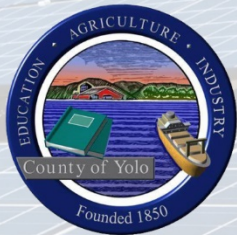


# Gibson Solar Farm Use Permit (ZF2020-0043)

## Final Environmental Impact Report

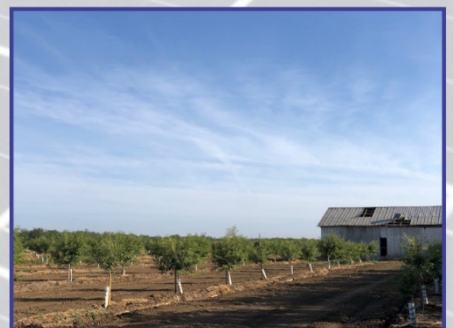
State Clearinghouse No.: 2021100191



**Yolo County**  
Department of  
Community Services

Technical Assistance Provided by:  
**Aspen Environmental Group**

**May 2023**



# FINAL ENVIRONMENTAL IMPACT REPORT

for the  
**Gibson Solar Farm Use Permit**  
(ZF2020-0043)

*Lead Agency*



**Yolo County**  
**Department of Community Services**

292 West Beamer Street  
Woodland, CA 95695

*Technical Assistance*  
*provided by*



**May 2023**

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## ATTACHMENTS

Attachment A Draft Mitigation Monitoring and Reporting Program

# 1. INTRODUCTION

## 1.1. Purpose of this Response to Comments Document

The Gibson Solar Farm Use Permit (ZF2020-0043) Draft Environmental Impact Report (EIR) (SCH #2021-10-0191) was released for a 45-day public review and comment period beginning on January 13, 2023, and ending on February 27, 2023. The Draft EIR was made available to responsible agencies, trustee agencies, state agencies with jurisdiction by law, and interested parties and individuals. After completion of a Draft EIR, the California Environmental Quality Act (CEQA) requires the Lead Agency to consult with and obtain comments from public agencies that have legal jurisdiction with respect to the proposed project, and to provide the general public with opportunities to comment on the Draft EIR. CEQA also requires the Lead Agency to respond to significant environmental issues raised in the review and consultation process in accordance with the State CEQA Guidelines (California Code of Regulations [CCR] Section 15132). The Lead Agency for the Gibson Solar Farm Use Permit (Project) EIR is the Yolo County Department of Community Services.

In addition to receiving written comments, the County held a public meeting with the Yolo County Planning Commission on February 9, 2023, to receive verbal comments on the Draft EIR. This document has been prepared to respond to agency and public comments received on the Draft EIR. Together with the Draft EIR, this document constitutes the Final EIR for the project.

The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision-makers before approving or denying a proposed project. As specified in CEQA Guidelines Section 15132, the Final EIR shall consist of (a) the Draft EIR or a revision of the Draft EIR; (b) comments and recommendations received on the Draft EIR either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the Draft EIR; (d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and (e) any other information added by the Lead Agency.

## 1.2. Report Organization

Chapter 2 of this document contains a list of persons who submitted written comments, and a list of persons who submitted oral comments at the public meeting on February 9, 2023. Chapter 3 of this document contains copies of comments received during the comment period and responses to those comments. Each comment is numbered in the margin of the comment letter. Responses to all written comments are found in the page immediately following the letter. The written comments and responses are referenced alphanumerically by letter and comment number; the written comment letters are coded alphabetically A through D depending on the type of commenter (agency [A], organization or business [B], private citizen [C], and the Applicant [D]). For example, the first comment in the first agency Response to Comments letter (from the California Department of Transportation) is Letter A. Chapter 4 of this document contains changes to the Draft EIR. Text changes to the Draft EIR are shown in underline for additions and ~~strikethrough~~ for deletions. Text changes are organized sequentially according to the page in the Draft EIR on which the text is changed.

## 1.3. Project Overview

The proposed Project has not changed since the publication of the Draft EIR in January 2023, nor have the impacts or mitigations changed because of the comments on the Draft EIR. However, comments were received from the Planning Commissioners at the public meeting held in February 2023 related to details of the Project's Power Purchase Agreement (PPA) schedule, proposed Multi-Use Plan, battery energy storage system, Williamson Act contract, decommissioning and recycling, and visual resources analysis,

some of which resulted in revisions to Section B (Project Description) in the Final EIR. These changes are included in Chapter 4 of the Final EIR.

For reader convenience, an overview of the Project (from the Draft EIR Notice of Availability) is repeated below, followed by Table 1-1, which includes all impacts evaluated in the Draft EIR, the recommended mitigation measures and the determination of impact significance. Figure A-1 is the Project vicinity map, Figure A-2 is the existing Site Plan, and Figure A-3 shows surrounding land uses, as copied from the Draft EIR.

The Project evaluated in the Draft EIR consists of the construction and operation of an up to 20 megawatt alternating current (MWac, or MW) solar photovoltaic (PV) electricity generating facility with a 6.5 MWac/26-megawatt hour (MWh) to 13 MWac/52 MWh Battery Energy Storage System (BESS) on a 147.42-acre parcel of land zoned for agricultural uses. The proposed Project is a request for a Use Permit to construct and operate the Solar Farm. The Project is subject to the CEQA, because the Project requires discretionary action by a public body.

The proposed Project would be located approximately 1.2 miles east of Esparto in an unincorporated area of Yolo County and would be constructed on a 147.42-acre parcel of land. Within that parcel, the PV modules would cover up to approximately 34.4 acres, and the area used for access roads, equipment, and other fixtures would require another 5.5 acres. To minimize inter-row shading from the sun, the spacing between the parallel arrays would be approximately 14 feet, leaving more than 107 acres between the solar arrays available for use as a stable grassland/pollinator plant substrate. The proposed Project would be located on a parcel that is currently in agricultural production and is surrounded by orchards and field crops. The parcel is located on Prime Farmland and currently enrolled in the Williamson Act under Agreement #71-206.

The electricity generated by the PV field will be used in part for charging the batteries, and the remaining energy generated by the PV farm will be delivered to the grid. Electricity generated by the proposed Project will be sold to the local Community Choice Aggregator, Valley Clean Energy, and be interconnected to the Pacific Gas and Electric (PG&E) electrical distribution system at the existing 21-kilovolt (kV) Madison Substation.

Project alternatives that were considered during alternatives screening include:

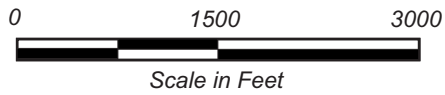
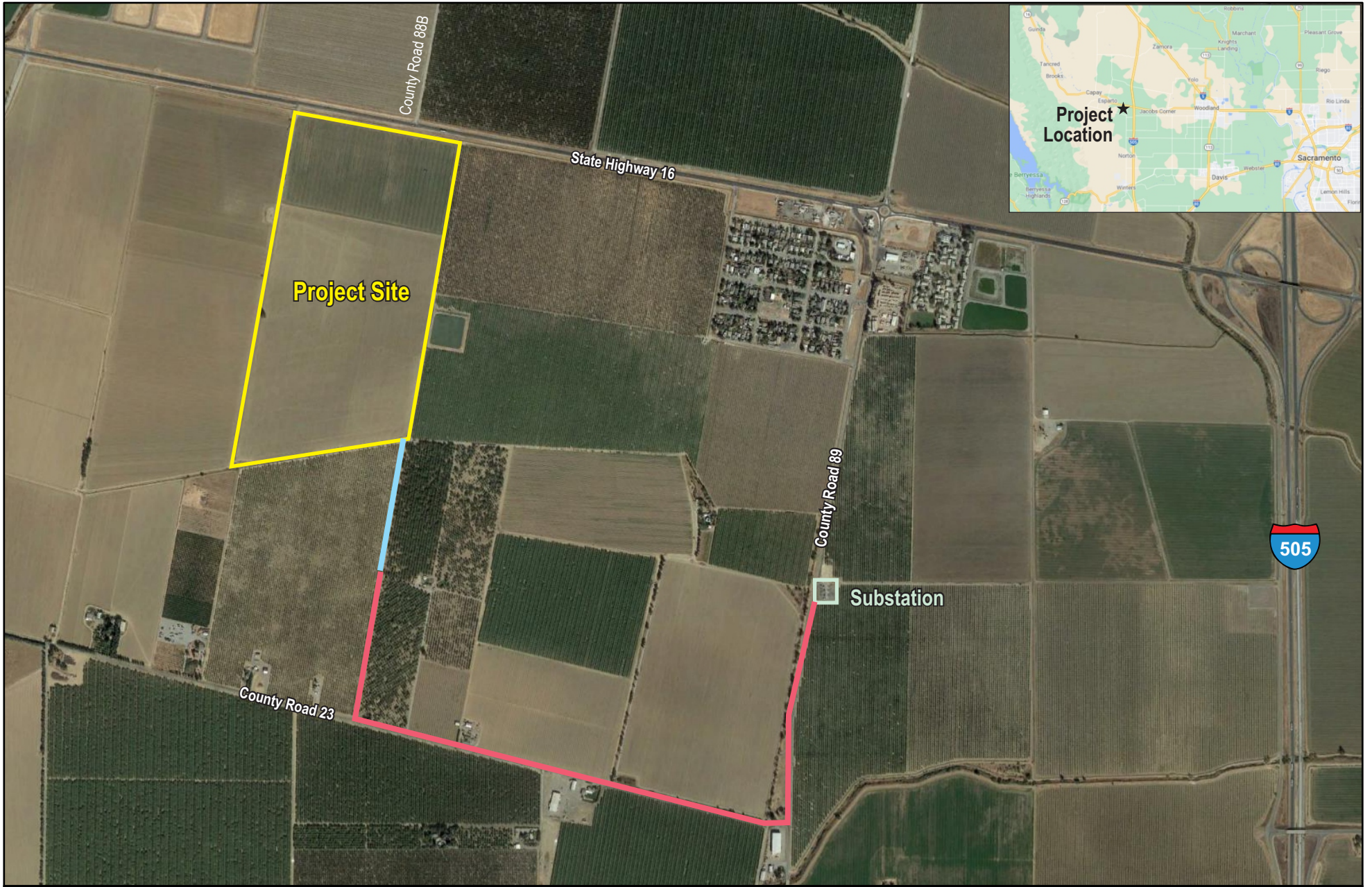
- Alternative Sites for the solar facility
- Intensive Agrivoltaics Alternative
- Distributed Energy Alternative: Rooftop/parking lot locations
- Reduced Footprint Alternative

Adoption of the Project will require the following actions by the County:

- Certification of the Final EIR for the Project;
- Adoption of a Mitigation Monitoring and Reporting Plan (MMRP), Findings, and Statement of Overriding Considerations;
- Approval of the Use Permit, along with Conditions of Approval;
- Other County permits such as Building and Grading Permits related to individual Project elements; and
- Cancellation or non-renewal of the Williamson Act Contract.

