of the CEQA statutes and guidelines. Refer to responses to comments O3-261 through O3-285.

COMMENT O3-261

Chapter 9: Hazards and Hazardous Materials

Impact HAZ-2: Hazards from Development on a Site Listed in California Government Code Section 65962.5 (Cortese List)

Comment:

- Potentially significant impacts relating to groundwater pumping impacts on groundwater contamination plumes within and near the Project site are acknowledged in the DEIR; however, the likely effectiveness of Mitigation Measure HAZ-2a to mitigate exacerbating or inducing migration of contamination plumes is not evaluated. No supplemental groundwater quality monitoring or plan for monitoring of groundwater quality in wells, boreholes, or springs on the Project site is included to evaluate groundwater quality conditions across the site and to ensure the effectiveness of Mitigation Measure HAZ-2a in avoiding alteration or exacerbation of migration of contamination plumes. No analysis is presented in the DEIR evaluating the potential for groundwater extraction proposed for the Project

to alter or exacerbate the extent or rate of migration of groundwater contamination plumes in the vicinity of the Project site.

RESPONSE 03-261

Refer to Master Response E.

COMMENT 03-262

Discussion:

The Water Supply Assessment completed for the Project notes the presence of groundwater contamination plumes under parts of the Project area and the potential for groundwater pumping in areas to impact the migration of these plumes: “Raw water pumped from this location is likely to require expensive treatment and could result in migration of pre-existing contaminant plumes, and thus is not considered as a source of groundwater...” (Appendix HY-1; Dudek, 2024a, Page 18). The DEIR includes Mitigation Measure HAZ-2a involving limiting Project groundwater pumping to locations greater than 2,000 feet from the known extents of contamination plumes. Site-specific consideration of the sufficiency of a setback of 2,000 feet from the known extents of contamination plumes (based only on required Consultation Zone for well permitting as defined in County Code Section 6.28 G) is not sufficiently evaluated. The DEIR presents rationale for why the existing contamination plumes are unlikely to impact the quality of groundwater produced by the Project, but the DEIR does not provide supporting rationale related to how or if groundwater pumping for the Project might impact the rate and direction of migration of contamination plumes. No information on recent results from groundwater quality analysis of existing wells or boreholes on the property was presented to ensure the boundaries of the groundwater contamination plumes defined by others is accurate (see **Figure 5**).

RESPONSE 03-262

As discussed in detail in the DEIR and in Master Response E, the purpose of the 2,000-foot buffer zone, which was established by the USEPA and adopted as part of the County Municipal Code, is to provide a remedy that would protect human health and the environment. The commenter’s disagreement with the 2,000-foot buffer zone distance established by the USEPA and adopted by Sacramento County is noted. Refer to Master Response E.

COMMENT 03-263

Chapter 10: Hydrology and Water Quality

Impact HYD-1: Violate Water Quality Standards or Substantially Degrade Surface Water or Groundwater Quality

Comment:

- The DEIR does not include sufficient characterization and analysis of groundwater quality on the Project site and evaluation of potential impacts of groundwater extractions for long-term Project operation on groundwater contamination plumes existing beneath and adjacent to the Project site. This comment also relates to Impact HAZ-2 discussed above.
- The DEIR does not include sufficient characterization of surface water quality and potential for contaminants to discharge to on-site watercourses. The DEIR claims site design as a mitigation measure, as well as a Level 4 Drainage Study to be prepared, but the DEIR fails to provide metrics for assessing the adequacy of this study and site design. No expected timing for completion of this study, nor the process for ensuring the adequacy of the study and any associated modifications to the Project design to sufficiently mitigate water quality impacts from the Project, are provided.

Discussion:

Site-specific consideration of appropriateness of 2,000 feet setback from known extents of contamination plumes (based only on required Consultation Zone for well permitting as defined in County Code Section 6.28 G) is not sufficiently analyzed and evaluated. No information on recent groundwater quality analysis of existing wells/boreholes on the property was presented to ensure the boundaries of the groundwater contamination plumes defined by others are accurate.

RESPONSE O3-263

DEIR Impact HYD-1 (Chapter 10, “Hydrology and Water Quality”) evaluates the potential for the project to violate water quality standards or substantially degrade surface or groundwater quality as a result of stormwater pollutants from construction and operation. The analysis of potential project impacts from groundwater pumping on contamination plumes, as already previously noted and discussed by the commenter, is contained in Impact HYD-2, and in DEIR Impact HAZ-2 (Chapter 9, “Hazards and Hazardous Materials”). Groundwater quality information is discussed in Chapter 9, “Hazards and Hazardous Materials,” on pages 9-4 through 9-10, as also previously noted by the commenter.

The comment also asserts the DEIR does not include sufficient characterization of surface water quality and the potential for contaminants to discharge to on-site watercourses. The comment also states that the DEIR claims that site design is a mitigation measure. The comment further states that although a Level 4 Drainage Study would be prepared, the DEIR fails to provide metrics for assessing the adequacy of this study and site design because there is no expected timing for completion of this study, nor the process for ensuring the adequacy of the study and any associated modifications to the project design to sufficiently mitigate water quality impacts from the project. Surface water quality for streams in the project area, including the receiving waterbodies, is presented on DEIR pages 10-3 and 10-4. The potential for contaminants to discharge to on-site watercourses is thoroughly evaluated in DEIR Impact HYD-1 (Chapter 10, “Hydrology and Water Quality,” pages 10-20 through 10-22). The DEIR does not state

that the design of the proposed project is a mitigation measure. The DEIR notes that as shown in the project's grading plan (Kimley Horn 2023b) project-related grading (particularly for the pole-mounted photovoltaic panels) has been designed to generally follow the hilly contours of the land, which would substantially reduce the amount of grading and associated water quality impacts as compared to grading the entire project site to a flat topography. The DEIR also states that as shown in the project's grading plan (Kimley Horn 2023b), the project has been designed to avoid work in and modification to the land within and immediately adjacent to the streams that cross the project site (which would again reduce the potential for water quality impacts). The grading plan was incorporated as part of the project description in DEIR Chapter 2 and is also discussed in Impact HYD-1. The project's impacts related to stormwater and alteration of drainages are not deferred to future preparation of a Level 4 Drainage Study. Instead, DEIR Impact HYD-3 relied on the completed Level 3 Drainage Study, which is standard practice for projects not just in Sacramento County, but throughout California. As discussed in DEIR Impact HYD-3, the Level 3 Drainage Study (Kimley Horn 2023a) provided detailed, site-specific modeling of potential project impacts related to hydrology and hydraulics as required by the standards contained in Volume 2 of the Sacramento City/County Drainage Manual (Sacramento County Department of Water Resources 1996, as updated in 2023). Results of the site-specific modeling in the drainage study, as disclosed in DEIR Impact HYD-3, clearly demonstrated that the project as proposed would not have an adverse impact on alteration of drainage patterns or result in the addition of impervious surfaces that would result in increased erosion, exceed storm drainage systems, substantially degrade water quality, result in increased flooding, or impede or redirect flood flows. In order to be conservative, Mitigation Measure HYD-3 was included in the DEIR, which requires preparation of a Level 4 Drainage Study, which is standard procedure and is a requirement of the County for all discretionary projects prior to issuance of project permits. Contrary to the commenter's assertion, Mitigation Measure HYD-3 includes the timing for the Level 4 Drainage Study (i.e., prior to issuance of construction permits), and also provides the process for ensuring the adequacy of the Level 4 Drainage Study (i.e., the study must be provided to the Sacramento County Department of Water Resources for review and approval, with County oversight to ensure that all measures are incorporated into project design and construction plans).

Finally, the comment asserts that site-specific consideration of the appropriateness of the 2,000-foot setback from known extents of contamination plumes ("based only on required Consultation Zone for well permitting as defined in County Code Section 6.28 G") is not sufficiently analyzed and evaluated, and no information on recent groundwater quality analysis of existing wells/boreholes on the property was presented to ensure the boundaries of the groundwater contamination plumes defined by others are accurate. As discussed in detail in Master Response E, the purpose of the 2,000-foot buffer zone, which was established by the USEPA, is to provide a remedy that is protective of human health and the environment. The commenter's disagreement with the 2,000-foot buffer zone distance established by the USEPA and adopted by Sacramento County in its municipal code is noted. Refer also to Master Response E.

COMMENT O3-264***Impact HYD-2: Impede Sustainable Groundwater Management of the Basin by Substantially Decreasing Groundwater Supplies or Interfering with Groundwater Recharge***

Comment:

- The DEIR references an inappropriate interpretation and application of the South American Subbasin-wide (regional) sustainable yield estimate as rationale for the volume of groundwater that can be extracted locally without causing impacts. Minimal analysis of potential local impacts from groundwater extraction for the Project is provided. No analysis is provided on potential long-term impacts from groundwater extraction for the Project, including how potential impacts relate to the Sustainable Management Criteria defined in the South American Subbasin GSP.

RESPONSE O3-264

Refer to Master Response E and the response to comment O3-257. Impact HYD-2 in DEIR Chapter 10, “Hydrology and Water Quality,” analyzes both construction and operational water needs and their impacts to the South American Subbasin for the life of the project, based on the project’s Water Supply Analysis (Dudek 2024a) and the project’s Groundwater Resources Study (Dudek 2024b).

COMMENT O3-265

- The DEIR does not sufficiently characterize Groundwater Dependent Ecosystems (GDEs) in the Project area, including thorough documentation of the limitations of analyses used to identify potential GDEs in the South American Subbasin GSP, which is the only referenced source of GDE information used in the DEIR; data reviewed by LSCE suggest GDEs may exist in the area that were not acknowledged in the DEIR. Analysis of GDEs for the GSP were conducted at a regional scale with more limited groundwater level data and likely do not accurately reflect site-specific conditions at or near the Project.

RESPONSE O3-265

Refer to Master Response E and the response to comment O3-257. Impact HYD-2 in DEIR Chapter 10, “Hydrology and Water Quality,” analyzes both construction and operational water needs and their impacts to the South American Subbasin for the life of the project, based on the project’s Water Supply Analysis (Dudek 2024a) and the project’s Groundwater Resources Study (Dudek 2024b).

COMMENT O3-266

- The DEIR notes the potential for significant impacts from extraction of groundwater for the Project and notes that a groundwater study should be performed to further evaluate impacts; however, the study is described as only meant to address potential

impacts to nearby wells and only if groundwater is planned to be used for meeting water demands during construction and decommissioning. No robust evaluation of potential impacts related to groundwater extraction needed to meet the ongoing Project operations was included in the DEIR. Further, the analysis of potential impacts from groundwater use for the Project (for construction, decommissioning, and ongoing operation) must evaluate potential impacts on GDEs, nearby contamination plumes, and groundwater sustainability. The metrics that will be used to evaluate the results from the groundwater study are not described.

RESPONSE O3-266

As explained in DEIR Impact HYD-2 (Chapter 10, “Hydrology and Water Quality,” pages 10-25 and 10-26), the project’s Water Supply Analysis (Dudek 2024a) and the project’s Groundwater Resources Study (2024b) (both of which are attached to the DEIR as Appendix HY-1) contained a thorough and detailed analysis of the project’s operational water demand and concluded the project’s operational groundwater needs (10.5 AFY over a 35-year period) can be met by on-site groundwater without adverse effects to the sustainable yield of the South American Subbasin or neighboring wells in the Mesozoic bedrock units. Therefore, this impact (from operational water use) was determined to be less than significant. DEIR Impact HYD-2 also thoroughly analyzed the project’s potential impacts throughout the life of the project (construction, operation, and decommissioning) related to GDEs, contamination plumes, and groundwater sustainability, based on data from the South American Subbasin GSP, the project’s Water Supply Assessment, and the project’s Groundwater Resources Study; therefore, no further analyses are required. Contrary to the commenter’s assertion, DEIR Mitigation Measure HYD-2 includes the metrics for the groundwater hydrologic study, with specific requirements for the timing, type of modeling to be performed, and review procedures (see DEIR pages 10-26 and 10-27). Refer to O3-250.

COMMENT O3-267

- The potential for land grading and excavation activities to affect shallow groundwater or springs at the Project site are not discussed or evaluated in the DEIR. Information presented in the DEIR indicate the presence of at least one spring and very shallow groundwater conditions (<15 feet below ground surface) in parts of the Project site. The DEIR does not discuss whether land grading, blasting, and excavation activities have the potential to intersect shallow groundwater and cause the discharge of groundwater at the land surface, an occurrence that could have potential impacts on springs, groundwater levels, and/or depletion of groundwater resources. Potential impacts from the Project on groundwater recharge are not sufficiently characterized or evaluated in the DEIR. This includes assessment and quantification of anticipated cumulative impacts (including for typical storms and wet seasons) on groundwater recharge from the Project resulting from alterations to stormwater runoff processes. Although the Project may include more limited construction of impermeable surfaces on the ground, these impermeable surfaces in conjunction with the construction of solar panels over the ground and land surface grading are likely to concentrate precipitation at panel driplines and otherwise result in increased stormwater runoff or

erosion, thereby reducing water infiltration and groundwater recharge occurring on the site, impacts that should be sufficiently mitigated. The Level 3 Drainage Study completed for the Project estimates anticipated increases in stormwater runoff of 1 to 4 cubic feet per second for different subareas of the Project site during a 100-year storm event.

RESPONSE 03-267

Refer to Master Responses A and E.

COMMENT 03-268

- Insufficient evaluation or discussion of potential effects from land grading on the flow regime in Carson Creek is provided in the DEIR. Minimal discussion of potential adverse impacts on streamflows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading (blasting and excavations) is presented in the DEIR, especially cutting to depths that intersect the groundwater table resulting in groundwater discharge at the surface and potential depletion of streamflow.

RESPONSE 03-268

Refer to Master Responses A, G, and E. As illustrated on the grading plan (Kimley Horn 2023b) referenced in DEIR Impact HYD-1 (Chapter 10, “Hydrology and Water Quality”), no grading would occur in proximity to Carson and Coyote Creek, and therefore no impacts would occur with respect to stream flow.