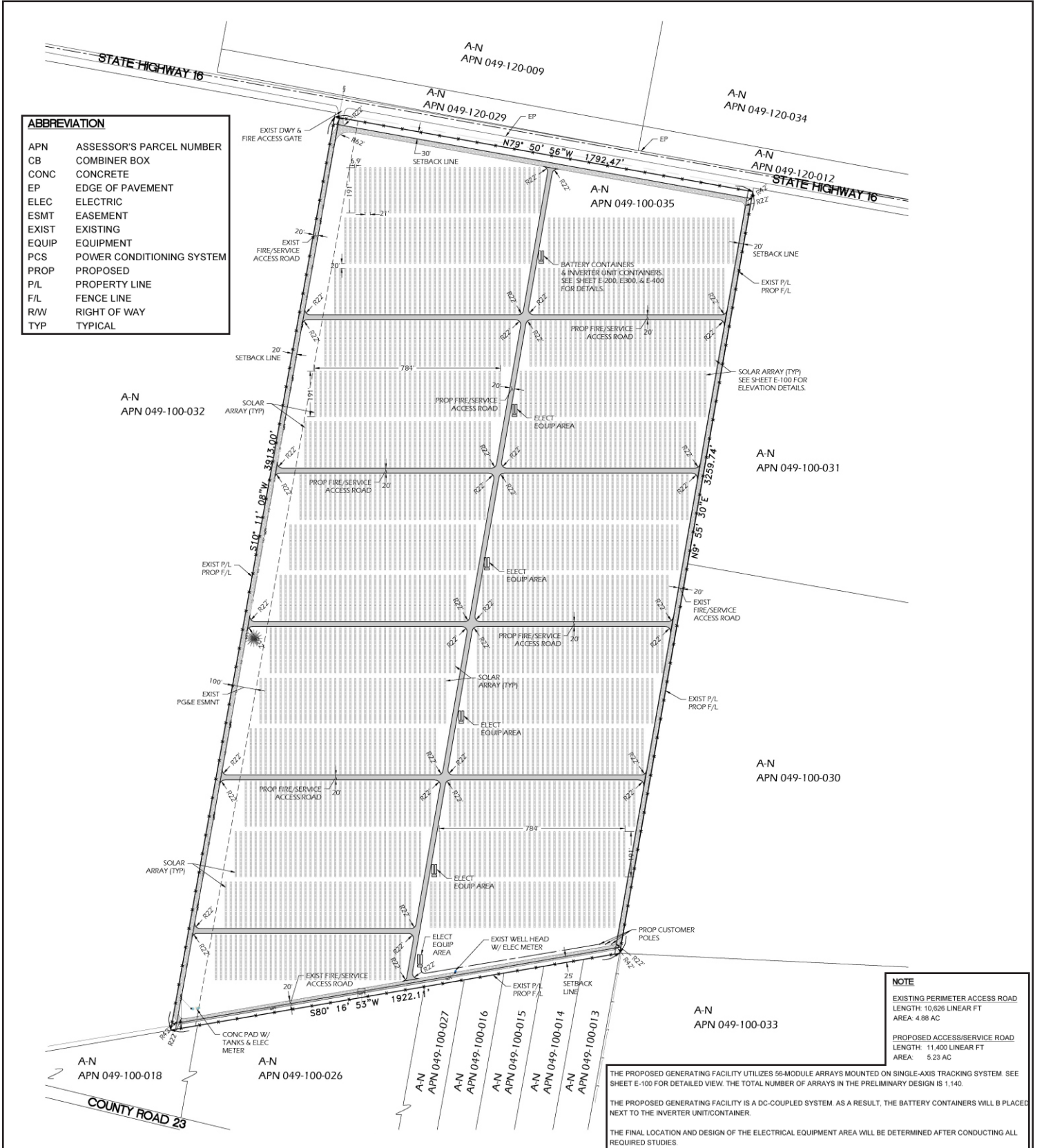
Following certification of the Final EIR and adoption of the Project, other government agencies may rely on the EIR for CEQA compliance and/or tiering for Project elements.

The Draft EIR analyzes impacts in the areas of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use/Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Significant impacts are identified to Agriculture.



- Proposed New 21kV Line
- Existing 21kV Line

**Figure A-1**  
**Project Vicinity**



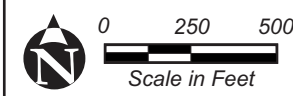
**ABBREVIATION**

APN	ASSESSOR'S PARCEL NUMBER
CB	COMBINER BOX
CONC	CONCRETE
EP	EDGE OF PAVEMENT
ELEC	ELECTRIC
ESMT	EASEMENT
EXIST	EXISTING
EQUIP	EQUIPMENT
PCS	POWER CONDITIONING SYSTEM
PROP	PROPOSED
P/L	PROPERTY LINE
F/L	FENCE LINE
R/W	RIGHT OF WAY
TYP	TYPICAL

**NOTE**  
 EXISTING PERIMETER ACCESS ROAD  
 LENGTH: 10,625 LINEAR FT  
 AREA: 4.88 AC  
 PROPOSED ACCESS/SERVICE ROAD  
 LENGTH: 11,400 LINEAR FT  
 AREA: 5.23 AC

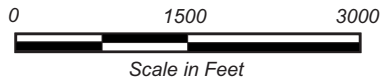
THE PROPOSED GENERATING FACILITY UTILIZES 56-MODULE ARRAYS MOUNTED ON SINGLE-AXIS TRACKING SYSTEM. SEE SHEET E-100 FOR DETAILED VIEW. THE TOTAL NUMBER OF ARRAYS IN THE PRELIMINARY DESIGN IS 1,140.  
 THE PROPOSED GENERATING FACILITY IS A DC-COUPLED SYSTEM AS A RESULT, THE BATTERY CONTAINERS WILL BE PLACED NEXT TO THE INVERTER UNIT/CONTAINER.  
 THE FINAL LOCATION AND DESIGN OF THE ELECTRICAL EQUIPMENT AREA WILL BE DETERMINED AFTER CONDUCTING ALL REQUIRED STUDIES.



Source: Gibson Renewables, LLC, 2021.



—	PROPERTY LINE	—	EXISTING POWER POLE
- - -	ADJACENT PROPERTY LINE	- - -	PROPOSED POWER POLE
- - -	EXISTING EASEMENT	●	EXIST WALNUT TREE
x x x	PROPOSED CHAINLINK FENCE	—	PROPOSED ONSITE FIRE/SERVICE ACCESS ROADS (COMPACTED NATIVE SOIL)
—	EXISTING OVERHEAD ELECTRIC LINE	—	EXIST PERIMETER ACCESS ROADS
—	PROPOSED OVERHEAD ELECTRIC LINE		
—	PROPOSED UNDERGROUND ELECTRIC LINE		

**Figure A-2**  
**Site Plan**



 Project Site  
 Orchards

 Dry Crops  
 Residence

**Figure A-3**  
**Surrounding Land Uses**



**Table 1-1. Environmental Impacts and Mitigation Measures**

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
<b>Effects Found to be Less Than Significant</b>			
<b>C.2.1 Aesthetics</b>			
a. Would the Project have a substantial adverse effect on a scenic vista?	None required.	NI	NI
b. Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	None required.	LTS	LTS
c. In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of the public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	None required.	LTS	LTS
d. Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	None required.	LTS	LTS
<b>C.2.2 Air Quality</b>			
a. Would the Project conflict with or obstruct implementation of the applicable air quality plan?	None required.	LTS	LTS
b. Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?	None required.	LTS	LTS
c. Would the Project expose sensitive receptors to substantial pollutant concentrations?	None required.	LTS	LTS
d. Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	None required.	LTS	LTS
<b>C.2.3 Energy</b>			
a. Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	None required.	LTS	LTS

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
b. Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	None required.	NI	NI
<b>C.2.4 Greenhouse Gas Emissions</b>			
a. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	None required.	LTS	LTS
b. Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	None required.	LTS	LTS
<b>C.2.5 Hazards and Hazardous Materials</b>			
a. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	None required.	LTS	LTS
b. Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	None required.	LTS	LTS
c. Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	None required.	LTS	LTS
d. Would the Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	None required.	NI	NI
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	None required.	NI	NI
f. Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	None required.	LTS	LTS
g. Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	None required.	LTS	LTS

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
<b>C.2.6 Hydrology and Water Quality</b>			
a. Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	None required.	LTS	LTS
b. Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	None required.	LTS	NI
c. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			
(i) result in substantial erosion or siltation on- or off-site;	None required.	LTS	LTS
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	None required.	LTS	LTS
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	None required.	LTS	LTS
(iv) impede or redirect flood flows?	None required.	LTS	LTS
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	None required.	LTS	LTS
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	None required.	LTS	LTS
<b>C.2.7 Land Use and Planning</b>			
a. Would the Project physically divide an established community?	None required.	NI	NI
b. Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	None required.	LTS	LTS
<b>C.2.8 Mineral Resources</b>			
a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	None required.	NI	NI

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
b. Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	None required.	NI	NI
<b>C.2.9 Noise</b>			
a. Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	None required.	LTS	LTS
b. Would the Project result in generation of excessive groundborne vibration or groundborne noise levels	None required.	LTS	LTS
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	None required.	NI	NI
<b>C.2.10 Population and Housing</b>			
a. Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	None required.	NI	NI
b. Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	None required.	NI	NI
<b>C.2.11 Public Services</b>			
Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:			
a. Fire protection?	None required.	LTS	LTS
b. Police protection?	None required.	LTS	LTS