COMMENT 03-269

- The locations and potential impacts of proposed blasting operations in relation to existing nearby wells are not well described in the DEIR. Blasting in close proximity to existing wells could affect well integrity and function and appropriate mitigation measures should be included (if necessary) to ensure existing off-site production wells and on- and off-site extraction and monitoring wells being used to mitigate and monitor groundwater contamination at and near the Project site are not adversely impacted by blasting operations.

RESPONSE 03-269

Blasting would not occur in the vicinity of any on-site or off-site operational groundwater wells, and thus there would be no impact. Refer to Master Response A.

COMMENT 03-270

Discussion:

The DEIR references the sustainable yield of the South American Subbasin and an equal apportioning of the sustainable yield estimated in the Groundwater Sustainability Plan (GSP) for the Subbasin across the entire Subbasin (approximately 250,000 acres) as

indicating the amount of planned groundwater pumping for the Project is sustainable. Sustainable yield estimates in the GSP are only for the entire Subbasin and should not be interpreted as representing local conditions at all areas across the Subbasin. Existing Representative Monitoring Sites (RMS) for the South American Subbasin GSP indicate chronically declining groundwater levels in the general vicinity of the Project over the period of data record, with greater rates of decline over the last 20 years (see **Figure 1**), suggesting that current groundwater extraction volumes occurring in the vicinity of the Project are already greater than what is being replenished. Furthermore, groundwater levels in three nearby RMS are very near to or below the Minimum Threshold used to define sustainability in the South American Subbasin GSP.

RESPONSE O3-270

As indicated in Master Response E, water for construction and de-commissioning would be obtained from off-site sources (Sacramento County Water Agency or wells at the Sloughhouse Solar Project.) The project site wells are adequate for the project's estimated operational needs (i.e., 10.5 acre feet per year over a 35-year period). Should construction water be sourced from on-site sources via new wells, it would be subject to the requirement to perform a groundwater hydrologic study contained in DEIR Mitigation Measure HYD-2 (Chapter 10, "Hydrology and Water Quality") to ensure that adverse effects to groundwater sustainability and the depth to water in other groundwater wells would not occur. Refer to the response to comment O3-250.

COMMENT O3-271

The Project site is at the edge of the Subbasin where productive aquifer materials are very limited in lateral and vertical extent. The Water Supply Assessment completed for the Project acknowledges insufficient data to evaluate groundwater availability on the Project site: "There is insufficient data and information with which to evaluate the feasibility of obtaining all project water from on site or near-site groundwater sources. Additional testing and evaluation would be necessary to determine the feasibility of obtaining all water from on-site groundwater resources." (Appendix HY-1; Dudek, 2024a, Page 17).

RESPONSE O3-271

The comment quotes from the project's Water Supply Assessment (Dudek 2024a, page 17, attached to the DEIR as Appendix HY-1) which states, "There is insufficient data and information with which to evaluate the feasibility of obtaining all project water from on site or near-site groundwater sources. Additional testing and evaluation would be necessary to determine the feasibility of obtaining all water from on-site groundwater resources." Refer to Response O3-270 and Master Response E.

COMMENT O3-272

Information presented in the Groundwater Resources Impact Analysis presented in the DEIR (Appendix HY-1, Dudek, 2024b) describes the presence of a spring on the Project site and groundwater level data from a variety of wells and boreholes indicating the

presence of very shallow groundwater levels (<15 feet below ground surface) in areas within and around the Project site (see **Figure 2**), which may support GDEs. Other data sources reviewed by LSCE suggest the potential presence of GDEs at or near to the Project site (see **Figures 3 and 4**). The potential presence of GDEs in the vicinity of the Project site were not sufficiently evaluated or acknowledged in the DEIR, nor were potential for impacts to GDEs from groundwater extraction evaluated in the DEIR.

RESPONSE O3-272

Refer to Master Response E.

COMMENT O3-273

Although the current Project description suggests Project water demands during construction and decommissioning are currently planned to be met by off-site water sources, short-term impacts of higher rates of pumping that would need to occur if those demands were to be met by on-site groundwater could substantially lower groundwater levels during the construction and decommissioning phases of the Project and have significant and longer-lasting impacts (e.g., mortality) on GDEs.

RESPONSE O3-273

Refer to Response O3-270 and Master Response E.

COMMENT O3-274

Water level data in a variety of wells/boreholes on the Project site in addition to one known spring indicate the presence of shallow groundwater conditions in areas of the Project site (see **Figure 2**). The depths to groundwater across many other parts of the site are not well characterized. The depth of excavations in relation to the depth to groundwater and the locations of any springs should be considered. If excavations were to intersect the shallow groundwater table, this could result in groundwater discharging to the land surface in these cut areas and depletion of the groundwater system. A Level 3 Drainage Study was conducted for the Project (but is currently not available for review with the DEIR) and notes some predicted increases in stormwater runoff (1 to 4 cubic feet per second [cfs] per subarea modeled for a 100-year storm). The cumulative impact (combined for all subareas of the Project site and total storm event or wet season period - details are not provided in DEIR) on stormwater runoff from the Project is not described or presented. It is notable that 1 to 4 cfs is equal to 2 to 8 acre-feet per day so cumulative increased volume of runoff could be substantial. If this additional stormwater runoff would have infiltrated and recharged groundwater under existing conditions, the Project could substantially reduce the volume of groundwater recharge occurring at the site.

RESPONSE O3-274

Refer to Master Response E.

The comment also states that a Level 3 Drainage Study was conducted for the project but states that the study was not available for review with the DEIR. The comment notes some predicted increases in stormwater runoff (1 to 4 cubic feet per second [cfs] per subarea modeled for a 100-year storm) as discussed in DEIR Impact HYD-3 (Chapter 10, “Hydrology and Water Quality”). The comment further states that 1 to 4 cfs is equal to 2 to 8 acre-feet per day and therefore claims that cumulative increased volume of runoff could be substantial. Finally, the comment states that if this additional stormwater runoff would have infiltrated and recharged groundwater as under existing conditions, the project could substantially reduce the volume of groundwater recharge occurring at the site. A copy of the project’s Level 3 Drainage Study (cited as a reference in DEIR Chapter 10, “Hydrology and Water Quality”), was available for public review at the time the DEIR was published as part of the project’s Administrative Record, which was available upon request to the County. As explained in DEIR Impact HYD-3 and the Level 3 Drainage Study (Kimley Horn 2023a), an increase in runoff of 1 to 4 cfs is very minor, and would only occur 1 percent of the time in any given year, which is inconsequential and therefore a cumulatively significant impact related to stormwater runoff would not occur. Four cubic feet per second is equivalent to only approximately 30 gallons per minute. When considering the substantial size of these drainages, this is a very small increase in flow. As explained in Master Response E, since the solar panels would be pole mounted and the ground would be re-seeded with vegetation after construction, the Level 3 Drainage Study properly assumed the existing pre-project grassland land use type would be maintained during project operation. Thus, most of the operational stormwater drainage would continue to percolate into the ground for recharge and to sheet flow overland to existing watercourses similar to existing conditions. Refer to Master Response E.

COMMENT 03-275

The Water Supply Assessment (Dudek, 2024) completed for the Project states that Carson Creek is a seasonal creek that is confined to steep hills and some exposed bedrock and can have water year-round. Evaluation and discussion of potential effects from land grading on the flow regime in Carson Creek is not provided in the DEIR. No discussion of potential adverse impacts on flows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading (excavations), especially cutting to depths that intersect the groundwater table and may cause groundwater discharge at the surface, is presented in the DEIR.

RESPONSE 03-275

Refer to Master Responses E and G.

COMMENT 03-276

While it may be unlikely that any blasting for the Project would result in any substantial changes to groundwater conditions or flow in the vicinity of the Project, blasting in close proximity to existing groundwater wells could cause damage to well structures or result in some changes in the productivity of wells. The locations of any blasting in relation to nearby wells, especially existing monitoring or extraction wells related to the monitoring and mitigation of the groundwater contamination plumes on and adjacent to the Project

site, should be considered. The DEIR notes that steps would be taken to coordinate with Aerojet to ensure wells used for the monitoring and mitigation of existing Aerojet contamination plumes are not damaged, however, specifics of how this would occur and any Project design modifications that may be made to ensure this are not described.

RESPONSE O3-276

Contrary to the commenter's assertion, DEIR Mitigation Measure HAZ-3c (Chapter 9, "Hazards and Hazardous Materials," pages 9-32 and 9-33) contains specific details related to consultation with Aerojet with oversight by Sacramento County to ensure that project-related facilities are placed far enough away from existing remediation and monitoring wells to avoid damage or destruction, and to ensure that Aerojet retains appropriate access to the wells. The commenter implies that project design modifications would be made to avoid wells, which are not accounted for in the DEIR. However, Mitigation Measure HAZ-3c does not require project design modifications; it requires the location of Aerojet wells to be clearly marked on the construction drawings so that contractors can avoid damage, and if wells cannot be avoided by the project design, the applicant would coordinate with Aerojet for the wells to be closed and relocated. Therefore, no further details for Mitigation Measure HAZ-3c are required. Refer also to Master Response A regarding blasting.

COMMENT O3-277

Impact HYD-3: Substantially Alter Drainage Patterns or Add Impervious Surfaces That Would Result in Increased Erosion, Exceed Storm Drainage Systems, Substantially Degrade Water Quality, Result in Increased Flooding, or Impede or Redirect Flood Flows

Comment:

- As noted in the comments on Impact HYD-2, the DEIR does not sufficiently evaluate potential impacts related to stormwater runoff, including cumulative increases to stormwater runoff and associated effects on groundwater recharge. Mitigation measures, including but not limited to the Level 4 Drainage Study, must address and include specific site design measures to mitigate cumulative effects on stormwater runoff resulting from the Project and associated effects on groundwater recharge.

RESPONSE O3-277

Groundwater recharge impacts are discussed in DEIR Impact HYD-2. Potential impacts related to stormwater runoff were thoroughly analyzed in DEIR Impact HYD-3 and in the cumulative analysis contained in DEIR Chapter 17, "Summary of Impacts and Their Disposition." No additional analysis or mitigation measures are required. Refer to Response O3-274 and Master Response E.

COMMENT 03-278

- The DEIR does not sufficiently evaluate how increased runoff resulting from the Project could lead to channel degradation (e.g., bank erosion, incision) in nearby watercourses, including impacts to sediment transport and channel erosional processes and related effects on GDEs. Protective measures for GDEs are of special concern and should be described, including explicit measures that would occur to control disturbed sediment and otherwise mitigate potential effects on GDEs such as those located in or along Carson Creek and other watercourses within and near the Project site.

RESPONSE 03-278

This comment restates the concerns previously raised by the commenter in several earlier comments. Refer to Master Responses E and G.

COMMENT 03-279

Discussion:

The DEIR notes that the results of a Level 3 Drainage Study suggest that stormwater runoff conditions would increase by as much as 1 to 4 cubic feet per second during a 100-year storm for some areas of the Project site. The Level 3 Drainage Study did not include assessment of the impacts from the switchyard, which includes 8.25 acres of additional impermeable surface. Furthermore, the Level 3 Drainage Study was not included with the DEIR and the potential cumulative increase in stormwater runoff resulting from the Project is not described. The DEIR acknowledges the limitations of the Level 3 Drainage Study completed for the DEIR: "As discussed in impact HYD-3, a project-specific Level 3 Drainage Study was performed, but did not include the switchyard. Construction impacts to the alteration of drainage patterns or the addition of impervious surfaces that would result in increased erosion, exceed storm drainage systems, substantially degrade water quality, result in increased flooding, or impede or redirect flood flows for all project components would need to be included in a Level 4 Drainage Study. The study would be required to incorporate all project components, including the switchyard. Therefore, this impact would be potentially significant. Implementation of Mitigation Measure HYD-3 (Prepare a Project-specific Level 4 Drainage Study) would ensure the Level 4 study be prepared and approved prior to obtaining a construction permit. With this, the impact would be reduced to less than significant." (DEIR, page 17). The Level 4 Drainage Study should be provided for public review prior to issuance of the construction permit and must address and include site design mitigation measures to mitigate cumulative impacts on stormwater runoff and associated potential impacts on groundwater recharge as also noted for Impact HYD-2.

RESPONSE 03-279

Although the Level 3 Drainage Study did not include the switchyard, the proposed project includes a detention basin at the switchyard to appropriately detain stormwater flows as required by the County (DEIR Chapter 2, "Project Description," page 2-19, with the

subsequent typographical error referencing “water storage ponds” on page 2-27 corrected to “detention basin” in Chapter 2 of this FEIR). The Level 3 Drainage Study was available upon request to the County, during the DEIR review period, along with all other references cited in the DEIR as part of the project’s Administrative Record. Potential cumulative impacts from project implementation, including stormwater runoff from all project facilities, were evaluated in DEIR Chapter 17, “Summary of Impacts and Their Disposition,” on pages 17-55 through 17-57.

The comment also states “the DEIR acknowledges the limitations of the Level 3 Drainage Study” and provides text purportedly quoted from “DEIR page 17” regarding the need for a Level 4 Drainage Study, and asserts the Level 4 Drainage Study should be provided for public review prior to issuance of the construction permit and must address and include site design mitigation measures to mitigate cumulative impacts on stormwater runoff and associated potential impacts on groundwater recharge as also noted for Impact HYD-2. There is no “page 17” in the DEIR, and the purportedly quoted text provided by the commenter regarding the need for a Level 4 Drainage Study does not exist in any chapter of the DEIR. As previously noted above, project-related impacts related to potential increased stormwater runoff, flooding, and alteration of drainages are addressed in DEIR Impact HYD-3 (not Impact HYD-2, which relates to groundwater). Refer to Master Response E.

COMMENT 03-280

The Water Supply Assessment (Dudek, 2024) completed for the Project notes evidence of channel degradation (downcutting and bank erosion) in the Coyote Creek watershed. The potential effects of increased stormwater runoff resulting from the Project to exacerbate channel degradation in nearby watercourses are not evaluated and discussed in the DEIR.

RESPONSE 03-280

This comment restates the same concerns previously raised by LSCE in other comments. Refer to Responses 03-274 through 03-279 and Master Responses E and G.