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
c. Schools?	None required.	NI	NI
d. Parks?	None required.	NI	NI
e. Other Public Facilities?	None required.	NI	NI
<b>C.2.12 Recreation</b>			
a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	None required.	LTS	LTS
b. Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	None required.	NI	NI
<b>C.2.13 Transportation</b>			
a. Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	None required.	NI	NI
b. Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	None required.	LTS	LTS
c. Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	None required.	LTS	LTS
d. Would the Project result in inadequate emergency access?	None required.	NI	NI
<b>C.2.14 Utilities and Service Systems</b>			
a. Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	None required.	LTS	LTS
b. Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	None required.	NI	NI
c. Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has	None required.	LTS	LTS

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?			
d. Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	None required.	LTS	LTS
e. Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	None required.	NI	NI
<b>C.2.15 Wildfire</b>			
a. Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?	None required.	LTS	LTS
b. Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	None required.	LTS	LTS
c. Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	None required.	LTS	LTS
d. Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	None required.	LTS	LTS
<b>Effects Found to be Less Than Significant with Mitigation</b>			
<b>C.3.1 Biological Resources</b>			
a. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<b>MM BIO 1. Avoid Construction and Decommissioning-related Disturbances to Active Swainson’s Hawk Nest.</b> To avoid this impact, construction and decommissioning should occur during the non-breeding season, September 1 to March 15, unless it is determined that the nest is inactive or young have fledged during the construction/demolition year. If construction/decommissioning is scheduled to occur during the breeding season (March 15 to August 30), surveys should be conducted prior to proposed Project activities to determine activity at the	S	LTSM

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
	nest site. If the nest is active, a 1,320 foot no-disturbance buffer should be established around the nest to minimize disturbance. Alternatively, an incidental take permit may be sought in consultation with CDFW pursuant to Section 2080 of the state endangered species act. Doing so, however, will require additional compensatory mitigation to be specified by CDFW during the consultation. Because there are no other potential nest trees within 1,320 feet of the proposed Project site, no other preconstruction (or pre-demolition) surveys for Swainson’s hawk or white-tailed kite are necessary.		
b. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	None required.	NI	NI
c. Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means?	None required.	NI	NI
d. Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	None required.	NI	NI
e. Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	None required.	NI	NI
f. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or State habitat conservation plan?	None required.	NI	NI
<b>C.3.2 Cultural Resources</b>			
a. Would the Project cause a substantial adverse change in the significance of an historical resource pursuant to §15064.5 [§15064.5 generally defines historical resource under CEQA]?	<b>MM CUL 1. Worker Environmental Awareness Program.</b> Prior to the initiation of construction, all construction personnel shall be trained by a qualified archaeologist meeting federal criteria under 36 CFR 61 regarding the recognition of possible	S	LTSM

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
	buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and protection of all archaeological resources during construction. Training shall inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend the Workers' Environmental Awareness Program, so they are aware of the potential for inadvertently exposing buried archaeological deposits		
b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<b>MM CUL 2. Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources.</b> If previously unidentified cultural resources are uncovered during construction activities, construction work within 50 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist assesses the significance of the resource. The archaeologist, in consultation with the County, the Yocha Dehe Wintun Nation, and any other responsible public agency, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find(s) is found to be eligible to the National or California Registers, qualify as a unique archaeological resource under CEQA (PRC §21083.2), or is determined to be tribal cultural resource as defined in PRC §21074	S	LTSM
c. Would the Project disturb any human remains, including those interred outside of formal cemeteries?	<b>MM CUL 3. Treatment of Human Remains.</b> All human remains discovered are to be treated with respect and dignity. Upon discovery of human remains, all work within 50 feet of the discovery area must cease immediately, nothing is to be disturbed, and the area must be secured. The County Coroner's Office must be called. The Coroner has 2 working days to examine the remains after notification. The appropriate land manager/owner of the site is to be called and informed of the	S	LTSM



Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
	<p>discovery. It is very important that the suspected remains, and the area around them, are undisturbed and the proper authorities called to the scene as soon as possible, because it could be a crime scene. The Coroner would determine if the remains are archaeological/historic or of modern origin and if there are any criminal or jurisdictional questions.</p> <p>After the Coroner has determined that the remains are archaeological/historic-era, the Coroner would make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.</p> <p>The NAHC would immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48 hours from the time given to access the site to make recommendations to the landowner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.</p> <p>According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052).</p>		

**C.3.3 Geology and Soils**

- a. Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial

None required.

LTS

LTS

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			
(ii) Strong seismic ground shaking?	None required.	LTS	LTS
(iii) Seismic-related ground failure, including liquefaction?	None required.	LTS	LTS
(iv) Landslides?	None required.	NI	NI
b. Would the Project result in substantial soil erosion or the loss of topsoil?	None required.	LTS	LTS
c. Would the Project be located on geologic units or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	None required.	LTS	LTS
d. Would the Project be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	None required.	LTS	LTS
e. Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	None required.	NI	NI
f. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<b>MM PAL 1. Inadvertent Paleontological Find.</b> Although highly unlikely, should any significant paleontological resources (e.g., bones, teeth) be unearthed, construction activities should be diverted at least 15 feet from the find until a professional paleontologist has assessed the find and, if deemed significant, salvaged it in a timely manner. Collected fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they will be properly curated and made available for future research.	S	LTSM

**C.3.4 Tribal Cultural Resources**

a. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<b>MM CUL 1.</b> Worker Environmental Awareness Program. <b>MM CUL 2.</b> Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources. <b>MM CUL 3.</b> Treatment of Human Remains.	S	LTSM
(ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<b>MM CUL 1.</b> Worker Environmental Awareness Program. <b>MM CUL 2.</b> Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources. <b>MM CUL 3.</b> Treatment of Human Remains.	S	LTSM
<b>Significant Effects that Cannot be Avoided</b>			
<b>C.4.1 Agriculture and Forestry Resources</b>			
a. Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<b>MM AG-1. Farmland Conservation Easement.</b> Mitigation for the permanent loss of agricultural land will comply with Yolo County Code Section 8 2.404 (the Agricultural Conservation and Mitigation Program), which requires the acquisition of an agricultural preservation easement at a ratio between 1:1 and 3:1, depending on the location of the easement areas.	SU	SU
b. Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?	<b>MM AG-2. Williamson Act Incompatibility.</b> Avoid the incompatibility with the Williamson Act by: (1) Non-renewing the Williamson Act contract and delaying the Project until the nine-year non-renewal period has lapsed; or (2) Canceling the Williamson Act contract by making the necessary findings; or (3) Determining that the Project is a compatible “electric facility” use under Government Code section 51238(a)(1).	S	LTSM
c. Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	None required.	NI	NI

Impact	Mitigation Measure	Impact Significance*	
		Before Mitigation	After Mitigation
d. Would the Project result in the loss of forest land or conversion of forest land to non-forest use?	None required.	NI	NI
e. Would the Project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	None required.	LTS	LTS

- \* **NI:** No Impact
- LTS:** Less Than Significant
- LTSM:** Less Than Significant with Incorporation of Mitigation
- S:** Significant
- SU:** Significant and Unavoidable

## 2. LIST OF PERSONS COMMENTING

Table 2-1 lists the persons and agencies that submitted comments on the Draft EIR. No members of the public commented orally at the public meeting held at the regularly scheduled Planning Commission meeting on February 9, 2023.

**Table 2-1. List of Comments on the Draft EIR**

<b>CMT NO.</b>	<b>DATE</b>	<b>FROM</b>
<b>A: Agencies</b>		
A1	2/17/23	Gary Arnold, Branch Chief California Department of Transportation
<b>B: Organizations</b>		
B1	2/27/23	Sophia Markowska, Senior California Representative Defenders of Wildlife
<b>C: Individuals</b>		
C1	1/15/23	Brian Paddock
C2	1/18/23	Chad Roberts
<b>D: Applicant</b>		
D1	2/27/23	John Ewen, President, North America Emeren US, LLC

### 3. COMMENTS AND RESPONSES

This chapter includes copies of the comment letters received regarding the Draft EIR that was published January 13, 2023, and circulated for public comment. The deadline to submit comments on the Draft EIR to the County was February 27, 2023. Five written comments were received by the February 27, 2023 deadline, and no additional written or verbal comments were received after the comment deadline. Each comment letter is provided below, followed by the County's responses. The responses emphasize issues related to the adequacy of the Draft EIR in identifying and analyzing the possible environmental impacts of the Project and possible approaches for avoiding or mitigating these impacts. Because all of the comment letters received regarding the Draft EIR are reproduced herein, they are part of the Final EIR for this Project. As such, these comments will be considered by decision-makers as they decide whether to certify the EIR and approve the Project.

The individual comments are numbered, and responses immediately follow the comments. It is important to note that only the substantive comments raised on the merits of the environmental analysis are identified, numbered, and responded to, while comments such as those related to the commenter's interest in or opinions about the Project, or a summary of the Project itself were noted but did not include a substantive response. If revisions were made to the EIR based on the comments, the revisions are summarized with the response to the specific comment and are indicated in the text of this Final EIR with ~~strikeout~~ for deletions of text, and in underline for new text shown in Chapter 4.

### 3.1. Comments Received from Public Agencies

#### Comment Set A1 – California Department of Transportation

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

#### California Department of Transportation

DISTRICT 3  
703 B STREET | MARYSVILLE, CA 95901-5556  
(530) 741-4233 | FAX (530) 741-4245 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



February 17, 2023

03-YOL-2023-00190

Tracy Gonzalez  
Assistant Planner  
Department of Community Services  
292 West Beamer Street  
Woodland, CA 95695

#### Gibson Solar Farm – DEIR

Dear Ms. Gonzalez:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which includes addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The proposed project is located approximately 0.6 miles west of the community of Madison along State Route (SR) 16 and approximately 1.2 miles east of Esparto in an unincorporated area of Yolo County. The project proposes to construct and operate a solar photovoltaic (PV) electricity generating facility with the capacity to generate up to 20 megawatts alternating current (MWac, or MW) of renewable electrical energy during peak periods of production. The Gibson Solar Farm Project (proposed Project) would also include a 6.5 MWac/26 megawatt-hour (MWh) Battery Energy Storage System (BESS). Based on the Draft Environmental Impact Report, Caltrans has the following comments:

#### Highway Operations

Please provide the following:

- Please clarify whether traffic control be needed at the driveway location when delivering the solar panels and other equipment to the proposed project site.