COMMENT 03-281

Impact HYD-4: Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan

Comment:

- As noted in the comments on Impacts HYD-2 and HYD-3, the DEIR does not sufficiently evaluate potential impacts related to stormwater runoff, including cumulative increases to stormwater runoff and potential associated effects on reducing groundwater recharge which could impact the sustainability of the South American Subbasin as described in the GSP.

RESPONSE O3-281

This comment restates the same concerns previously raised by LSCE in other comments. Refer to Responses O3-274 through O3-279 and Master Responses E and G.

COMMENT O3-282

- As noted in comments on Impact HAZ-2, the DEIR does not include sufficient characterization and analysis of groundwater quality on the Project site and evaluation of potential impacts of groundwater extractions for long-term Project operation on groundwater contamination plumes existing beneath and adjacent to the Project site. Potential impacts on the extents and locations of groundwater contamination plumes could affect implementation of the South American Subbasin GSP.

RESPONSE O3-282

This comment restates the same concerns previously raised by LSCE in other comments. Refer to Master Response E.

COMMENT O3-283

- As noted in comments on HYD-2, the DEIR does not sufficiently characterize groundwater level conditions and GDEs at or near the Project site and also does not evaluate potential for groundwater extraction for the Project to impact GDEs or springs in the Project vicinity. Impacts on GDEs are an important consideration in determining sustainable groundwater levels in the South American Subbasin GSP and more robust consideration of the presence of GDEs and potential impacts on GDEs resulting from the Project should be conducted through site-specific investigation and analysis.

RESPONSE O3-283

This comment restates the same concerns previously raised by LSCE in other comments. Refer to Master Response E.

COMMENT O3-284

- The DEIR does not sufficiently characterize ISW resources in the vicinity of the Project nor does it evaluate potential for groundwater extraction associated with the Project to deplete surface water resources in the vicinity of the Project. Depletion of ISW is an important consideration in the South American Subbasin GSP and no discussion of ISW is included in the DEIR. Further depletion of surface water flows is an important public trust consideration.

RESPONSE O3-284

This comment restates the same concerns previously raised by LSCE in other comments. Refer to Master Response E.

COMMENT 03-285

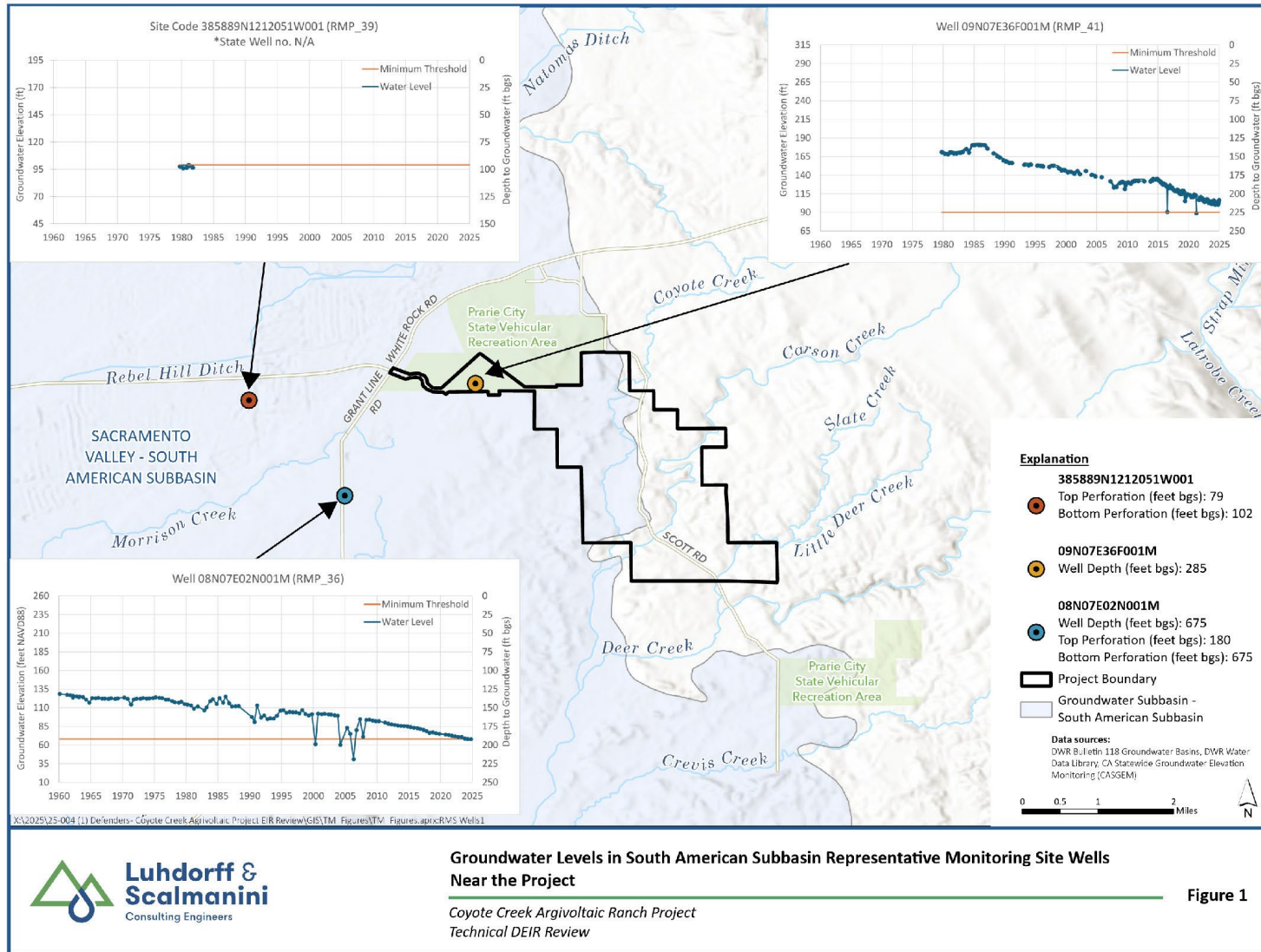
Discussion:

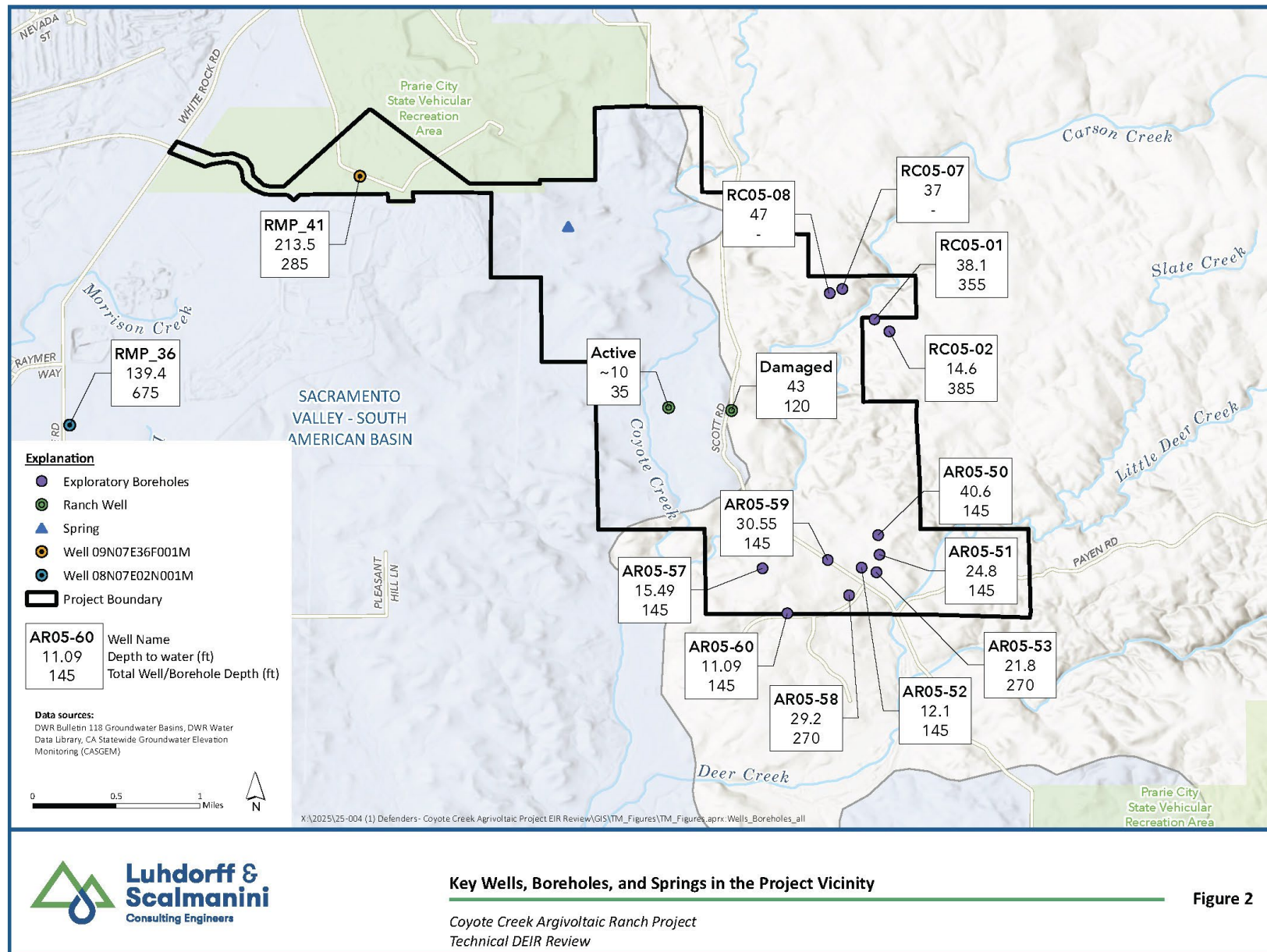
Concerns related to the adequacy of the DEIR in evaluating potential impacts from the Project on stormwater runoff and groundwater recharge under Impacts HYD-2 and HYD-3, groundwater quality under Impact HAZ-2, and groundwater levels and GDEs under Impact HYD-2, are discussed above; however, these concerns also relate to Impact HYD-4 and potential conflicts with the GSP. Groundwater level data presented in the DEIR (see **Figure 2**) also indicate the presence of shallow groundwater conditions in the vicinity of the Project site and therefore potential for interconnectivity between groundwater and surface water resources that exist on or near the Project site. The DEIR should incorporate and consider local groundwater level conditions (including shallow groundwater level data presented in the DEIR) in conducting a robust assessment of potential ISW resources in the vicinity of the Project and potential for the depletion of any surface water resources by groundwater pumping proposed for the Project. The DEIR indicates that boreholes proposed to be potentially used to supply groundwater for the Project have shallow groundwater levels and are in close proximity to Carson Creek (see **Figure 5**). Although the South American Subbasin GSP did not identify any likely ISWs near the Project site, the analysis of ISWs for the GSP was conducted at a regional scale with more limited groundwater level data and likely do not accurately reflect site-specific conditions at or near the Project.

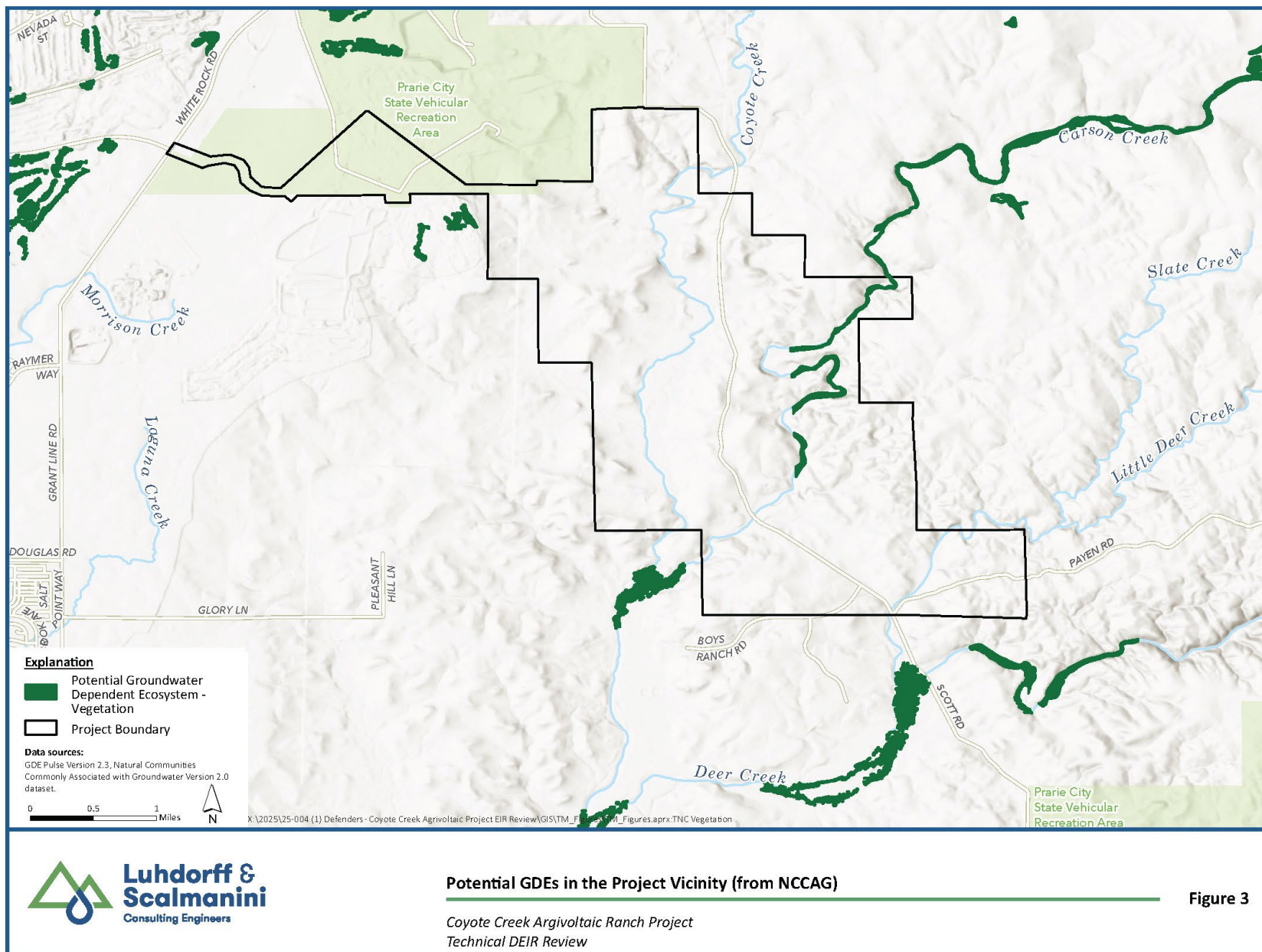
RESPONSE 03-285

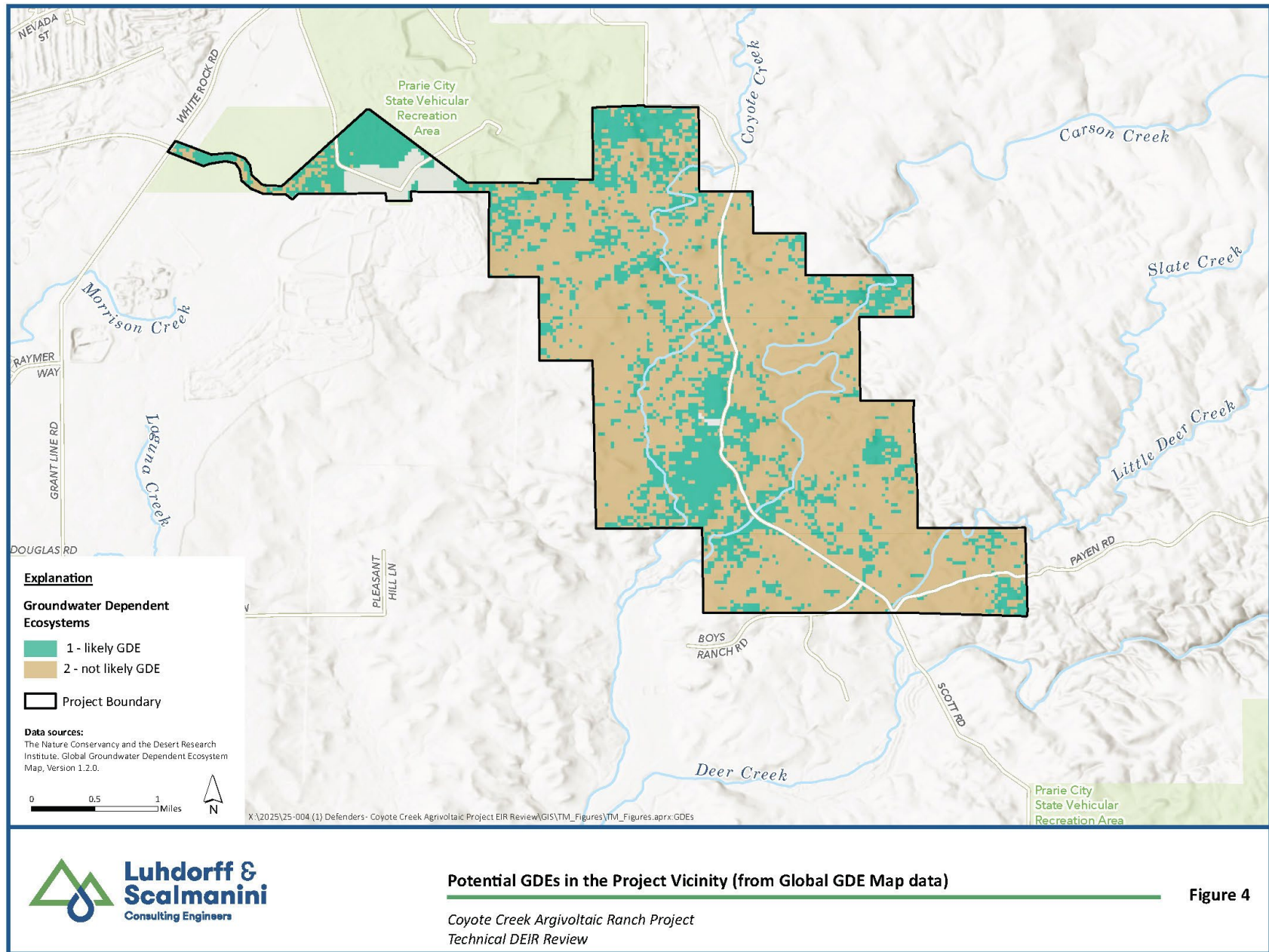
This comment restates the same concerns previously raised by LSCE in other comments. Refer to Master Response E.

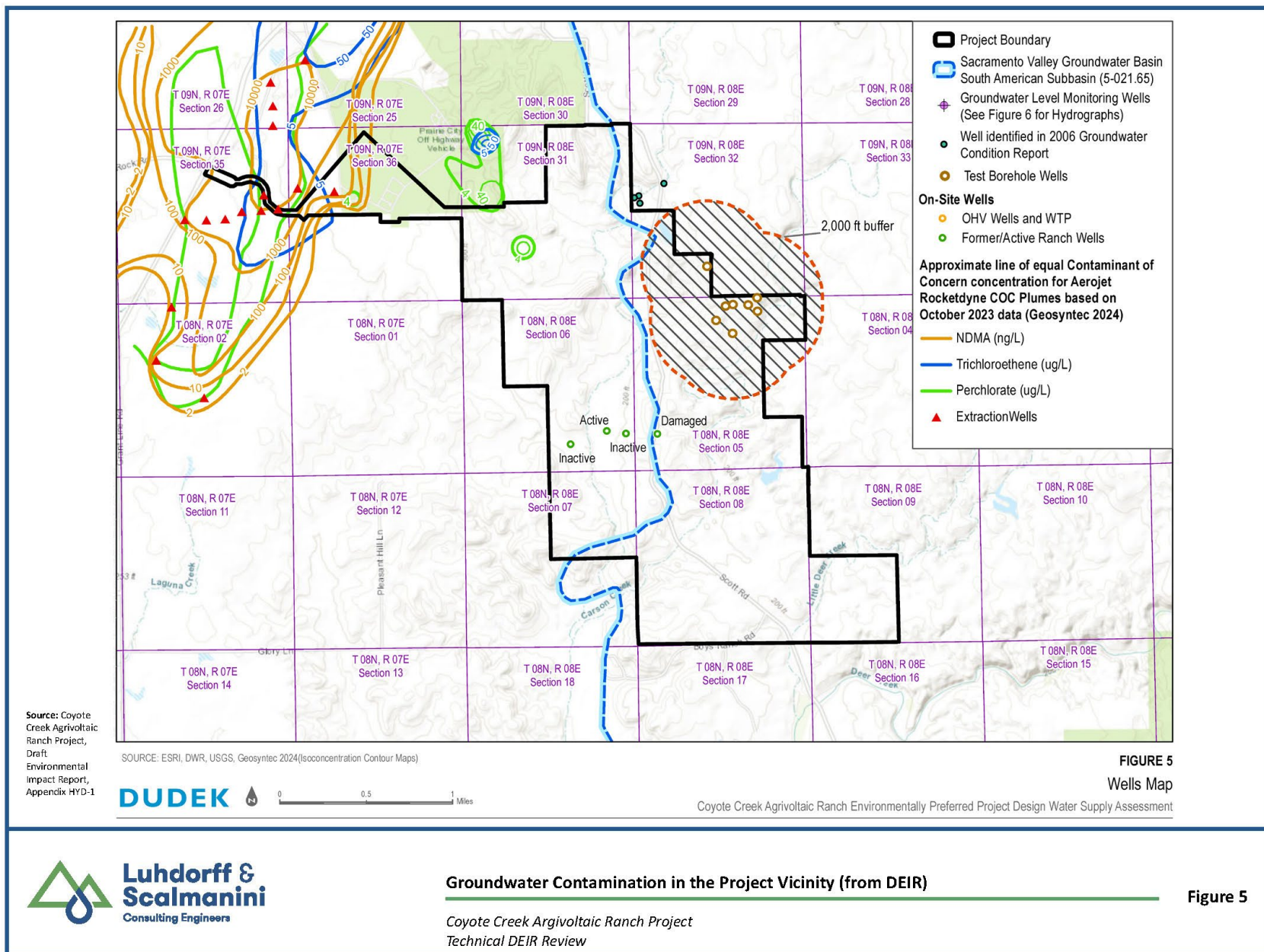
COMMENT 03-286











RESPONSE 03-286

This comment consists of Figures 1 through 5 attached to the LSCE comment letter. These figures were reviewed and considered by the County in the responses to comments provided above.

LETTER O4

Sacramento Running Association, dated July 10, 2025.

COMMENT O4-1

I hope this letter finds you in good health and high spirits. I am writing on behalf of the greater Sacramento running community, its numerous running clubs, and tens of thousands of active local runners to express our enthusiastic support for the inclusion of a trail corridor in the Coyote Creek solar project to enable trail connections from Folsom/Alder Creek trail networks and El Dorado Hills trail networks to Deer Creek trail networks in accordance with Sacramento County's 2011 Bicycle Master Plan and Sacramento Valley Conservancy's Master Plan. As an advocate for outdoor recreation and environmental conservation, I believe that the proposed trail corridor would bring numerous benefits to our community and the natural landscape of Sacramento County.

Trails serve as crucial connectors, fostering a sense of community and encouraging physical activity and well-being among residents. By creating a trail corridor within the Coyote Creek solar project, we would be providing an opportunity for people of all ages and abilities to access and enjoy the beauty of our region while promoting a healthier lifestyle. The presence of a designated trail would enhance our community's recreational options, offering a safe and inviting space for walking, jogging, cycling, and other outdoor activities. Furthermore, the Coyote Creek solar project presents a unique opportunity to strike a balance between renewable energy generation and environmental preservation. By incorporating a trail corridor into the project design, we can showcase the commitment of Sacramento County to sustainable development and responsible land use. This synergy between clean energy and outdoor recreation will undoubtedly contribute to the overall well-being and quality of life for our residents.

Additionally, the trail corridor in the Coyote Creek solar project would promote environmental education and awareness. It would allow residents and visitors to witness the coexistence of renewable energy infrastructure and the natural ecosystem. This experiential learning opportunity has the potential to inspire future generations to take an active role in environmental stewardship and renewable energy initiatives.

I understand that any project must address concerns related to environmental impact, public safety, and aesthetic considerations. I trust that the planning department will take these factors into account during the evaluation and implementation of the trail corridor. With appropriate measures and collaboration, we can ensure that the proposed trail aligns with the project's objectives while minimizing any potential negative impacts.

In conclusion, I wholeheartedly endorse the inclusion of a trail corridor in the Coyote Creek solar project, ultimately facilitating important trail connections from The American River Parkway, California State Parks, Folsom parks, El Dorado Hills, Deer Creek, and Cosumnes River trails. This endeavor would not only enhance our community's recreational opportunities but also showcase Sacramento County's commitment to sustainable development. I urge the Sacramento County Planning Department to

carefully consider and support this initiative, thereby contributing to a brighter and more resilient future for our region.

Thank you for your time and consideration. Please do not hesitate to contact me if you require any further information or if I can be of assistance in any way. I look forward to witnessing the positive impact that the Coyote Creek solar project and the trail corridor will have on our community.

RESPONSE O4-1

The commenter's request for a multi-use trail is noted. This comment does not pertain to the environmental analysis contained in the DEIR. Refer to Master Response K.

LETTER O5

Sacramento Area Bicycle Advocates, dated July 11, 2025.

COMMENT O5-1

Sacramento Area Bicycle Advocates (SABA) urges Sacramento County to include a trail easement through the Coyote Creek Agrivoltaic Ranch to connect the future Deer Creek Trail to the American River Parkway via the Teichert Quarry (which has an easement) and the Alder Creek Parkway Trail. The Coyote Creek Agrivoltaic Ranch is a proposed solar farm covering 2,555 acres in eastern Sacramento County. Groups of solar panels will be individually fenced around the property, and areas in between the fenced zones are appropriate for wildlife corridors and a multi-use trail.

A proposed trail through this area, called the Deer Creek Trail, is included in both Sacramento County's 2011 Bicycle Master Plan and in Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve. Without a trail easement on the solar farm property, there is no way to connect these areas for cyclists.

In its 2010 development approval, Teichert Aggregates agreed to provide a 150' wide trail easement through its 586-acre quarry immediately north of the solar farm and southeast of Alder Creek. If Teichert can provide an easement as a condition of approval, the developers of the solar farm should do the same.

If we are going to meet climate goals which include extending our trail system so that people can get to places for work, daily tasks or recreation, it is important that we are forward thinking about connections like this trail easement. We strongly urge you to include the trail easement through the Coyote Creek Agrivoltaic Ranch.

RESPONSE O5-1

The commenter's request for a multi-use trail is noted. This comment does not pertain to the environmental analysis contained in the DEIR. Refer to Master Response K.

LETTER O6

Friends of Folsom Parkways, dated July 11, 2025.

COMMENT O6-1

The Friends of Folsom Parkways has a 30+ year history of trail and open space advocacy in the City of Folsom and surrounding areas. Our members are active trail users by bike and foot and have seen the very tangible benefits that trails and open space preservation have brought to the City of Folsom. We have seen great success in Folsom by advocating for preservation of rights of way for trails when development projects have come forward. Our trails already connect with both the American River Parkway and the El Dorado Trail, and will soon connect with the Alder Creek trail through the future Easton Development. Inter-connected communities are vital to a future of active transportation and fewer vehicle miles on our roads and highways.

The potential for a Deer Creek Trail from the Rancho Murrieta and Deer Creek area to the City of Folsom would be an absolutely incredible amenity for Sacramento County. Imagine the potential to ride this wonderful section of our county in a safe manner. The trail would be utilized by people from all over the region and certainly could be a major draw for people who already travel to this area to ride on the many trails in the region. Of course, this area of incredible woodlands is home to many wildlife species and wildlife corridors are essential to preserving the natural beauty of this area.