A1-1

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Tracy Gonzalez, Assistant Planner  
February 17, 2023  
Page 2

- Page C-49 of the DEIR, section C.2.13.3.c/d mentions multiple construction driveways. There is only one driveway access to the project site along the SR 16, which is located on the west of the property. No other driveway will be permitted during the construction along this route. Channeling where the vehicles/truck enter SR 16 eliminates conflict points and confusion to the driving public along this route.
- The existing driveway access along the SR 16 to the proposed project site will need to be upgraded/built to commercial standards. Please see Encroachment Permit Manual, Road Connections and Driveways -Appendix J.

**A1-1,  
cont.**

**Right of Way**

The proposed the is located on the southmost side of the State Right of Way (ROW) along SR 16. Applicant will need to delineate and clearly identify Caltrans ROW in their plan sheets.

- Applicant is recommended to label state ROW with bearings and distances and widths on the Plan sheets. ROW Engineering advises the applicant should request ROW Record and Monument Maps by contacting the District 3 ROW Map counter at: [d3rwmapproquest@dot.ca.gov](mailto:d3rwmapproquest@dot.ca.gov)
- Applicant or their representatives may also need to identify any possible vulnerable survey monuments in the development area that will need to be preserved and/or perpetuated, as required by PE Act 6731.2 and PLS Act 8771.

**A1-2**

**Hydraulic**

The development of this site will increase the impervious surface area through the construction of roads, driveways, parking lots, buildings, etc., with a corresponding increase in surface water runoff. This project will decrease surface water detention, retention, and infiltration. No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Any cumulative impacts to Caltrans drainage facilities arising from the effects of development on surface water runoff discharge from the 100-year storm event should be minimized through project drainage mitigation measures.

**A1-3**

Increases in peak runoff discharge for the 100-year storm event to the State's highway right of way and Caltrans' highway drainage facilities must be reduced to at or below the pre-construction levels. The cumulative effects on drainage due to development within the region should be considered in the overall development plan of this area.

"Provide a safe and reliable transportation network that serves all people and respects the environment"



Tracy Gonzalez, Assistant Planner  
 February 17, 2023  
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All grading and/or drainage improvements must maintain or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State's highway ROW or to Caltrans drainage facilities. The developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of stormwater management Best Management Practices (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.). Once installed, the property owner must adequately maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.

**A1-3,  
cont.**

Runoff from the proposed project that will enter the State's highway ROW and/or Caltrans drainage facilities must meet all regional water quality control board water quality standards before entering the State's highway ROW or Caltrans drainage facilities. Appropriate stormwater quality Best Management Practices may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must adequately maintain these systems in perpetuity.

### **Encroachment Permit**

Any project along or within the State's ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

**A1-4**

Hikmat Bsaibess  
 California Department of Transportation  
 District 3, Office of Permits  
 703 B Street  
 Marysville, CA 95901

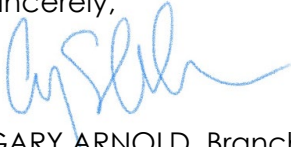
Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Tracy Gonzalez, Assistant Planner  
February 17, 2023  
Page 4

If you have any questions regarding these comments or require additional information, please contact Sukhi Johal, Local Development Review Coordinator, by phone (530) 565-3885 or via email at [sukhi.johal@dot.ca.gov](mailto:sukhi.johal@dot.ca.gov).

Sincerely,



GARY ARNOLD, Branch Chief  
Local Development Review, Equity and System Planning  
Division of Planning, Local Assistance and Sustainability  
Caltrans District 3

"Provide a safe and reliable transportation network that serves all people and respects the environment"

## Responses to Comment Set A1 – California Department of Transportation

### Response to Comment A1-1

The commenter states that a single access point for Project vehicles or trucks to enter State Route (SR) 16 eliminates conflict points and confusion to the driving public along this route. The commenter asks for clarification whether traffic control would be needed at the driveway when equipment is delivered to the site. Finally, the commenter also states that the existing driveway access along SR 16 to the Project site would need to be upgraded to commercial standards.

Section C.2.13.3, items a and b, of the Draft EIR describe the traffic scenario at the access point, off SR 16. As shown on Figure A-2 in the Draft EIR, there is an existing driveway and single access point to the Project site from SR 16.

No traffic control is currently proposed along SR-16 during equipment and solar panel deliveries. Should the Project require an encroachment permit from Caltrans for driveway improvements to SR 16 as part of site ingress/egress, the Applicant would comply with any requirements of the Caltrans encroachment permit, including traffic control if required.

Upgrades to the driveway access point along SR 16 to accommodate Project vehicles and equipment are proposed, as described in the Draft EIR. Section C.2.13.3, Item c, of the Draft EIR states that “[s]tabilized construction entrances and exits would be installed at each driveway to facilitate access for construction vehicles and equipment.” See Response to Comment A1-4 regarding encroachment permit requirements should Project components extend into the Caltrans right-of-way (ROW) for SR 16.

### Response to Comment A1-2

The commenter asks that the Applicant delineate and clearly identify the Caltrans ROW in their plan sheets.

Figure A-2 (Site Plan) in the Draft EIR depicts the SR 16 Caltrans ROW; therefore, no revisions are required in the Final EIR. During final design and engineering and prior to construction, the Applicant will confirm all ROWs and obtain necessary permits. Should a Caltrans encroachment permit be required, the Applicant would submit plan sheets as described by the commenter in accordance with Caltrans requirements. See also Response to Comment A1-4.

### Response to Comment A1-3

The commenter states that the development of the Project site will increase impervious surfaces, and thereby, decrease water detention, retention, and infiltration. The commenter recommends implementation of stormwater Best Management Practices (BMPs) to maintain or improve existing drainage patterns and to ensure that runoff meets all Regional Water Quality Control Board (RWQCB) water quality standards.

Impervious groundcover would be limited to foundations for the proposed solar panels (if needed), energy storage system, and compacted roads and parking areas. Together, these features are anticipated to be only a small portion of the 147-acre site. Growing native plants on-site under the multi-use plan described in Section B.2.6 of the Draft EIR would provide habitat for pollinators while also protecting the topsoil and improving topsoil over the life of the proposed Project. Additionally, the Project would leave drainage patterns relatively intact. Because the Project plan proposes minimal grading (see EIR Section B.4.2 [Site Preparation]), alteration of the existing drainage pattern and any associated erosion or siltation should be minimal.

Stormwater BMPs would be implemented for the Project to ensure that any runoff that may enter the State’s ROW would meet all Central Valley RWQCB standards. As described in Section C.2.6.2 (Hydrology

and Water Quality, Regulatory Background), the Project would be subject to the Clean Water Act. The Applicant would obtain an NPDES permit and implement a SWPPP for the Project to address impacts to Hydrology, as stated in Section C.2.6.3, Items a and e, in the Draft EIR. Additionally, as stated in Section C.2.6.3, Item c(i), of the Draft EIR, the proposed Project would adhere to BMPs and all requirements of applicable permits and regulations to reduce erosion.

Section G (Mitigation Monitoring and Reporting Plan) of the Draft EIR discusses the parties responsible for overseeing implementation of mitigation and other conditions of Project approval, including permit conditions. No revisions to the EIR are necessary in response to this comment.

#### **Response to Comment A1-4**

The commenter states that any project along or within the State's ROW requires an encroachment permit issued by Caltrans. Section C.2.13.3, Item c, of the Draft EIR states that Project construction, decommissioning, and operation do not include any changes to the roadway alignment or intersections along SR 16. However, stabilized construction entrances and exits would be installed at each driveway to facilitate access for construction vehicles and equipment. As shown on Figure A-2 in the Draft EIR, there is an existing driveway off SR 16.

An encroachment permit would be required should these entrance/exit improvements or any other Project components extend into the Caltrans ROW along SR 16. If signage required to comply with the Caltrans permit is located within County ROW, a concurrent encroachment permit would be required from Yolo County. Section A.3.4, Table A-1 in the EIR has been modified to add the Caltrans Encroachment Permit requirement (see Final EIR Chapter 4).

## 3.2. Comments Received from Groups and Organizations

### Comment Set B1 – Defenders of Wildlife



#### California Program Office

P.O. Box 401, Folsom, California 95763 | 916-313-5800  
[www.defenders.org](http://www.defenders.org)

February 27, 2023

Tracy Gonzalez, Assistant Planner  
Yolo County Department of Community Services  
292 West Beamer Street  
Woodland, CA 95695  
Delivered via email to: [Tracy.gonzalez@yolocounty.org](mailto:Tracy.gonzalez@yolocounty.org)

RE: Draft Environmental Impact Report – Gibson Solar Farm  
(SCH 2021100191)

Dear Ms. Gonzalez,

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Report (DEIR) for the proposed Gibson Solar Farm (Project). Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.2 million members and supporters in the United States, 323,000 of which reside in California. We strongly support renewable energy development that will help meet California's emission reduction goals and avoids destruction of important wildlife habitat and the loss of at-risk species. Achieving a low-carbon energy future is critical for protecting California's internationally treasured wildlife, landscapes and diverse habitats.