Now is certainly the time to assure the trail right of way exists and to condition the Coyote Creek Agrivoltaic Ranch solar project to 1) preserve the right of way for a trail through or adjacent to the solar project, and 2) condition the project to build a trail or access roads in the project that could be jointly utilized by trail users and the project. While the project puts in its roads to maintain the solar farm, it is a natural to also utilize those roads as part of the trail. Conditioning the project in this manner is a great benefit to the taxpayers and residents of the county and will help to further the economic benefits of this potential trail.

We urge the County to further the vision of the Sacramento County's 2011 Bicycle Master Plan and the Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve by conditioning this project for trail right of way and to assure that the wildlife can safely navigate this area by assuring wildlife corridors exist. Thank you for your consideration. We would like to be kept abreast of further developments on this project by notifying me and the Friends at president@friendsoffolsomparkways.org.

RESPONSE O6-1

The commenter's request for a multi-use trail is noted. This comment does not pertain to the environmental analysis contained in the DEIR. Refer to Master Response K.

COMMENT LETTER 07

South Sacramento Conservation Agency

COMMENT 07-1

This letter is in response to the Notice of Availability for the Coyote Creek Agrivoltaic Ranch project Draft EIR. The project is located within the boundaries of the South Sacramento Habitat Conservation Plan (SSHCP) and appears to be mostly outside the Urban Development Area (UDA) and Planning Preserve Units; however, some portions are within the Urban Development Area within Planning Preserve Unit (PPU 1). Additionally, some areas are located within PPU 5 (outside the UDA).

RESPONSE 07-1

This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 07-2

The South Sacramento Conservation Agency (SSCA) understands that the comment period for the Draft EIR has now closed; these comments are submitted as part of the administrative record for consideration.

RESPONSE 07-2

As noted by SSCA, the agency's comment letter was submitted after the public comment period for the DEIR closed, therefore the County is not obligated to provide specific responses. However, this Final EIR includes detailed responses to this comment letter.

COMMENT 07-3

The SSCA submitted comments on the Notice of Preparation on February 9, 2022, that focused on information that should be included in the Draft Environmental Impact Report (DEIR). The comments below reflect the response to those previous comments as well as general comments related to the information presented in the DEIR as it relates to the successful implementation of the SSHCP. The portions of this project that are outside of the UDA are not covered activities under the SSHCP, although it is critical that all projects within the plan boundaries are consistent with the overall conservation strategy in the SSHCP.

RESPONSE 07-3

Refer to Master Responses B and C.

COMMENT 07-4

The SSCA requested that an analysis of the conservation strategy contained in Appendix J, Voluntary Additional Conservation, of the SSHCP be included in the DEIR; however,

the DEIR provided no analysis or any information regarding the voluntary conservation measures in Appendix J. This supplementary conservation has the potential to benefit SSHCP Covered Species, other native species in the Plan Area that are not Covered Species, and some key natural communities. These supplemental conservation actions complement and reinforce the SSHCP Conservation Strategy.

The majority of the project area is part of the voluntary conservation actions that are described in Appendix J. In the northeast sector of the plan area where this project is located, the voluntary conservation efforts call for the protection of 8,000 acres of the oak woodland, oak savanna, and grassland habitat. The conservation effort that is detailed in Appendix J is a critical component of the successful implementation of the SSHCP. The area is recognized as important habitat for many of the SSHCP covered species. Development outside the UDA was expected to consist of large lot rural and agricultural development. The development of a large scale solar voltaic project outside the UDA that would result in the permanent loss of oak woodland and other resources was not considered in the development of the plan. The SSHCP recognized the importance of this habitat and contained specific goals to implement voluntary conservation efforts in this specific area. This impact should have been analyzed in the DEIR as requested in response to the Notice of Preparation and needs to be considered during further review of the project.

RESPONSE 07-4

Refer to Master Responses B and C.

COMMENT 07-5

The SSCA comments on the Notice of Preparation also requested that a mitigation strategy be considered for potential dedication of open space along with funding for long term management of the open space. The project area is 2,704 acres, with 1,412 acres to be permanently impacted by the construction and operation of the project. There does not appear to be any information regarding how the remaining acreage will be protected. This could be accomplished by a conservation easement or other mechanism.

RESPONSE 07-5

Refer to Master Responses B1 and C4.

COMMENT 07-6

It was unclear how the DEIR defined a temporary impact vs a permanent impact. Under the SSHCP, a temporary impact is defined as the impacted area being fully restored to its original condition within one year of disturbance. Impacted areas that are not restored within one year are permanent impacts. It is difficult to understand how only 345 acres of the 1,412 acres of the solar development area would be permanently impacted. Additionally, Table BR-9 (page 6-62) indicates that 1,064.03 acres of nesting and foraging habitat for the burrowing owl is permanently impacted, yet only 345.73 acres of vegetation and aquatic land cover types are shown as permanently impacted in Table BR-5. There

is a similar issue with the description of permanent impacts to Swainson's hawk foraging and nesting impacts. The entire 1,412 acres of the solar development area should be considered permanently impacted in order to be considered consistent with the conservation strategy in the SSHCP.

RESPONSE O7-6

Refer to Master Responses B1b, B1c, B8, and C.

COMMENT O7-7

Mitigation Measure BR-1e indicates that off-site compensatory mitigation, such as purchasing a conservation easement may be necessary for impacts to burrowing owls. It also states that this compensation should be implemented consistent with the SSHCP goals. There is no mention of potentially removing acreage from the SSHCP inventory to provide off-site mitigation for the project that would not be an SSHCP preserve and could impact the ability of the SSHCP to meet the conservation goals. Any preserves that are established by this project may reduce the limited inventory available for the SSHCP.

RESPONSE O7-7

The majority of the project is not located within SSHCP designated proposed preserve land, therefore, the land which would be set aside as part of conservation easement as mitigation for impacts to burrowing owl habitat would not significantly reduce the acreage of mitigation land available for SSHCP preserves. Refer to Master Responses B1c, B7, and C4.

COMMENT O7-8

Some of the species accounts are confusing and inconsistent. For example, *Juncus leiospermus* var. *ahartii* (Ahart's dwarf rush) is shown on Table BR-3 as "Known to occur;" however, the text states the species has not been documented in the vicinity of the project site. The explanation of "known to occur" on page 6-17 is that the species has been documented on the project site. Many of the species on the site are covered species under the SSHCP and with the inconsistent information provided it is not possible to determine whether the species are present and what mitigation measures and/or avoidance and minimization measures need to be applied.

RESPONSE O7-8

It is correct that there are no documented occurrences (within online plant databases [e.g., CNPS, CNDDDB, USFWS]) of Ahart's dwarf rush within the vicinity (5-mile radius) of the project site. However, the species was observed within the project site during surveys conducted for the project, and therefore Table BR-3 lists this species as "known to occur" at the project site. See Master Responses B and C, and B3 noting DEIR mitigation measures that are required for impacts to special-status plant species.

COMMENT O7-9

Mitigation Measure BR-3 states that one potential compensation option would include purchasing mitigation credits from an agency-approved wetlands mitigation bank (e.g., Clay Station, Bryte Ranch, Laguna Creek and Van Vleck Ranch). This is not feasible mitigation for protected wetlands since bank credits are extremely limited and may not actually exist. For example, Laguna Creek is sold out, Clay Station has very small amount, if any, credits available, and Van Vleck does not have any vernal pool credits.

RESPONSE O7-9

Refer to Master Responses B1c, B2, and C4.

COMMENT LETTER O8

Friends of the Swainson's Hawk

COMMENT O8-1

Friends of the Swainson's Hawk is a citizen advocate group for protection of the Swainson's Hawk in California. We have reviewed and commented on projects to develop farmland, and remove habitat supporting the Swainson's Hawk population, for over 30 years. Below are our comments on the environmental review of the Coyote Creek project.

RESPONSE O8-1

Refer to responses to comments O8-2 through O8-32.

COMMENT O8-2

We also endorse the comments submitted by Sierra Club, ECOS, Habitat 2020, Audubon Society of Sacramento, California Native Plant Society, California Oak Foundation, the Wilton Rancheria, and other environmental protection advocates who are addressing the many negative impacts of this project on the environment. The project should be located to a site or sites within the Urban Services Boundary to reduce its impacts to less than significant.

RESPONSE O8-2

Refer to Master Response D for a discussion of project alternatives. Refer to responses to comments from the referenced organizations.

COMMENT O8-3

A. Impacts on Swainson's Hawks Not Fully Mitigated; Feasible Mitigation Measures Not Included; Not Compliant with County Regulation The EIR notes that "Development of the project would result in permanent and temporary impacts to potential nesting habitat, and potentially to nesting Swainson's hawks. . . ." (p. 6-65) and assesses impacts at 1,200 acres of habitat.

RESPONSE O8-3

DEIR Table BR-10 (page 6-79) states that the project would result in a total of 1,390.20 acres of impacts to Swainson's hawk nesting and foraging habitat. See Master Response B8.

COMMENT O8-4

The EIR fails to include a mitigation measure to require the project to obtain a 2081 incidental take permit from the California Department of Fish and Wildlife prior to initiation of ground disturbance. Therefore the EIR cannot claim that all impacts on Swainson's Hawks have been mitigated to less than significant. The application and approval of the

2081 permit application is a feasible measure that ensures that the trustee agency has the opportunity to work directly with the project applicant to assess and determine appropriate mitigation for all impacts on all the species and to assure that take is avoided to the maximum extent possible.

RESPONSE 08-4

The project applicant is coordinating closely with CDFW to obtain a 2081 permit and the need to obtain the permit is presented in DEIR Table PD-6 (page 2-32). See Responses 08-8-9. The project applicant is required by law to obtain the 2081 permit prior to construction, and to implement all terms and conditions included in the permit by CDFW, and therefore a requirement to obtain the permit is not necessary as mitigation.

COMMENT 08-5

California Code, Fish and Game Code § 2081 states in part that:

"(b) The department may authorize, by permit, the take of endangered species, threatened species, and candidate species if all of the following conditions are met:

(1) The take is incidental to an otherwise lawful activity.

(2) The impacts of the authorized take shall be minimized and fully mitigated. The measures required to meet this obligation shall be roughly proportional in extent to the impact of the authorized taking on the species. Where various measures are available to meet this obligation, the measures required shall maintain the applicant's objectives to the greatest extent possible. All required measures shall be capable of successful implementation. For purposes of this section only, impacts of taking include all impacts on the species that result from any act that would cause the proposed taking.

(3) The applicant shall ensure adequate funding to implement the measures required by paragraph (2), and for monitoring compliance with, and effectiveness of, those measures."

RESPONSE 08-5

The project applicant is coordinating with CDFW to obtain a 2081 permit prior to construction.

COMMENT 08-6

The EIR fails to dedicate the non-project related land in the project area to permanent conservation. This is a feasible mitigation measure for permanent loss of foraging and nesting habitat. It also ensures that the success of the project does not result in the proposed expansion to the undeveloped part of the site, and further removal of nesting and foraging habitat, a cumulatively considerable impact.

RESPONSE 08-6

Refer to Master Response B.

COMMENT 08-7

The mitigation measure for loss of Swainson's Hawk foraging habitat is deferred, a violation of CEQA. The EIR fails to commit to the requirements of both CEQA and the County of Sacramento Swainson's Hawk Mitigation Ordinance. On p. 6-68, the EIR states:

Being located on property with the AG-80 zoning designation, the project would likely be required by Sacramento County to mitigate foraging habitat losses to attain a value of 100 percent of the existing foraging habitat area, or the equivalent of 911.10 acres – the final determination would be based on final approved construction design plans.

RESPONSE 08-7

Refer to Master Response B. DEIR Mitigation Measure BR-1f (pages 6-82 through 6-84) requires the applicant to provide compensation for permanent loss of foraging habitat to achieve no net loss of habitat acreage, function, and values, and to comply with the County Swainson's Hawk Mitigation Ordinance. Contrary to the commenter's assertion, DEIR mitigation Measure BR-1f includes all the necessary and sufficient conditions to ensure the permanent protection of the habitat and to qualify it as an enforceable commitment.

COMMENT 08-8

Not only is the applicant required to commit to the permanent protection of foraging habitat at a 1:1 ratio by County ordinance, but the EIR mitigation measure must include all the necessary and sufficient conditions to ensure the permanent protection of the habitat and to qualify it as an enforceable commitment. This EIR fails to do so.

On p. 6-69, the EIR states:

"The project may achieve the performance standard through the County of Sacramento Swainson's Hawk Mitigation Program or other compensatory programs (e.g., mitigation banks; conservation easements) that provide permanent protection of mitigation lands. . . . If compensation for foraging habitat is achieved outside the Swainson's Hawk Mitigation Program, it shall at minimum meet the mitigation requirement of the Program."

The mitigation measure fails to establish enforceable criteria for mitigation land that ensures the measure mitigates impacts to less than significant. There is no requirement that the mitigation land be located within 5 miles of the project site, or even in Sacramento County, that it be composed of contiguous parcels to avoid edge effects, that it be managed by a third party conservation manager for foraging productivity, and that there be a permanent endowment to finance the management and enforcement of the easement. The location of the easement to be used, if outside the County program, is not

disclosed. Nor does the EIR acknowledge that the project impact on foraging habitat cannot be mitigated through payment of fees. It must be met through the permanent dedication of suitable land. It is well accepted that fees are not mitigation.

Attached is a copy of the County of Sacramento Swainson's Hawk Ordinance, which does not include the options for mitigation identified in this EIR. It also requires the mitigation land to be in Sacramento County in known foraging habitat as verified by the County and the Department of Fish and Wildlife. The Ordinance also requires the applicant to pay to the County a mitigation operations and maintenance fee to cover the costs of administering, monitoring and enforcing the document or managing the property in fee title in an amount determined by the receiving entity, not to exceed three thousand five hundred dollars (\$3,500.00) per acre. The EIR omits this requirement. The EIR is in error in not complying fully with the County of Sacramento Swainson's Hawk Ordinance in determining mitigation for loss of Swainson's Hawk foraging habitat.