The proposed Project is a solar photovoltaic PV electricity generating facility and associated infrastructure that would generate up to 20 MW of renewable energy and include a 26 MWh battery storage system. There is a Power Purchase Agreement in place with Valley Clean Energy. The Project is on 147.42 acres of privately-owned land in west-central Yolo County. It is located 0.6 miles west of the unincorporated community of Madison and 1.2 miles east of the unincorporated community of Esparto. The Project site is designated Agriculture and is zoned as Agricultural Intensive. The project site is in agricultural production and surrounding lands are being cultivated. The Project proposes to grow native plants on-site, providing pollinators with habitat. This is expected to enhance the site's overall ecologic function and foraging habitat for Swainson's hawk (*Buteo swainsoni*), a state-listed threatened species, by providing high-value

habitat for prey species. Additionally, the Project site contains low wildlife habitat connectivity value.<sup>1</sup>

As we transition toward a clean energy future, it is imperative that we consider the near-term impact of solar development on our biodiversity, fish and wildlife habitat, and natural landscapes while addressing the long-term impacts of climate change. Therefore, renewable energy projects must be planned, sited, developed and operated to avoid, minimize and mitigate adverse impacts on wildlife and lands with known high-resource values. Defenders finds the Project is fully consistent with these criteria through being sited on previously distributed lands and applying appropriate mitigation measures to reduce the impact on special-status species in the region, including Swainson's hawk. These measures include construction and decommissioning occurring during the non-breeding season for Swainson's hawk, conducting pre-construction surveys, establishing no-distance buffers around active Swainson's hawk nest sites and the creation of a multi-use plan that includes growing native plants and is expected to enhance foraging value for Swainson's hawks. We are pleased the County has ensured the Project is thoughtfully planned, sited and developed and that Valley Clean Energy will be procuring energy from this Project. We encourage the County to continue its commitment to avoiding lands with high-conservation value for the development of renewable energy projects and mitigating any unavoidable impacts.

**B1-1**

Thank you once again for the opportunity to provide comments on the DEIR for the Gibson Solar Farm and for considering our comments. We look forward to reviewing the Final EIR and request to be notified when it is available. If you have any questions, please contact me at 408-603-4694 or via email at [smarkowska@defenders.org](mailto:smarkowska@defenders.org).

Respectfully submitted,



Sophia Markowska  
Senior California Representative

<sup>1</sup> See <https://databasin.org/maps/new/#datasets=03764f94cffc4888b4ac7427a57a57cc>

## **Responses to Comment Set B1 – Defenders of Wildlife**

### **Response to Comment B1-1**

The commenter voices support for the proposed Project on previously disturbed lands and the application of the proposed mitigation measures to reduce impacts to special-status species in the region, including Swainson’s hawk. The commenter expresses support for the County continuing to avoid development of lands with high conservation value. The commenter’s support for the proposed Project is noted.

### 3.3. Comments Received from Private Citizens

#### Comment Letter C1 – Brian Paddock

##### Email: Gibson Solar Farm EIR Team

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**From:** Brian and Gretchen Paddock <bgpaddock@gmail.com>  
**Sent:** Sunday, January 15, 2023 1:49 PM  
**To:** Tracy Gonzalez  
**Subject:** Madison Solar Farm - public comments

Tracy:

Please forward my public comment concerns:

1. County should not consider this project until it has expired from the Williamson act. Period, very simple. The contract is ineligible to be replaced by a solar use easement authorized by Government Code sections 51190 - 51192.2. The county would open themselves up to a lawsuit. It is wrong to have land in the Act, then, when it is convenient for a political group, company or the county to terminate it to suit their desires. This action of prematurely terminating the Williamson Act to please a different “competing policy” ie: renewable power would “significantly displace or impair agricultural operations on the subject contracted parcel”. “There is no feasible way to modify the Project to avoid the conflict with the Williamson Act contract.”
2. Knowing our county and the politics that govern it, I’m confident the planning commission and BOS will find a way to move this solar project forward despite the conflict and legal issues. I want them to understand this is why most constituents do not trust their government, because non-public or quiet deals are made to promote and pass the programs the commission or Board wants. Planting butterfly and bee habitat between panels is noteworthy, but it does not justify tearing out AG land in the Act.. The county leadership needs to realize food has a priority and they should not bend the law to solve their politically driven goals. If you want to feed bees, there are thousands of ways to do that without tearing out AG land.
3. The solution is uphold the law, wait 9 years until the contract expires.
4. The hypocrisy is that here the Commission and Board are willing to look the other way and eliminate land from agricultural preservation and production, but when someone like myself who has 15 ac of organic certified ag land, I can’t enter the Williamson act because the parcel size is too small. So the county says its ok to casually eliminate 147 ac from the Williamson Act, but when someone who really wants to farm and preserve land tries to add themselves to the Act, they are outright denied.

C1-1

Brian Paddock  
 Esparto, CA  
 C 530 908-9448



## Responses to Comment Letter C1 – Brian Paddock

### Response to Comment C1-1

The commenter states that the County should not consider approval of the proposed Project until the Williamson Act contract has expired because the contract is ineligible to be replaced by a solar use easement. The commenter explains that the proposed Project would significantly displace or impair agricultural operations on the subject contracted parcel.

Section C.4.1 of the Draft EIR addresses Agriculture and Forestry Resources as they apply to the proposed Project and Project site, and describes that the land is currently being used for irrigated crop production. Section C.4.1.4 (Impact Analysis), Item a, of the Draft EIR identifies the conversion of 147 acres of Prime Farmland to a non-agricultural use as a significant and unavoidable impact. Implementation of Mitigation Measure (MM) AG-1 requires that the permanent loss of agricultural land at the proposed Project site be mitigated with an agricultural conservation easement at up to a 3:1 ratio. While the multi-also provide additional benefits from an agricultural perspective, it would not eliminate the impact of Prime Farmland conversion, which remains significant and unavoidable in the EIR. The Draft EIR conclusions agree with the commenter’s statement about impairment to agricultural operations and impacts to agricultural use of the Project site.

Section C.4.1.4, Item b, of the Draft EIR states that there is no feasible way to modify the Project to avoid the conflict with the Williamson Act contract. To eliminate the conflict, implementation of MM AG-2 would either result in a: (1) non-renewal of the Williamson Act contract (which would then expire in 9 years), (2) cancellation of the contract if the County Board of Supervisors makes statutory findings, or (3) a determination that the Project is a compatible “electric facility” use under Government Code section 51238. The commenter’s proposed solution to wait 9 years until the contract expires is noted and is included as an option in MM AG-2. The commenter is correct that this site is not eligible for a solar use easement as a replacement to the Williamson Act contract. However, compliance with MM AG-2 would avoid the incompatibility with the Williamson Act and would eliminate the significant impact.

It should be noted that Section D (Project Alternatives) of the Draft EIR considers 11 site alternatives, including 3 site alternatives that are not under a Williamson Act contract and were retained for EIR analysis. Section D.6.4 of the Draft EIR concludes that “in the absence of the No Project Alternative, Alternative Site 030-030-099 is considered to be the Environmentally Superior Alternative, because it would not impact designated Prime Farmland and is not subject to a Williamson Act contract.” However, the Applicant does not have site control of the alternative sites, and therefore, it is unknown whether the landowner of Alternative Site 030-030-099 would be willing to negotiate a lease.

No revisions to the EIR are required in response to this comment.

**Comment Set C2 – Chad Roberts**

**From:** [Chad Roberts](#)  
**To:** [Tracy Gonzalez](#)  
**Cc:** [Bob Schneider](#); [Alan Pryor](#); [Taro Echiburu](#)  
**Subject:** RE: Notice of Availability of Draft EIR for Gibson Solar Farm Project  
**Date:** Wednesday, January 18, 2023 9:08:46 AM

Tracy,

I reviewed the DEIR document, with particular attention to the sections on land use, biology, and transportation. I think the EIR was prepared with attention to most local concerns of Yolo County citizens, and the land use and biology sections address circumstances in Yolo County appropriately, so I don't have additional comments. (While I think the project could be designed to include habitat augmentation for Burrowing Owl, that would require accepting ground squirrels as a normal part of the site's environment, and I doubt that anything the County proposed in that respect would be successful.) In general, this project represents a direction consistent with what Yolo citizens have indicated to be part of a desirable future.

C2-1

The transportation section seems to address typical CEQA expectations, but I have a feeling that having project-site access for trucks delivering supplies directly from Highway 16 is likely to create an increased risk to travelers on Highway 16. I didn't verify this, but I don't believe Road 88B extends south from Highway 16; whether it does or not, turning south from Highway 16 seems problematic with existing geometry and road conditions. The County might want to consider adding a requirement that trucks delivering equipment or leaving the project site use Road 23, although I think it's possible that such a requirement could lead to turning movement impacts at the intersection with Road 89. In any event, more consideration seems needed.

C2-2

Thanks,

Chad

-----  
 Chad Roberts, Ph.D., Conservation Ecologist  
 Professional Wetland Scientist (*emeritus*), Society of Wetland Scientists  
 Senior Ecologist (*emeritus*), Ecological Society of America  
 -----

"Maintaining the current levels of closed canopy forests in the dry forest zone is not sustainable given the ongoing and anticipated effects of climate change and wildfires." – Gaines et al. (2022), *Forest Ecology & Management* 504 119794

**From:** Tracy Gonzalez <Tracy.Gonzalez@yolocounty.org>  
**Sent:** Friday, January 13, 2023 4:38 PM  
**Subject:** Notice of Availability of Draft EIR for Gibson Solar Farm Project

Dear Interested Parties,

Yolo County, Department of Community Services has published a *Draft Environmental Impact Report (EIR) for the Gibson Solar Farm Project* (Project) for a 46-day public review and comment period, which is announced in the attached Notice of Availability (NOA). The Draft EIR includes a description of the proposed Project and its location, details, potential environmental impacts associated with the construction and operation of the Project, and alternatives, and presents measures, which if adopted by Yolo County, could avoid or minimize

these impacts.

***Written public comments sent via email or U.S. Mail must be submitted by Monday February 27, 2023, for inclusion in the Final EIR to:***

Tracy Gonzalez, Assistant Planner  
Yolo County  
292 West Beamer Street  
Woodland, CA 95695  
[tracy.gonzalez@yolocounty.org](mailto:tracy.gonzalez@yolocounty.org)

In addition, Yolo County will hold a virtual public meeting at the regularly scheduled Planning Commission meeting via Zoom on Thursday February 9, 2023, at 8:30 a.m. or as soon thereafter to accept oral comments on the Draft EIR at:

<https://yolocounty.zoom.us/j/97388566818?pwd=OENhdE9LVTVXY0EwNzUxdEhqNWZtdz09>

Meeting ID: 973 8856 6818 Passcode: 146225

Or Telephone: (408) 638 0968 Meeting ID: 973 8856 6818# Passcode: 146225.

**Project Background:** Gibson Renewables, LLC is seeking to construct and operate an up to 20 megawatt alternating current (MWac) solar photovoltaic (PV) electricity generating facility with a 6.5 MWac/26 megawatt hour (MWh) to 13 MWac/52 MWh Battery Energy Storage System (BESS) called Gibson Solar Farm (“Project”) on approximately 147 acres of land 1.2 miles east of Esparto in unincorporated Yolo County. This proposed Project is a request for a Use Permit to construct and operate the Solar Farm. The electricity generated by the PV field will be used in part for charging the batteries and the remaining energy generated by the PV field will be delivered to the grid. The proposed Project has a Power Purchase Agreement (PPA) with Valley Clean Energy (VCE), a community choice aggregation (CCA) public agency that focuses on providing its 150,000 customers with cost-competitive renewable energy and local reinvestment.

Yolo County is the lead agency responsible for environmental review of the project in compliance with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

**Document Availability:** For electronic access to the NOA (in addition to the attached document PDF) and the Draft EIR, please check the project website at the link below.

<https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/current-projects>

Thank you for your interest in the project.

Sincerely,  
Yolo County Planning Staff  
Aspen Environmental (CEQA Consultant)

[THIS EMAIL ORIGINATED FROM OUTSIDE YOLO COUNTY. PLEASE USE CAUTION AND VALIDATE THE AUTHENTICITY OF THE EMAIL PRIOR TO CLICKING ANY LINKS OR PROVIDING ANY INFORMATION. IF YOU ARE UNSURE, PLEASE CONTACT THE HELPDESK (x5000) FOR ASSISTANCE]

## Responses to Comment Set C2 – Chad Roberts

### Response to Comment C2-1

The commenter's statement that the proposed Project is consistent with the desires of Yolo County residents regarding solar projects is noted. See Section B.2.5 of the Draft EIR for a description of the multi-use plan to collectively grow native plants, use grazing, support pollinators, and host apiary use at the Project site.

### Response to Comment C2-2

The commenter expresses concerns that the Project's site access for trucks directly from SR 16 is likely to create an increased risk of accidents for travelers on the highway. The commentor suggests that the County consider adding a requirement that trucks use County Road (CR) 23.

Section C.2.13.3, Item c, of the Draft EIR states that the proposed Project would not introduce any traffic hazards to SR 16, and that by providing adequate access to and within the proposed Project site, any potential impacts related to traffic hazards would be substantially minimized. See also Responses to Comment Set A1 (Caltrans) regarding use of SR 16 by Project vehicles and trucks and encroachment permit requirements.

Section C.2.7.1 (Land Use) describes that CR 23 is located south of the Project parcel, but there is no direct access to the Project site from CR 23 (see also EIR Figures A-1 and A-2, which show roadways in the Project vicinity). An existing road extends from CR 23 along the southern boundary of the proposed Project; however, it is a private roadway that would likely need to be upgraded to support Project vehicles and equipment and it is owned by an entity not affiliated with the Project. Furthermore, use of CR 89 to CR 23 would increase the travel distance to the Project site from I-505 and would pass by additional residences.

The EIR has addressed risk for travelers on SR 16 and has considered Project access from County Road 23; therefore, no additional analysis or revisions to the EIR are necessary.

### 3.4. Comments Received from the Applicant

#### Comment Set D1 – Emeren US, LLC



**Emeren North America**  
5000 Hopyard Road, Suite 302  
Pleasanton, CA, 94588, USA

February 27, 2023

Tracy Gonzalez  
Assistant Planner  
Department of Community Services  
292 West Beamer Street  
Woodland, CA 95695

RE: Draft Environmental Impact Report – Gibson Solar Farm  
(SCH 2021100191)

Dear Ms. Gonzalez,

On behalf of the project company, Gibson Renewables, LLC, Emeren US, LLC thanks Yolo County for the opportunity to have the Gibson Solar Project considered for approval, and respectfully submits the following comments on the Draft Environmental Impact Report (DEIR).

EIR Section C.4.1.4, Impact and Mitigation Measure a. “Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?”

**Comment 1:** The EIR notes in this section that the soils underlying the project site “are classified as Prime Farmland, Class I and II, **if irrigated**” (emphasis added) and provides a reference (DOC, 2016) to a list of soil mapping units in Yolo County that “meet the criteria for prime farmland as outlined in the U.S. Department of Agriculture’s Land Inventory and Monitoring project for the Yolo County soil survey.” However, the cited document makes no mention of the criteria for determining whether the soils are irrigated or not. The project site was not irrigated during the 2021 and 2022 season because deliveries of irrigation water from the Yolo County Conservation and Flood Control District (YCC&FCD) to the project site were curtailed due to drought conditions that resulted in inadequate water storage in Clear Lake and Indian Valley Reservoir. Though deliveries of water by YCC&FCD may be restored in 2023, future precipitation amounts in Northern California are uncertain.

The project parcel does not currently have access to other sources of irrigation water. To continue to meet the “if irrigated” condition noted above, the farm owners would be forced to either drill one or more groundwater wells, purchase water from neighboring farms, or truck water to the site, all of which are economically infeasible for continuing farm operations on the parcel. In addition to the high cost, as determined by the landowner from data developed by drilling test wells drilled in 2004, drilling one or more new wells on the parcel could also have an adverse effect on existing groundwater pumping by neighboring property owners in the local basin. Because the cost of either alternative for continuing to irrigate and farm the parcel is economically infeasible, the farm owners would effectively be unable to continue farming the parcel if drought conditions continue.

The Final EIR for the Gibson Solar Project should clarify the methodology for determining whether and how the project parcel would meet the “if irrigated” condition for continued classification of the project parcel as Prime Farmland.

**D1-1**

Tracy Gonzalez, Assistant Planner  
 February 27, 2023  
 Page 2

**Comment 2:** Also in the discussion of the above impact criteria a., the EIR states that “Notwithstanding the **short-term nature** of the Project, **the impact to agriculture is treated as permanent for purposes of this environmental analysis**, consistent with the County’s Solar Energy Systems Ordinance’s requirement that all large-scale solar projects mitigate for permanent loss of agricultural land in accordance with the County’s Agricultural Conservation and Mitigation Program” (emphasis added).

D1-2

The County’s Solar Energy Systems Ordinance (Sec. 8-2.1104) provides no guidance or criteria for determining whether or when a short-term conversion becomes a permanent loss of agricultural land. Conversely, the federal Farmland Protection Policy Act (FPPA) specifies that its provisions apply only to Projects that “may **irreversibly** convert farmland (directly or indirectly) to nonagricultural use” (emphasis added) (§ 658.3). Please provide information or citation for treating the Project’s short-term conversion to a solar energy project as a permanent conversion, and therefore constituting a significant and unavoidable agricultural impact.

**Comment 3:** Please also provide a citation or explanation regarding the EIR’s conclusion that continued use of the parcel for apiary and grazing activities in addition to solar energy generation, and planting cover crops that would improve soil and erosion conditions “would not meet DOC’s definition of Prime Farmland nor the purpose of implementing the Agricultural Intensive (A-N) Zone.”

D1-3

Thank you again for the opportunity to provide comments on the DEIR for the Gibson Solar Farm and for considering our comments. If you have any questions regarding these comments or require additional information, please contact Jamie Nagel, Senior Project Manager, via email at [jamie.nagel@emerem.com](mailto:jamie.nagel@emerem.com).

Sincerely,



John Ewen  
 President, North America  
 Emeren US, LLC

## Responses to Comment Set D1 – Emeren US, LLC

### Response to Comment D1-1

The commenter states that the Final EIR should clarify the methodology for determining whether and how the project parcel would meet the “if irrigated” condition for continued classification of the project parcel as Prime Farmland. The comment states that the Project parcel does not currently have access to other sources of irrigation water (aside from deliveries of irrigation water from the Yolo County Flood Control and Water Conservation District).

As stated in EIR Section C.3.1.1, and Section C.4.1.1, the entire Project area has a recent history of irrigated agriculture up to 2020 and it is currently designated as Prime Farmland. In response to information provided in Comment D1-1 regarding water availability, the parcel’s non-irrigated status in 2021 and 2022 at the Project site has been added under Agriculture and Forestry Resources in the Final EIR for clarification (see Chapter 4.3).

Development of the proposed Project would cause conversion to a non-agricultural use and the Project parcel would not have a continued classification of Prime Farmland. To retain this classification the “California Department of Conservation (DOC) requires that for land to be classified and mapped as Prime Farmland and Farmland of Statewide Importance, it must have been used for irrigated agricultural production sometime during the 4 years prior to the Important Farmland Map date” (Draft EIR Section C.4.1.1). Whether or not the proposed Project could secure irrigation water from the Yolo County Flood Control and Water Conservation District, the proposed Project does not propose agricultural *production* as a part of the Project, and therefore the Project site would not be considered Prime Farmland. See also Response to Comment D1-3.

### Response to Comment D1-2

The comment asks for information or citation for treating the Project’s short-term conversion to a solar energy project as a permanent conversion and therefore constituting a significant and unavoidable agricultural impact.

Section C.4.1.4 of the Draft EIR explains that the proposed Project would be decommissioned, and the land would be reclaimed to agricultural use after the termination of the 20-year Power Purchase Agreement (PPA) with Valley Clean Energy. The EIR explains that although the proposed Project is temporary, the proposed Project’s impact to agriculture is treated as a permanent change to be consistent with the County’s Solar Energy Systems Ordinance’s requirement that all large-scale solar projects mitigate for permanent loss of agricultural land in accordance with the County’s Agricultural Conservation and Mitigation Program. See Yolo County Code of Ordinances § 8-2.1104(i) (“All utility solar energy systems shall mitigate for the permanent loss of agricultural land, in accordance with Section 8-2.404 (the Agricultural Conservation and Mitigation Program).”). Therefore, to comply with the County’s ordinance, the EIR treats the proposed Project’s conversion of Prime Farmland as permanent. The EIR proposes implementation of Mitigation Measure (MM) AG-1, which requires compliance with the County’s Agricultural Conservation and Mitigation Program, and acquisition of an agricultural preservation easement. No change to the EIR is required.