RESPONSE O8-8

The comment restates a small portion of text in the third bullet point on DEIR page 6-83 (erroneously referred to by the commenter as page 6-69), which is part of Mitigation Measure BR-1f and asserts that the mitigation measure fails to establish enforceable criteria for mitigation land that would ensure the impacts would be less than significant for the following reasons: there is no requirement that the mitigation land be located within 5 miles of the project site, or even in Sacramento County, that it be composed of contiguous parcels to avoid edge effects, that it be managed by a third party conservation manager for foraging productivity, and that there be a permanent endowment to finance the management and enforcement of the easement. Furthermore, the comment states the location of the easement to be used, if outside the County program, is not disclosed. Finally, the comment asserts that mitigation cannot be achieved through payment of fees, but must be met through the permanent dedication of suitable land. The commenter has deleted most of the text that is contained in the third bullet point on DEIR page 6-83 referenced by this comment. In fact, Mitigation Measure BR-1f, which relates to Swainson's hawk, encompasses three full pages of text (pages 6-82 through 6-84) and includes specific, enforceable measures that meet County standards, including participation in the County's adopted Swainson's hawk mitigation program. No change to Mitigation Measure BR-1f is required. Refer to Master Response B. Refer to responses to comments O5-6 and O5-7.

Refer to Master Response B. Mitigation Measure BR-1f requires the applicant to provide compensation for permanent loss of foraging habitat to achieve no net loss of habitat acreage, function, and values, and to comply with the County Swainson's Hawk Mitigation Ordinance. Mitigation has been established in accordance with the County Swainson's Hawk Mitigation Ordinance for AG-80 zones. This is clearly and completely described in the DEIR. See pages 6-66, 6-67, 6-68, 6-103, and 6-104.

COMMENT O8-9

B. Cumulative Impact South Sacramento County Swainson's Hawk Population Not Fully Disclosed Nor Fully Mitigated.

"The proposed project would result in approximately 911 acres of permanent loss of foraging habitat for Swainson's hawk (Table BR-10), representing 2 percent of 57,088 acres of foraging habitat potentially available to this species in the regional project analysis area. Compliance with the Sacramento County Swainson's Hawk Ordinance would require the project to mitigate for this permanent loss of foraging habitat at no net loss of the existing foraging habitat value and Mitigation Measure BR-1f (Avoid, Minimize, and Mitigate for Impacts on Swainson's Hawk and Their Nesting and Foraging Habitat) would further avoid impacts to individuals, ensuring that the proposed project would have a less-than-cumulatively considerable contribution to the cumulative impact of past, present, and future development." (EIR, P. 17-45)

This finding is in error. Without a 2081 permit requirement, the EIR cannot assure that impacts to individuals would be fully mitigated. The cumulative impact of the project on the Swainson's Hawk population in Sacramento likely will be significant.

RESPONSE O8-9

The comment quotes from the cumulative analysis related to permanent loss of foraging habitat for Swainson's hawk (contained on DEIR page 17-45) and states that in absence of a 2081 permit, the DEIR cannot assure that impacts to individuals would be fully mitigated. The comment expresses disagreement with the cumulatively less-than-significant (after implementation of DEIR Mitigation Measure BR-1f) impact conclusion, alleging that the project's cumulative impacts on Swainson's hawk would be significant. Regarding the 2081 permit, refer to response to comment O8-4. The commenter's disagreement with the cumulative impact conclusion related to Swainson's hawk is noted. DEIR Chapter 17 (page 17-45) includes an analysis of the project's cumulative impacts to Swainson's hawk foraging habitat.

DEIR Chapter 17 (page 17-45) includes an analysis of the project's cumulative impacts to Swainson's hawk foraging habitat. As discussed in the DEIR, the proposed project would result in approximately 911 acres of permanent loss of foraging habitat for Swainson's hawk (Table BR-10), representing 2 percent of 57,088 acres of foraging habitat potentially available to this species in the regional area, including the city of Elk Grove. Compliance with the Sacramento County Swainson's Hawk Ordinance requires the project to mitigate for this permanent loss of foraging habitat at no net loss of the existing foraging habitat value. Furthermore, the proposed project would be required to implement Mitigation Measure BR-1f (also discussed on DEIR page 17-45), which would further avoid impacts to individuals, ensuring that the proposed project would have a less-than-cumulatively considerable contribution to the cumulative impact of past, present, and future development on Swainson's hawk. Refer also to Master Response B8.

COMMENT 08-10

Attached is a 2010 map prepared for the South Sacramento Habitat Conservation Plan with land cover types and known Swainson's Hawk nesting sites. (See Comment O8-19 for this map). The map includes the following note:

"*Note: Land Cover Types shown represent suitable habitat for Swainson's Hawk based on the Species – Habitat Use Matrix. "Consolidated Occurrence Data" includes data from numerous sources including data from studies conducted specifically for the SSHCP, project-level studies, professional expertise, and unconfirmed sightings. This species may occur throughout the Plan Area where suitable habitat is present."

The map shows many nesting sites inside the UDA where nesting activity is being pushed out by urban development. The County General plan recognizes the need to maintain threatened populations through the Urban Services Boundary and the agricultural zoning in the project area. The Swainson's Hawk population must move east to the grasslands and oak forest because development has been approved inside the USB. In addition, City of Elk Grove has indicated its intent to expand the City to the South, a very rich area for Swainson's Hawks. Elk Grove has assumed nesting will relocate to the east. It has approved mitigation land for impacts of development inside the City limit to be located 16 miles to the northeast of the impact site, using a professional opinion that the population will be relocating to the eastern grasslands. The attached map shows the undeveloped area outside the USB, the only available territory for these hawks to relocate their nesting habitat. Any change in the availability of nesting and foraging habitat in this area which includes the Coyote Creek Agrivoltaic Ranch Project, will likely constrain potential nesting activity in the area and cumulatively lead to population decline.

RESPONSE 08-10

The referenced map shows nesting sites inside of the County's urban development area from the SSHCP and provides the commenter's opinion that the Swainson's hawk population must move eastwards to grasslands and oak forest because development has been approved inside the urban services boundary. (See Comment O8-19 for this map). This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 08-11

The City of Elk Grove adopted RESOLUTION NO. 2018-141 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING AN ADDENDUM TO THE SOUTHEAST POLICY AREA STRATEGIC PLAN CERTIFIED ENVIRONMENTAL IMPACT REPORT AND PREVIOUSLY ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM (PROJECT EG18-017)), to establish the suitability of locating Swainson's Hawk mitigation properties at the Van Vleck Ranch, located in eastern Sacramento County just south of the project area. (See Table 5, Land Cover Within the Van Vleck Ranch Mitigation Area, "Swainson's Hawk Mitigation Proposal for Kamilos Southeast Policy Area Project", an attachment to the above referenced resolution.)

City of Elk Grove stated that mitigation for Swainson's Hawk foraging should be located at the Van Vleck Ranch because of these factors:

"The Mitigation Proposal and Addendum provide an opportunity to boost Swainson's hawk conservation significantly in Sacramento County ("County") while preserving broader ecosystem functions and values. The City supports the Mitigation Proposal and Addendum based on the following attributes:

Regional perspective: The 895-acre proposed preserve, which is adjacent to the 775-acre Westervelt Mitigation Bank, will result in the preservation of an intact 1,670-acre block of diverse habitats including grassland, vernal pools, creeks, oak woodland, and oak savanna with a cropland component. This large, contiguous preserve cannot be achieved elsewhere within the range of the Swainson's hawk population in the County and would have a higher ecological value than the preservation of a number of smaller, discontinuous parcels. This preserve site is utilized by a wide range of species and can provide a regional movement corridor as it is proximate to portions of the 50,000-acre Cosumnes River Preserve and the 4,000-acre Deer Creek Hills Preserve Sustainability: Although CDFW cites that Swainson's hawk forage more often in mixed agricultural lands, the Habitat Suitability Assessment identifies a sustaining (and possibly increasing) population on the east side of the County. As climate change exposes our region to extreme droughts and unreliable water supply, it is likely that farmland practices will be altered over the next few decades in ways that may impact the Swainson's hawk. Research suggests that annual grasslands' plants species composition and relative abundance may also shift over time, but this land cover is not dependent on secondary water supply and cultivation. It follows then, that the grasslands of the proposed preserve would not be as vulnerable to climate change as Swainson's hawk agricultural preserves that are established elsewhere in the County."

RESPONSE 08-11

This comment does not raise any issue regarding the adequacy of the DEIR. The comment is noted. The proposed preserve at Van Vleck Ranch referenced in the comment does not overlap mitigation lands or development areas that are part of the proposed project.

COMMENT 08-12

Thus, the project has the potential to interfere with the maintenance of the South County population of Swainson's Hawks through (1) fragmentation of an otherwise large landscape that supports wildlife and specifically hawk reproduction; and (2) loss of foraging lands that are climate resilient during coming decades. The large landscape is required because the density of prey is far lower in unirrigated grasslands than in irrigated pasture and farmlands. The poorer quality of the foraging habitat means that much more quantity is needed to provision nesting activity. In recognition of this, Elk Grove also required habitat enhancement on Van Vleck Ranch to increase forage productivity.

RESPONSE 08-12

Refer to response to comment 08-09, Master Response B8, and Master Response C.

COMMENT 08-13

C. The County General Plan is Internally Inconsistent in Allowing a Use Permit for Industrial Solar Installation Outside of USB to Serve Urban Uses Inside the USB The County General Plan of 1993 established an Urban Services Boundary and Urban Policy Area to manage growth, preserve agriculture and open space, and protect natural resources. It is inconsistent with the General Plan policies to issue a use permit for an electrical supply facility to serve the urban population inside the Urban Services Boundary in the area outside that boundary that is intended for conservation of agriculture and natural resources. The EIR does not address this conflict. How does the County justify this contradiction?

RESPONSE 08-13

The theoretical conflict alleged by the commenter would not occur for the reasons discussed in detail in DEIR Chapter 11, “Land Use and Planning,” and Chapter 4, “Agricultural Resources.” Impact LUP-1 (DEIR pages 11-9 through 11-12) discusses the proposed project’s consistency with County General Plan policies regarding the Urban Services Boundary and with other General Plan policies including those related to agricultural resources, and concluded that the impact related to project consistency with General Plan policies would be less than significant. DEIR Impact AG-1 (Chapter 4, “Agricultural Resources”) evaluates the potential conversion of agricultural resources to non-agricultural use and describes the project’s Agricultural Management Plan (attached to the DEIR as Appendix AG-1), implementation of which is required in Mitigation Measure AG-1 (DEIR pages 4-10 through 4-13). Impact AG-1 concluded that all impacts would be less-than-significant with the implementation of Mitigation Measure AG-1 because continued agricultural use (i.e., grazing) of the project site would be required through the operational life of the project, and therefore grazing land would not be converted to a non-agricultural use (DEIR pages 4-13 and 4-14).

COMMENT 08-14

D. Significant Irreversible Changes to the Physical Environment Not Disclosed

"Development of the proposed project site would alter the existing land use from agricultural use only to renewable energy production co-located with agricultural use (grazing). The proposed project has an anticipated operational period of 35 years, after which a decommissioning plan would be implemented. As a result, the project site would be restored to conditions that would be substantially similar to the existing baseline agricultural conditions. Therefore, no irreversible change to land use would result. . . ." (P. 17-67). (emphasis added)

This finding pointedly ignores the permanent impact on a native oak forest. Perhaps the EIR relies upon the assumption that a native oak forest exceeding 4,600 individuals can

be recreated, but it does not make this assertion. It provides no substantial evidence that the oak forest can be restored. To the contrary, regeneration of the species on site has proved to be nearly impossible. Given climate change and the limited ability of humans to create the conditions under which the forest has emerged, it is unlikely that the project site can be restored to conditions similar to the vegetative cover to be destroyed.

The EIR has provided no timeline for the restoration to be complete and lacks documentation that it can be completed.

The site restoration described on page 2-28-29 does not include any description of the reforestation of the property with oaks. It is apparent that the project is not intended to restore the removal of the oak forest on site. Thus there is a permanent and irreversible change to the physical environment.

RESPONSE 08-14

The comment quotes text from DEIR page 17-67 regarding the analysis of the project's significant irreversible changes to the physical environment, which concludes that because the project site would be restored to conditions that would be substantially similar to the existing baseline and that it is unlikely that the project site can be restored to conditions similar to the vegetative cover to be destroyed. Refer to Master Response B2, noting that impacts to blue oak woodlands are considered by the County to be cumulatively significant and unavoidable, primary due to temporary losses associated with oak replanting efforts. Additionally, both oak preservation and planting, including creation of a Tree Resource Management Plan to ensure the establishment and management of trees for the first 7 years of operation. The proposed project requires implementation of a Decommissioning Plan (attached to the DEIR as Appendix PD-1), the contents of which are briefly summarized on DEIR pages 2-29 through 2-31 (Chapter 2, "Project Description"). As discussed in detail in the Decommissioning Plan and summarized on DEIR page 2-30, the project includes restoration of vegetative cover after closure of the facility including: a combination of seeding, planting of nursery stock, transplanting of local vegetation within the proposed disturbance areas, and staging of decommissioning activities enabling direct transplanting. Native vegetation would be used for revegetating to establish a composition consistent with the form, line, color, and texture of the surrounding undisturbed landscape. Therefore, the proposed project would not result in a significant irreversible change.

COMMENT 08-15

Moreover, the likelihood that a huge industrial energy facility would be removed from the landscape after 35 years is basically nil. It will be extended for further use or a similar use will be installed on the same footprint. Yet the DEIR is representing that the vast majority of the impacts will be temporary and so it is not planning on doing much compensatory mitigation for impact to species. Typically temporary impacts are less than a year in duration. Instead the impact must be assumed to be permanent. The project should be denied or fully mitigated.

RESPONSE 08-15

As stated in Chapter 2, “Project Description,” and throughout the DEIR, the planned operational life of the project is 35 years, after which the project would be decommissioned per the Decommissioning Plan attached to the DEIR as Appendix PD-1. As discussed throughout DEIR Chapters 3 through 17, the proposed project includes a suite of feasible mitigation measures that would be implemented to reduce significant impacts where identified, and the comment does not provide any specifics as to additional mitigation measures that the organization believes should be implemented. Refer to response to comment 08-22 and Master Responses B1b and B1c.