### Response to Comment D1-3

The commenter asks for a citation or explanation regarding the EIR’s conclusion that continued use of the Project parcel for apiary and grading activities, solar energy generation, and that planting cover crops would improve soil and erosions conditions “would not meet DOC’s definition of Prime Farmland nor the purpose of implementing the Agricultural Intensive (A-N) Zone.” (Draft EIR Section C.4.1.4.a)



The definition of A-N Zoning is included in Section B.7 of the Draft EIR, which indicates that the A-N zone is applied to preserve lands best suited for intensive agricultural uses such as irrigated parcels primarily planted in permanent crops or that are cultivated. The EIR describes that the Project would require the approval of a use permit to be consistent with the zoning code. The EIR states that the proposed Project's multi-use plan would not meet the purpose of the A-N Zone, but that the zoning would allow the siting and construction of large-scale solar projects, subject to approval of a Major Use Permit by the Board of Supervisors upon a recommendation by the Planning Commission.

The definition of Prime Farmland, as defined by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), is included in Section C.4.1.1 of the Draft EIR as "[I]and that has the best combination of physical and chemical properties for the production of crops." In addition to the USDA NRCS agricultural land definition, DOC requires that for land to be classified and mapped as Prime Farmland and Farmland of Statewide Importance, it must have been used for irrigated agricultural production sometime during the 4 years prior to the Important Farmland Map date. Since the proposed Project's multi-use plan would not produce any agricultural products, the Project would not meet the DOCs definition of Prime Farmland, as described in Section C.4.1.1 of the EIR. No change to the EIR is required.

## 4. TEXT CHANGES TO THE DRAFT EIR

The following text changes are made to the Draft EIR and incorporated as part of the Final EIR. Revisions to the Draft EIR are shown in underline for additions and ~~striketrough~~ for deletions.

These changes comprise minor edits to the Draft Environmental Impact Report (Draft EIR) for the Gibson Solar Farm Use Permit EIR. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis.

### 4.1. Text Changes to EIR Section A (Introduction)

In response to Comment A1-4, the text in Table A-1 in Section A.3.4 (page A-4), of the Draft EIR has been revised as follows:

**Table A-1. Permits and Approvals That May Be Required**

Agency/Department	Permit/Approval	Description
<b>State of California</b>		
California Department of Transportation (Caltrans), District 3	<u>Encroachment Permit</u>	<u>Any project component along or within the State's ROW, such as SR 16, requires an encroachment permit.</u>

### 4.2. Text Changes to EIR Section B (Project Description)

The text in Section B.2.3 (Battery Energy Storage System) on page B-2 of the Draft EIR has been revised as follows:

Energy is discharged from the BESS during times of high usage, reducing or eliminating costly peak demand charges and helping to solve California's "duck curve" power production problem<sup>1</sup>.

Energy storage allows solar energy production to mimic the consistency of fossil fuel energy sources. For utility-scale customers, battery energy storage can provide a host of valuable applications, including reserve capacity, frequency regulation, and voltage control to the grid.

This proposed Project plans to use lithium iron phosphate (LFP) batteries, which are more stable than the common lithium-ion batteries and are required to pass stringent fire safety standards. Each energy storage unit contains several components: one or more battery modules, onboard sensors, control components, and an inverter. In DC coupled units, the inverter is integrated into the system. These components make energy storage systems more than mere batteries. The battery module can be swapped out for another with no downtime. Sensors ensure safe operation and allow for remote monitoring. Onboard sensors help maintain appropriate operating temperatures, watch for battery module failure, and report usage data to the energy company. Control components allow batteries to be charged automatically when energy is abundant and discharge automatically when electricity is needed, or they can be configured to simply store energy in case of a power outage. The other key components include built-in cooling systems, weatherproof construction, and scalable architecture. These components make the BESS safe, scalable, and cost-effective.

The BESS would comply with the current California Fire Code (CFC), which governs the code requirements to minimize the risk of fire and life safety hazards specific to battery energy storage systems used for load shedding, load sharing and other grid services (Chapter 12 Section 1206 of the 2019 CFC). In accordance with the CFC, the battery enclosure and the site installation design are all required to be approved by the State Fire Marshal.

**Fire Safety.** The BESS would comply with the current California Fire Code (CFC), which governs the code requirements to minimize the risk of fire and life safety hazards specific to battery energy storage systems used for load shedding, load sharing and other grid services (Chapter 12 Section 1206 of the 2019 CFC). In accordance with the CFC, the battery enclosure and the site installation design are all required to be approved by the State Fire Marshal. If applicable, the BESS would be certified to UL 9540, the standard associated with control, protection, power conversion, communication, controlling the system environment, air, fire detection and suppression system related to the functioning of the energy storage system. The battery would be tested to UL 9540A, a test method intended to document the fire characteristics associated with thermal event or fire and would confirm that the system will self-extinguish without active fire-fighting measures. The system would be designed, such that, during a fire event, the results of the UL 9540A test would show that any internal fire is contained within the enclosure and not spread to the other parts of the facility. The results of this test are used to inform facility safety system design and emergency response plans which would be shared with first responders. If applicable, the system would use a chemical agent suppressant-based system to detect and suppress fires. If smoke or heat were detected, or if the system were manually triggered, an alarm would sound, horn strobes would flash, and the system would release suppressant, typically FM-200, NOVEC 1230 or a similar clean agent<sup>2</sup> from pressurized storage cylinders. However, final safety design would follow applicable standards and would be specific to the battery technology chosen, including, but not limited to, National Fire Protection Association 855 (standard for the Installation of Stationary Energy Storage Systems) and Section 1206 of the California Fire Code.

<sup>1</sup> The duck curve—named after its resemblance to a duck—shows the difference in electricity demand and the amount of available solar energy throughout the day. When the sun is shining, solar energy is fed into the electrical grid and then drops off as electricity demand peaks in the evening. The duck curve is a snapshot of a 24-hour period in California during springtime—when this effect is most extreme because it is sunny but temperatures remain cool, so demand for electricity is low since people are not using electricity for air conditioning or heating.

<sup>2</sup> Clean agents, including inert gases, are commonly used to suppress fires in machinery and electrical equipment, including occupied spaces, because they do not damage components and are considered safe for people and the environment.

The text in Section B.3 (Project Schedule) on page B-4 of the Draft EIR has been updated as follows:

Construction of the proposed Project would begin 6 to 8 months following completion of the CEQA review and approval of all applicable permits. The PPA requires the facility to be operational by the ~~first third~~ first quarter of 20232025.

The text in Section B.6.1 (Decommissioning) on page B-7 of the Draft EIR has been revised as follows:

Electricity generated by the facility would be sold under the terms of a 20-year PPA with VCE. At the end of the initial PPA contract term, the Project would still be able to generate power. At that time, the facility may be optimized to increase the plant's efficiency by swapping out inverters for more efficient units, and potentially swapping out some of the facility's modules. Ground disturbing work would not be necessary for optimization activities. The Project would be offline for several weeks or months during optimization activities but would subsequently continue delivering electricity. As necessary, an extension or new Use Permit would be sought from the County.

At the end of the ~~PPA term~~ Project's useful life, the owner of the facility would decommission and remove the generating and energy storage facility and its components. Upon decommissioning, the

site would be restored to agricultural uses or converted to other uses in accordance with applicable land use regulations in effect at that time.

The decommissioning of the proposed Project would involve the removal of above-grade facilities (such as buildings, PV panels, racking, and power poles for the gen-tie lines), buried electrical conduit, and all concrete foundations. A collection and recycling program would be executed to promote recycling of proposed Project components and minimize disposal in landfills.

The panels could be sold into a secondary solar PV panel market, if available. Most of the components of the solar installation are made of materials that can be readily recycled. If the panels can no longer be used in a solar array, the silicon can be recovered, the aluminum resold, and the glass recycled. Other components of the solar installation, such as the tracker structures and mechanical assemblies, can be recycled, as they are made from galvanized steel. Equipment such as drive controllers, inverters, transformers, and switchgear can be either reused or their components recycled. The equipment pads are made from concrete, which can be crushed and recycled. Underground conduit and wire can be removed by uncovering trenches, removing the conduit and wire, and backfilling. The electrical wiring is made from copper and/or aluminum and can be reused or recycled, as well. It is estimated that 100 percent of copper components will be recycled and approximately 50 percent of aluminum and other components would be recycled.

The BESS would be decommissioned along with the rest of the solar facility. Batteries may be disposed of as hazardous waste, or recycled, depending on available technology. The recycling of the batteries is expected to become increasingly commonplace with the increased use of batteries in consumer goods and electric vehicles. Some batteries may have the capacity at the end of the operating life of the proposed Project to be reused.

Decommissioning of the aboveground portion of the gen-tie line consists of removal of the overhead conductors and removal of poles (risers). All steel would be recycled, and the overhead structure foundations removed to a depth of at least 2 feet below the ground surface. Aluminum from overhead conductors would be recycled. Procedures would be designed to ensure public health and safety, environmental protection, and compliance with all applicable laws, ordinances, regulations, and standards.

Decommissioning activities would involve exposure and disturbance of soils; therefore, measures for erosion and sediment control would be implemented in accordance with a separate SWPPP that would be required for decommissioning.

Decommissioning would occur in three phases:

- Phase 1 would involve shutting down the systems and removing hazardous materials and wiring.
- Phase 2 would include removing the PV modules, inverters, switching station, and battery storage system.
- Phase 3 would include removing site fencing and driveways and the final soils reclamation process would commence.

### **4.3. Text Changes to EIR Section C (Environmental Analysis)**

The text under Hazards and Hazardous Materials in Section C.2.5.3 (page C-25) has been revised as follows:

The proposed Project would include on-site battery storage infrastructure. The BESS would be housed in temperature regulated containers set on concrete pads located on the site. The BESS would be located at the greatest distance from residential receptors within the proposed Project site

feasible for placement of the BESS. The BESS would be designed, constructed, and operated in accordance with applicable industry best practices and regulatory requirements, including, but not limited to, National Fire Protection Association 855 (Standard for the Installation of Stationary Energy Storage Systems) and Section 1206 of the California Fire Code and if applicable, certified to UL 9540. Battery containers would include hazardous waste containment in the case of a spill. Additionally, construction of foundations/concrete footings and battery containers would conform to all applicable building codes and regulations pertaining to such facilities, ensuring that the proposed Project would have less than significant impacts pertaining to creating a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The text under Wildfire in Section C.2.15.3, Item b (page C-55), of the Draft EIR has been revised as follows:

**LESS THAN SIGNIFICANT IMPACT.** The topography of the proposed Project site is flat, and the proposed Project area is surrounded by agriculture fields. Solar arrays and PV modules are fire-resistant, as they are constructed largely of steel, glass, aluminum, or components housed within steel enclosures. As the tops and sides of the panels are constructed from glass and aluminum, PV modules are not vulnerable to ignition from firebrands from wildfires. The presence and usage of fossil fuels and power during construction could lead to a temporary increased risk of wildfire and pollutant concentrations in the event of a fire during construction. However, since the proposed Project area will be surrounded by irrigated agriculture, the potential of increased wildfire risk is minimal. The proposed Project would have less than significant impacts pertaining to exacerbating wildfire risks and increased pollutant concentrations as a result of a wildfire due to prevailing winds, slope, or elevation of the proposed Project site.