COMMENT 08-16

Please disclose any existing conservation easements within the project footprint and explain the project impacts on any existing conservation easement(s).

RESPONSE 08-16

California State Parks owns an easement on a portion of Barton Ranch that prevents housing development on a portion of the ranch property – the portion of Barton Ranch subject to the restrictions under this easement is an area closest to the SVRA. Plate BR-5 includes the proposed uses within the project study area that identifies a proposed use as “adjacent other lands.” As specified in the biological mitigation measures, on-site preservation shall be considered as a priority for fulfillment of the preservation mitigation requirement, which includes lands designated as “Adjacent Other Lands” in Plate BR-5. Mitigation Measure BR-2b requires the applicant to preserve at least 1,150 acres of land area on-site or directly adjacent to the project site.

COMMENT 08-17

Does this project meet the County's guidelines for siting solar facilities? Please explain how the project meets and does not meet the guidelines.

RESPONSE 08-17

The project meets the County's guidelines for siting solar facilities as discussed throughout DEIR Chapters 3 through 17. Refer also to Master Response D, Alternatives, for a discussion of the project site's suitability for utility-scale solar energy facilities under County General Plan Policy PF-78.

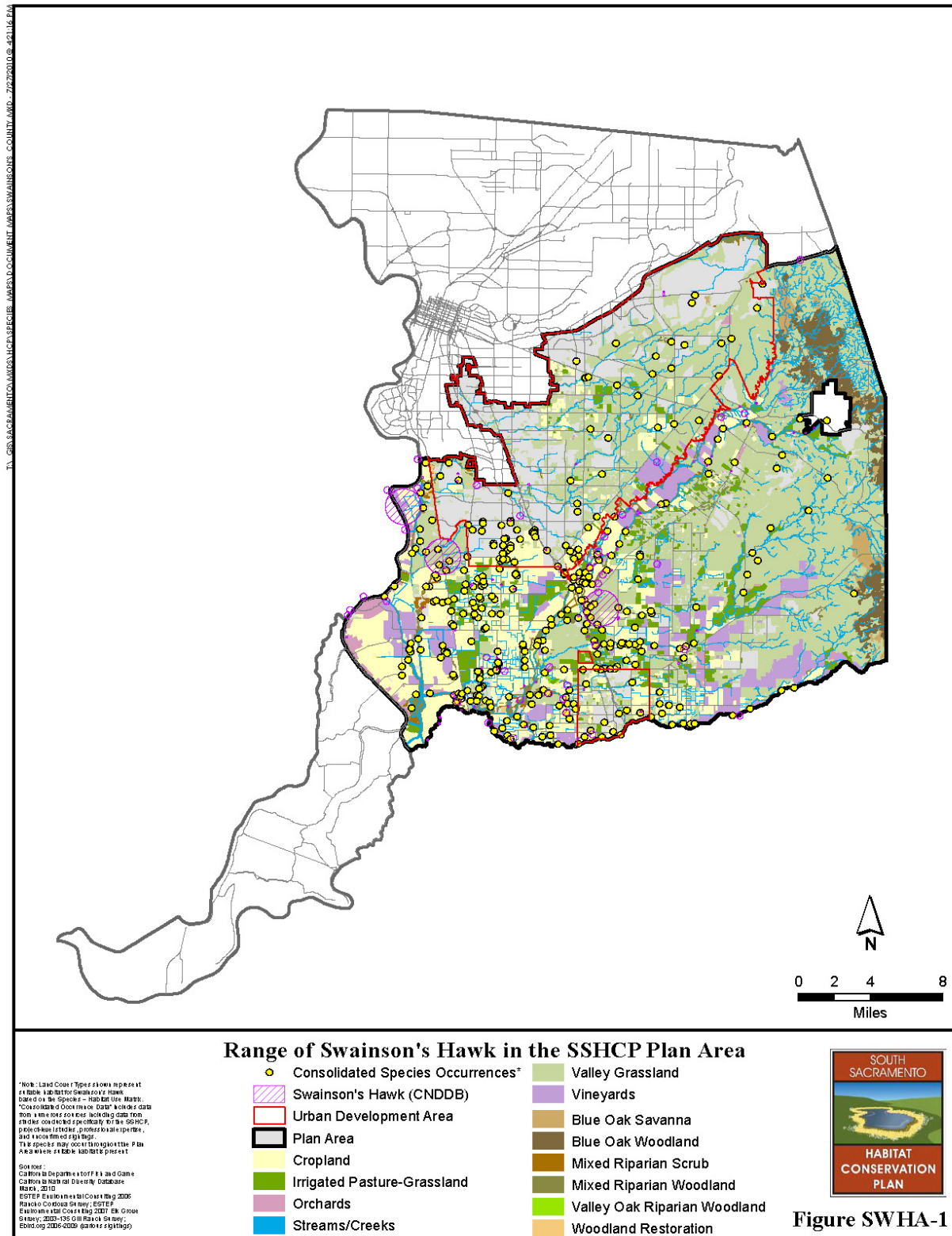
COMMENT 08-18

This comment is a copy of Chapter 16.130 SWAINSON'S HAWK IMPACT MITIGATION FEES, which is available via a link from Sacramento County's website at: https://planning.saccounty.gov/EnvironmentalDocuments/Documents/Swainsons-Hawk/Swainsons_Ordinance_1111.pdf.

RESPONSE 08-18

The comment consists of a copy of Chapter 16.130 of the County's Swainson's hawk impact mitigation fees. This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 08-19



RESPONSE 08-19

The comment consists of a copy of SSCHP Figure SHWA-1 showing the range of the Swainson's hawk in the SSHCP plan area. This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

COMMENT 08-20

This comment is a copy of RESOLUTION NO. 2018-141, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING AN ADDENDUM TO THE SOUTHEAST POLICY AREA STRATEGIC PLAN CERTIFIED ENVIRONMENTAL IMPACT REPORT AND PREVIOUSLY ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM (PROJECT EG18-017).

RESPONSE 08-20

The comment consists of a copy of Resolution No. 2018-141 for the City of Elk Grove adopting an addendum to the southeast policy area strategic plan certified environmental impact report and previously adopted mitigation monitoring and reporting program. This comment does not raise issues regarding the adequacy of the DEIR. The comment is noted.

LETTER T1

United Auburn Indian Community of the Auburn Rancheria, dated April 9, 2025.

COMMENT T1-1

The United Auburn Indian Community of the Auburn Rancheria (UAIC) is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose areas of interest based on past lifeways extend into Amador, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, and Yuba counties. The UAIC is concerned about development within its traditional territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of historic, ceremonial, or tribal significance. We appreciate the opportunity to comment on this project which is in UAIC's geographic area of cultural affiliation and are commenting publicly to request additional work to identify Tribal Cultural Resources because the work to date has not been adequate.

RESPONSE T1-1

The comment provides background on the UAIC. The County appreciates the review and comments, and detailed responses to comments are provided below.

COMMENT T1-2

AB52 Tribal Consultation with UAIC and Sacramento County

UAIC requested to consult, pursuant to Assembly Bill 52 (AB52), with Sacramento County for this project in January 2022. For three years we consulted in good faith and the County agreed to several of our requests, such as having a paid tribal monitor present for the ground disturbing work.

RESPONSE T1-2

Please refer to Master Response F and page 14-5 of the DEIR for a description of the County's extensive, good-faith, three-year consultation on the project, from January 2022 to December 2024, with all four culturally affiliated tribes. As part of the government-to-government consultation, the UAIC and other consulting tribes had opportunities to participate in site visits with the County and the project applicant and define the areas of interest to survey prior to site visits. The tribes provided tribal knowledge and input that was incorporated into the analysis of TCRs in the EIR. The UAIC and other consulting tribal representatives also provided a formal list of recommended mitigation measures, and the County incorporated all feasible measures into the mitigation in the EIR.

At the conclusion of consultation, the County determined that mutual agreement could not be reached as provided for in Public Resources Code section 21080.3.2. After the County provided notice to the tribes on January 13, 2025 regarding closure of consultation, the UAIC delivered the February 18, 2025, letter to the County. At this point in the environmental review process, and because the tribes, including the UAIC,

participated in multiple site visits and had numerous opportunities to provide input, the County cannot require the applicant to provide access for the UAIC to conduct a “comprehensive Tribal Survey,” nor is such a survey necessary to analyze potential impacts to TCRs from the project.

COMMENT T1-3

On February 18, 2025, the UAIC submitted a letter to Sacramento County in response to the closure of AB 52 tribal consultation regarding the Coyote Creek Agrivoltaic Project. AB52 consultation was closed without reaching an agreement pursuant to PRC §21080.3.2(b)(2). In the letter, UAIC formally requested access to conduct a comprehensive Tribal survey to identify Tribal Cultural Resources (TCRs) within the project area. UAIC is prepared to provide this service at no cost to the developer within three months of access being granted.

RESPONSE T1-3

See the response to comment T1-2.

COMMENT T1-4

Failure to Completely Identify TCRs during AB 52 Consultation

The County has deemed previous TCR identification efforts-comprising an archaeological survey, drone LiDAR imagery review, a canine forensic survey at known cultural sites, and an ethnographic study-as adequate. However, none of these efforts included a pedestrian survey conducted by Tribal experts across the entire project area. Under California law (PRC §21080.3.1 (a)), California Native American Tribes are recognized as the authoritative experts in identifying their own cultural resources. While archaeologists are trained in general survey methodologies, they may lack the specialized knowledge necessary to accurately identify sites and objects of cultural significance to Indigenous communities.

RESPONSE T1-4

Please refer to Master Response F. As the commenter mentions, the EIR does not rely solely on archaeological survey results to inform the analysis, mitigation or conclusions related to impacts to tribal cultural resources. Surveys used both physical and non-physical methods, as recommended by the consulting tribes. The tribes were afforded the opportunity to review and provide feedback on the reports and data that are relevant to TCRs. The ethnographer selected to prepare the ethnography was the individual requested by UAIC. The surveys conducted provide ample information to evaluate potential impacts in the DEIR. The Tribal Cultural Resource Avoidance and Minimization Plan, required by Mitigation Measure TCR-1, also must incorporate tribal expertise and input. Consulting tribes, including the UAIC, were provided multiple opportunities to the project site during consultation and select the areas of the project site that they would like to access. The protocols outlined in the TCR AMP will account for proper identification and treatment if previously undocumented resources are uncovered during project

implementation; further pedestrian surveys are necessary prior to construction for the purposes of the EIR.

COMMENT T1-5

Indigenous Cultural Sites Potentially Recorded as Historic Resources

The archaeological survey identified 11 stacked rock walls and classified them as historic. However, some of these structures may in fact be Indigenous rabbit hunting fences-rare and culturally significant sites that are often misidentified as historic.

RESPONSE T1-5

The 11 stacked rock walls were evaluated by a team of eight archaeologists who meet or exceed the Secretary of the Interior's Professional Qualifications Standards for pre-contact resource evaluations. Their findings were peer-reviewed by a separate private consultant, as well as the County's archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for pre-contact resource evaluations. All of the reviewers agreed with the archaeologists that these features are historic in nature.

The stacked rock features recorded during the archaeological survey are consistent with other historic-era land use and mining resources and features. Some features were comprised in part of other non-stone materials (e.g. cinder blocks, concrete, etc.) and others are directly associated with historic-era mining activities or trash deposits, are oriented in cardinal directions, align with historic property lines or roads, and/or serve as retaining walls adjacent to historic-era mining operations. Stacked stone features were generally comprised of stones that demonstrate the same degree of weathering, lichen growth, size and shape as fieldstone in clear historic context, including cobble mine tailings or rock walls in clear historical context. These rock features sometimes overlay historic mining sites and are similar in size, scale, form and/or method of construction to stone features in clear historic-era context.

Mitigation Measure TCR-1, developed in coordination with consulting tribes, requires additional methods of evaluation and requires formal documentation of any inadvertently discovered resources. Please refer to Mitigation Measure TCR-1 and note the additional consultation required for inadvertent discoveries.

See also Master Response F and Responses to Comments T1-2 through T1-4 above. Mitigation Measure TCR-1 would reduce the impact but, even with mitigation, the proposed project would have a significant and unavoidable impact on tribal cultural resources.

COMMENT T1-6

A similar structure was recorded just north of the project area at the Prairie City State Vehicle Recreation Area and was determined eligible for the National Register of Historic Places. Ethnographic literature documents the existence of these rabbit fences specifically in this region, reinforcing the likelihood that similar structures exist within the

project area. Without a Tribal survey, the true nature of these resources may remain unknown, potentially leading to the irreversible loss of Tribal history and heritage.

RESPONSE T1-6

See the response to comment T1-5

COMMENT T1-7

Identification and Protection of TCRs

To ensure the accurate identification, documentation, and preservation of TCRs, it is essential that Tribes be granted the opportunity to conduct surveys and apply their expertise. As part of its obligations under AB 52 consultation requirements, the County has a duty to ensure that TCRs are adequately identified and protected. Addressing this issue proactively is critical to preventing the inadvertent destruction of Tribal heritage. Preservation in place is the preferred treatment method, and if previously undocumented TCRs are identified, project modifications may not be necessary.

RESPONSE T1-7

The UAIC did not request a “comprehensive” Tribal survey as an identification and avoidance tool until after the closure of consultation. Early in the environmental review process, the applicant redesigned the proposed project to reduce the footprint and fully avoid all identified TCRs at the project site. Mitigation Measure TCR-1 requires continued coordination and communication with, and approvals from, tribal monitors to ensure proper identification and handling of previously undocumented TCRs. The mitigation also requires preservation in place of identified resources wherever feasible. Refer to Master Response F and Responses to Comments T1-2, T1-3, and T1-4. The pedestrian surveys, site visits by tribal representatives, canine forensic surveys, drone surveys, archeological surveys, and the ethnography, provide adequate information to evaluate potential impacts. No further surveys are required prior to construction.