The text under Wildfire in Section C.2.15.3, Item c (page C-55), of the Draft EIR has been revised as follows:

Construction of foundations and battery containers would conform to all applicable building codes and regulations, such as the California Fire Code, ensuring that the proposed Project would have less than significant impacts pertaining to exacerbating fire risks.

In response to information provided by the Applicant (see Comment Set D1), the text under Agriculture and Forestry Resources in Section C.4.1.2, Water Availability for Irrigated Farming (p C-86) of the Draft EIR has been revised as follows:

From 2016 through 2020, the owners of the Project site received a “full” allotment of water from the District for ~~142~~ approximately 147 acres. During this time frame, the various crops grown on the site required from 1.0 acre-foot/year (AFY) to 4.0 AFY of irrigation water.

The 2020-2021 and 2021-2022 years were very low rainfall years, which drew down the levels of the District’s resources. The Project site was not irrigated during the 2021 and 2022 season because deliveries of irrigation water from the District to the Project site were curtailed due to drought conditions that resulted in inadequate water storage in Clear Lake and Indian Valley Reservoir. Water availability for irrigated farming in 2023 is currently uncertain.

#### **4.4. Text Changes to EIR Section E (Cumulative Scenario and Cumulative Impacts Analysis)**

The text in Section E.4 (Cumulative Effects of Alternative) on page E-4 of the Draft EIR has been revised as follows:

Three alternative sites for the proposed Project and the Reduced Footprint Alternative were identified for further consideration. The Reduced Footprint Alternative would be located on 100 acres within the 147-acre proposed Project site. Due to reduced project disturbance, conversion of Prime Farmland, and scale of construction activities, the Reduced Footprint Alternative would have a slightly reduced contribution to similar types of cumulative effects of the proposed Project.

All three alternative sites are within Yolo County. None of the three alternative sites are located on Williamson Act contracted land. Two of the alternative sites are located near the Plainfield Substation and one is near the Putah Creek Substation. In comparison to the proposed Project and Reduced Footprint Alternative, the two alternative parcels near the Plainfield Substation are located on Prime Farmland and would have similar impacts to the proposed Project, except that they are not under a Williamson Act contract.

# **Attachment A**

## **MITIGATION MONITORING AND REPORTING PROGRAM**

## ATTACHMENT A. MITIGATION MONITORING AND REPORTING PROGRAM

Throughout the Draft EIR mitigation measures have been identified and incorporated in a comprehensive Mitigation Monitoring and Reporting Program (MMRP). Public Resources Code Section 21081.6(a) requires lead agencies to adopt a MMRP including all measures to mitigate or avoid significant adverse impacts on the environment. The MMRP will be presented to the Board of Supervisors for adoption at the time of project approval.

CEQA Guideline §15097 directs the Lead Agency, Yolo County, to adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The MMRP is required to ensure that the mitigation measures and project revisions identified in the EIR are implemented. The MMRP will be monitored by various departments of Yolo County. State CEQA Guidelines §15370 defines “mitigation” as:

- Avoiding the impact completely by not taking a certain action or parts of an action;
- Minimizing the impact by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations, during the life of the action;
- Compensating for the impact by replacing or providing substitute resources or environments.

*Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21002.1, 21081, and 21100(c), Public Resources Code.*

**Table Ap.A-1. Proposed Mitigation Measures**

<b>AGRICULTURE AND FORESTRY RESOURCES</b>	
<b>MITIGATION MEASURE</b>	<b>MM AG-1. Farmland Conservation Easement.</b> Mitigation for the permanent loss of agricultural land will comply with Yolo County Code Section 8 2.404 (the Agricultural Conservation and Mitigation Program), which requires the acquisition of an agricultural preservation easement at a ratio between 1:1 and 3:1, depending on the location of the easement areas.
<b>Responsible Party</b>	<b>Project Owner</b>
<b>Responsible Monitoring Party</b>	<b>Yolo County</b>
<b>Monitoring Phase/Timing</b>	<b>Prior to beginning work on the Project</b>
<b>Verification Approval Party</b>	<b>Yolo County</b>
<b>MITIGATION MEASURE</b>	<b>MM AG-2. Williamson Act Incompatibility.</b> Avoid the incompatibility with the Williamson Act by: <ol style="list-style-type: none"> <li>(1) Non-renewing the Williamson Act contract and delaying the Project until the nine-year non-renewal period has lapsed; or</li> <li>(2) Canceling the Williamson Act contract by making the necessary findings; or</li> <li>(3) Determining that the Project is a compatible “electric facility” use under Government Code section 51238(a)(1).</li> </ol>
<b>Responsible Party</b>	<b>County Board of Supervisors</b>
<b>Responsible Monitoring Party</b>	<b>Yolo County</b>
<b>Monitoring Phase/Timing</b>	<b>Prior to beginning work on the Project</b>
<b>Verification Approval Party</b>	<b>Yolo County</b>



**BIOLOGICAL RESOURCES**

**MITIGATION MEASURE**      **MM BIO-1. Avoid Construction and Decommissioning-related Disturbances to Active Swainson’s Hawk Nest.** To avoid this impact, construction and decommissioning should occur during the nonbreeding season, September 1 to March 15, unless it is determined that the nest is inactive or young have fledged during the construction/demolition year. If construction/decommissioning is scheduled to occur during the breeding season (March 15 to August 30), surveys should be conducted prior to project activities to determine activity at the nest site. If the nest is active, a 1,320 foot no-disturbance buffer should be established around the nest to minimize disturbance. Alternatively, an incidental take permit may be sought in consultation with CDFW pursuant to Section 2080 of the state endangered species act. Doing so, however, will require additional compensatory mitigation to be specified by CDFW during the consultation. Because there are no other potential nest trees within 1,320 feet of the project site, no other preconstruction (or pre-demolition) surveys for Swainson’s hawk or white-tailed kite are necessary.

**Responsible Party**      **Project Owner**

**Responsible Monitoring Party**      **Yolo County**

**Monitoring Phase/Timing**      **Prior to beginning work on the Project**

**Verification Approval Party**      **Yolo County**

**CULTURAL RESOURCES**

**MITIGATION MEASURE**      **MM CUL-1. Worker Environmental Awareness Program.** Prior to the initiation of construction, all construction personnel shall be trained by a qualified archaeologist meeting federal criteria under 36 CFR 61 regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and protection of all archaeological resources during construction. Training shall inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend the Workers’ Environmental Awareness Program, so they are aware of the potential for inadvertently exposing buried archaeological deposits.

**Responsible Party**      **Project Owner**

**Responsible Monitoring Party**      **Yolo County**

**Monitoring Phase/Timing**      **Prior to beginning work on the Project and throughout construction**

**Verification Approval Party**      **Yolo County**

**MITIGATION MEASURE**      **MM CUL-2. Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources.** If previously un-identified cultural resources are uncovered during construction activities, construction work within 50 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist assesses the significance of the resource. The archaeologist, in consultation with the County, the Yocha Dehe Wintun Nation, and any other responsible public agency, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find(s) is found to be eligible to the National or California Registers, qualify as a unique archaeological resource under CEQA (PRC §21083.2), or is determined to be tribal cultural resource as defined in PRC §21074.

**Responsible Party**      **Project Owner**

**Responsible Monitoring Party**      **Yolo County**

**CULTURAL RESOURCES**

<b>Monitoring Phase/Timing</b>	<b>During grading or other construction or operation activities</b>
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<b>Verification Approval Party</b>	<b>Yolo County</b>
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**MITIGATION MEASURE**

**MM CUL-3. Treatment of Human Remains.** All human remains discovered are to be treated with respect and dignity. Upon discovery of human remains, all work within 50 feet of the discovery area must cease immediately, nothing is to be disturbed, and the area must be secured. The County Coroner's Office must be called. The Coroner has two working days to examine the remains after notification. The appropriate land manager/owner of the site is to be called and informed of the discovery. It is very important that the suspected remains, and the area around them, are undisturbed and the proper authorities called to the scene as soon as possible, because it could be a crime scene. The Coroner would determine if the remains are archaeological/historic or of modern origin and if there are any criminal or jurisdictional questions.

After the Coroner has determined that the remains are archaeological/historic-era, the Coroner would make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.

The NAHC would immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48 hours from the time given to access the site to make recommendations to the landowner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052).

<b>Responsible Party</b>	<b>Project Owner</b>
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<b>Responsible Monitoring Party</b>	<b>Yolo County</b>
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<b>Monitoring Phase/Timing</b>	<b>During grading or other construction or operation activities</b>
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<b>Verification Approval Party</b>	<b>Yolo County</b>
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**PALEONTOLOGICAL RESOURCES****MITIGATION MEASURE**

**MM PAL-1. Inadvertent Paleontological Find.** Although highly unlikely, should any significant paleontological resources (e.g., bones, teeth) be unearthed, construction activities should be diverted at least 15 feet from the find until a professional paleontologist has assessed the find and, if deemed significant, salvaged it in a timely manner. Collected fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they will be properly curated and made available for future research.

<b>Responsible Party</b>	<b>Project Owner</b>
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<b>Responsible Monitoring Party</b>	<b>Yolo County</b>
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<b>Monitoring Phase/Timing</b>	<b>During grading or other construction or operation activities</b>
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<b>Verification Approval Party</b>	<b>Yolo County</b>
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