COMMENT T1-8

UAIC formally requests the following:

- Permission for Tribal representatives to access the project area and conduct a systematic survey for TCR identification.
 - UAIC will conduct this survey at no cost to the developer.

RESPONSE T1-8

See Responses to Comments T1-2, T1-3, T1-4, T1-5, T1-6, and T1-7.

Regarding reevaluation of the stacked rock walls, please see Response to Comments T1-5 and T1-6.

Regarding preservation in place of newly identified TCRs, Mitigation Measure TCR-1 requires that if potential tribal cultural resources are encountered during construction, work shall be temporarily suspended within 100 feet, and the contractor shall immediately notify the County. Tribal monitors and the applicant shall perform a field visit to the location and confer on appropriate treatment. Once a resource is determined to be a tribal cultural resource, the County shall require the project proponent to preserve the resource in place where feasible. The mitigation measure provides that “[a]voidance and preservation in place are the preferred manner of mitigation impacts to cultural resources and tribal cultural resources.” Only where preservation in place is not feasible shall the contractor undertake other measures of mitigation pursuant to the TCR AMP.

Regarding proper treatment and protection of all known and newly identified TCRs, Mitigation Measures TCR-1 and CR-2a require relocation, reburial, repatriation, and/or documentation in cooperation with tribal monitors. Mitigation Measure TCR-1 requires a restrictive instrument for preservation of the 14 documented resource sites within the project parcel boundaries. Mitigation Measure TCR-1 requires that tribal monitors shall perform a field visit and confer with the County and the applicant on the appropriate treatment of a discovered tribal cultural resource. Evaluation of the significance of identified tribal cultural resources is the responsibility of tribal monitors. Consulting tribes also will be invited to provide recommendations on culturally appropriate treatment. The draft Tribal Cultural Resource Avoidance and Minimization Plan requires protocols, including a lab facility for use by tribal monitors to properly prepare and treat materials discovered during construction, in a culturally appropriate manner, and as requested by consulting tribes.

COMMENT T1-9

- Reevaluation of the stacked rock walls classified as historic, as they may be Indigenous rabbit hunting fences-a rare and significant cultural resource documented in this region,

RESPONSE T1-9

See the response to comment T1-8.

COMMENT T1-10

- Preservation in place of any newly identified TCRs, which may not require project redesign.

RESPONSE T1-10

See the response to comment T1-8.

COMMENT T1-11

- Inclusion of the proper treatment and protection of all known and newly identified TCRs during operations of the project. The management of the open space may affect the TCRs,

RESPONSE T1-11

See the response to comment T1-8.

COMMENT T1-12

UAIC strongly believes that without a Tribal-led survey, significant TCRs will remain at risk of misclassification and destruction. Early identification efforts will help avoid costly project delays while ensuring compliance with AB 52 requirements.

RESPONSE T1-12

See the response to comment T1-8.

COMMENT T1-13

UAIC is committed to government-to-government consultation, in good faith we look forward to working with you to ensure that TCRs and cultural resources are protected.

RESPONSE T1-13

See the response to comment T1-8.

COMMENT T1-14

Please contact UAIC's Tribal Historic Preservation Department or THPO Josef Fore at thpo@auburnrancheria.com for additional outreach.

RESPONSE T1-14

The County notes the contact information provided in this comment.

LETTER T2

Wilton Rancheria, dated April 14, 2025.

COMMENT T2-1

Good evening. My name is Michelle C. St. Clair, and I am speaking today on behalf of Wilton Rancheria, in my capacity as the Tribe's Executive Director of Cultural Preservation.

Wilton Rancheria is a federally recognized Tribe with significant ancestral, cultural, and spiritual ties to the land affected by the proposed Coyote Creek Agrivoltaic Ranch Project. We offer this testimony to preserve the Tribe's objections under the California Environmental Quality Act (CEQA), Section 106 of the National Historic Preservation Act, and applicable provisions of the California Administrative Procedure Act.

RESPONSE T2-1

The comment provides an introduction and background. The County appreciates the review and comments, and detailed responses to comments are provided below.

COMMENT T2-2

We are deeply concerned that the project, as currently proposed, will result in significant and unavoidable impacts to Tribal Cultural Resources—resources that are unique, sacred, and irreplaceable to Wilton Rancheria. These include—among other resources—burial sites, ancestral village areas, trails, ceremonial locations, and traditional use areas that are central to the Tribe's identity, religious practices, history, and ongoing cultural and governance responsibilities.

The project site lies within a historically and spiritually significant cultural landscape, which includes Traditional Cultural Properties of longstanding religious and cultural significance. The project's footprint threatens to cut into that landscape, resulting in irreparable harm. Once destroyed, these cultural resources—our connections to ancestors, ceremony, and place—cannot be reconstructed, relocated, or replaced.

RESPONSE T2-2

The DEIR concludes that there are significant and unavoidable impacts to TCRs. The DEIR recognizes that the project site lies within a historically and spiritually significant cultural landscape and that the project would result in significant and unavoidable impacts to TCRs. See Chapters 8 and 14 for details. Refer to the Master Response F and Responses to Comments T1-2, T1-3, and T1-4 for additional information regarding the consultation process and mitigation required by the EIR to reduce the impact. Additionally, refer to the Response to Comments T1-6 noting that the EIR concludes that, even after mitigation, the proposed project would have a significant and unavoidable impact on tribal cultural resources.

COMMENT T2-3

In addition, we must formally state for the record that CEQA's Tribal consultation requirements under AB 52 were not met. The County unilaterally closed consultation while the Tribe had clearly indicated in writing that consultation was not complete. This action violated CEQA's requirement to conduct good faith, government-to-government consultation with Tribal governments.

RESPONSE T2-3

As discussed on page 14-28 of the DEIR, CEQA requires intergovernmental consultation to occur early in the environmental review process in order to allow tribal governments, lead agencies, and project applicants to exchange information to inform the identification of TCRs that may be impacted by the project, determine the significance of any potential adverse impacts to TCRs, and identify feasible avoidance and mitigation measures.

AB 52 defines "consultation" as "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement" (Public Resources Code section 21080.3.1(b), citing Government Code section 65352.4). "Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance" (Public Resources Code section 21080.3.1(b), citing Government Code section 65352.4.) For a discussion of the County's three-year consultation with the tribes on the project, please see Master Response F.

During consultation, the County and Wilton Rancheria addressed potential alternatives to the project. According to Tribal Elder testimony provided through the ethnography prepared for the project, there is no feasible alternative within the proposed project area that would lessen the impacts to the tribal cultural landscape's intangible spiritual qualities. In consideration of this input, and acknowledging that the applicant redesigned the proposed project to reduce the footprint and fully avoid identified sites, the DEIR did not examine an additional on-site alternative beyond the reconfigurations included as a part of Alternative 1 and Alternative 2. For information regarding additional off-site alternatives, see Master Response D.

The EIR also incorporates all feasible mitigation measures recommended by the Tribe to reduce significant effects, and the County coordinated with participating tribal representatives to draft the Tribal Cultural Resource Avoidance and Minimization Plan, which must be implemented pursuant to Mitigation Measure TCR-1 in the EIR.

California Public Resources section 21080.3.2(b)(2) states that consultation shall be considered concluded when "a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached." The County conducted tribal consultation with Wilton Rancheria in good faith and extraordinary effort for three years, and ultimately concluded that mutual agreement could not be reached.

COMMENT T2-4

It also disregards the spirit and intent of AB 52, which reinforces California’s policy of respectful engagement with Tribal governments on land use decisions that may affect Tribal Cultural Resources of significance to the Tribe.

RESPONSE T2-4

See the Response to Comment T2-3.

COMMENT T2-5

This failure deprived the Tribe of its rights under CEQA and related consultation requirements, including the opportunity to meaningfully engage in the identification of feasible project alternatives, propose avoidance strategies, and develop appropriate mitigation measures to resolve adverse effects on Traditional Cultural resources and Properties of religious and cultural significance to the Tribe.

RESPONSE T2-5

Please see Master Response F and Responses to Comments T1-2, T1-3, T1-4, T2-2 and T2-3. The County consulted with the tribes, including Wilton Rancheria, in good faith. Potential impacts to TCRs were disclosed and evaluated in the DEIR in close consultation with the tribes and the DEIR incorporates recommendations from consulting tribes into Mitigation Measure TCR-1 and the draft TCR AMP.

COMMENT T2-6

Although the Draft Environmental Impact Report acknowledges potentially significant impacts to Tribal Cultural Resources, it fails to identify feasible alternatives, avoidance measures, or culturally appropriate mitigation. CEQA requires a thorough and meaningful consideration of project redesign and avoidance of high-sensitivity areas. That did not occur here.

RESPONSE T2-6

Please see Master Response F. The canine forensic surveys were conducted to provide additional data related to identified TCRs. The County then coordinated with the applicant to redesign the project to fully avoid all identified TCRs and to lessen the impacts from the project to the landscape to the degree feasible.

The County consulted with and solicited feedback from all consulting tribes on each of the technical studies performed for the project, provided additional data such as LiDAR drone footage, the requested ethnographical data, requested Tribal review of the TCR Treatment Plan required by Mitigation Measure TCR-1, and incorporated recommendations from consulting tribal representatives into the mitigation measures in the EIR. Mitigation Measure TCR-1 requires complete avoidance of currently identified resources, buffer zones to protect resources identified during construction, site protection measures, construction crew training, tribal monitoring, formal documentation and

avoidance of any resources discovered during construction whenever feasible, revegetation using a native planting pallet, and an adaptive management plan for future avoidance.

With respect to alternatives, according to Tribal Elder testimony provided through the ethnography prepared for the project, there is no feasible alternative within the proposed project area that would lessen impacts to the tribal cultural landscape's intangible spiritual qualities. Any alternative that avoids effects on these landscape features across the entire project area would render the project infeasible and would be unable to accomplish most of the project objectives. As a result, the impact to TCRs would be significant and unavoidable. For information regarding additional off-site alternatives, see Master Response D.

COMMENT T2-7

Let us be clear: Tribal Cultural Resources are not relics of the past—they are living elements of the Tribe, its peoples, their history, identity, and spiritual obligations. Our responsibilities to our ancestors and sacred places are ongoing and cannot be fulfilled if those places are desecrated or destroyed. This project proposes permanent development in a landscape where traditional use, ceremony, and cultural connection persist to this day. Therefore, we strongly urge the County to take at least these three steps:

RESPONSE T2-7

See the response to comment T2-6.

COMMENT T2-8

Reinstate and continue AB 52 consultation in good faith, in accordance with CEQA requirements;

RESPONSE T2-8

California Public Resources Code section 21080.3.2(b)(2) states that consultation shall be considered concluded when “a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.” The County conducted tribal consultation with Wilton Rancheria in good faith for three years and, at the conclusion of consultation, the County determined that mutual agreement could not be reached as provided for in Public Resources Code section 21080.3.2. The County respects the traditional lifeways and longstanding use of the landscape by Wilton Rancheria.

Please see Master Response F and Responses to Comments T1-2, T1-3, T1-4, T2-2, and T2-3. The County performed AB 52 consultation in good faith with Wilton Rancheria regarding alternatives to the proposed project, facilitated a project re-design based on input regarding TCRs, and incorporated all feasible mitigation measures recommended to reduce significant effects. Mitigation Measure TCR-1 requires long-term protection and management of tribal cultural resources in collaboration with tribal monitors, based on recommendations from consulting tribal representatives.

Regarding alternatives, please see Responses to Comments T2-6 - T2-7 and Master Response F.

Regarding “enforceable, long-term protections for Tribal Cultural Resources, including conservation easements, recorded avoidance zones, and binding mitigation measures developed in coordination with Wilton Rancheria,” please see DEIR pages 14-35 through 14-40. As described in Chapter 8, “Cultural and Paleontological Resources,” implementation of Mitigation Measures CR-2a (Cultural Resource Management Plan), CR-2b (Construction Monitoring), and CR-3a (Walltown Mining District Historic Study and Interpretive Plan) would reduce the potential impacts to any unknown archaeological sites or buried human remains that could be determined to be TCRs. In addition, implementation of Mitigation Measure TCR-1 (Tribal Cultural Resource Avoidance and Minimization Plan) would further address impacts to TCRs, including provisions for the long-term protection of documented resources. The project applicant has committed to fully avoiding documented resources, and TCR-1 describes the process for a restrictive instrument to be placed over these areas to the extent possible, while acknowledging that the avoided areas would not be a part of the long term lease area, and therefore, ultimate land use decisions lie with the property owner and outside of the control of the project applicant.

The County acknowledges that TCRs in the vicinity of Coyote Creek are unique and spiritually significant to the living descendants of its former inhabitants, and they would be significantly impacted by changes in viewshed and the contemporary, spiritually associated ecology. While the mitigation measures ensure proper treatment of TCRs, they would not avoid the holistic impacts to the landscape and its contributing resources or reduce the impacts to less than significant. There are no additional feasible mitigation measures that reduce or avoid this effect to less than significant. As a result, despite implementation of required mitigation, the impact on TCRs would be significant and unavoidable.

CEQA requires that, when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code section 21081.6). The County will adopt and implement a monitoring and reporting program in accordance with CEQA requirements to ensure all mitigation measures are implemented during project construction and operations.

The County performed AB-52 consultation in good faith over a three-year period. The mitigation measures in the EIR were identified and developed in coordination with Wilton Rancheria and other consulting tribes throughout the consultation process. Adopted mitigation measures are binding and enforceable.

COMMENT T2-9

Identify and evaluate a culturally viable alternative with reduced ground disturbance and avoidance of known high-sensitivity areas;

RESPONSE T2-9

See the response to comment T2-8.

COMMENT T2-10

Adopt enforceable, long-term protections for Tribal Cultural Resources, including conservation easements, recorded avoidance zones, and binding mitigation measures developed in coordination with Wilton Rancheria.

RESPONSE T2-10

See the response to comment T2-8.

COMMENT T2-11

Wilton Rancheria remains committed to government-to-government consultation and respectful engagement. However, we cannot support the project as proposed and will take all necessary steps to protect the Tribe's cultural heritage, sovereign rights, and the obligations we hold to our ancestors and future generations.

RESPONSE T2-11

See the response to comment T2-8.

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