



September 2022

Alameda Grant Line Solar 1

Final EIR

for Alameda County







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1. Executive Summary

This Final Environmental Impact Report (EIR) has been prepared to provide an assessment of the potential environmental consequences of approving and implementing the proposed Alameda Grant Line Solar 1 Project (proposed project). This Final EIR contains responses to comments received on the Draft EIR. The Final EIR also contains corrections and clarifications to the text and analysis of the Draft EIR, where warranted.

Table 1-1 summarizes the conclusions of the environmental analysis contained in the Draft EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.9 of the Draft EIR. Table 1-1 is arranged in four columns: 1) environmental impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.9 of the Draft EIR. Table 1-1 has been reprinted from the Draft EIR. It is formatted with ~~strike through~~ and underline text to indicate impacts and mitigation measures that have been revised from the Draft EIR.

The proposed project has the potential to generate significant environmental impacts in four of the environmental topic areas. As shown in Table 1-1, all significant impacts would be reduced to a less-than-significant level if the mitigation measures identified in this Draft EIR are adopted and implemented. Pursuant to Section 15126.2(b) of the CEQA Guidelines, an EIR must describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures.

As shown in Table 1-1, no significant unavoidable impacts were identified for the proposed project. As described in detail in Chapter 6, *CEQA-Mandated Sections*, of the Draft EIR, the proposed project would have no significant impact on cultural resources (the Initial Study for the proposed project, included in Appendix A of the Draft EIR, described cultural resources as being reduced to less than significant with mitigation), energy, geology and soils (similar with cultural resources, impacts to paleontological resources would be reduced to less than significant with mitigation as described in the project's Initial Study), hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, public services, parks and recreation, transportation, utilities and service systems, and wildfire due to existing conditions in the project area and the nature of the project. Accordingly, except where stated otherwise (e.g., Chapter 4.6, *Hazards and Hazardous Materials*, of the Draft EIR), these topics have not been analyzed further in this Draft EIR.

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
AES-1: The proposed project would not have a substantial adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	LTS	N/A	N/A
AES-3: The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. The proposed project would not conflict with applicable zoning and other regulations governing scenic quality.	LTS	N/A	N/A
AES-4: The proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	LTS	N/A	N/A
AES-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in cumulative impacts with respect to aesthetics.	LTS	N/A	N/A
AGRICULTURE AND FORESTRY RESOURCES			
AG-1: The proposed project would not 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.	No Impact	N/A	N/A
AG-2: The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.	LTS	N/A	N/A

EXECUTIVE SUMMARY**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AG-3: The proposed project would not 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)).	No Impact	N/A	N/A
AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.	No Impact	N/A	N/A
AG-5: The proposed project would not involve other changes in the existing environment which, due to their location or nature, would result in conversion of Farmland, to non-agricultural use.	No Impact	N/A	N/A
AG-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to agricultural and forestry resources.	LTS	N/A	N/A
AIR QUALITY			
AQ-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	N/A	N/A

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2: Uncontrolled fugitive dust (PM ₁₀ and PM _{2.5}) could expose the areas that are downwind of construction sites to air pollution from construction activities without the implementation of the Air District's best management practices.	S	AQ-2: The applicant shall require their construction contractor to comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM₁₀ and PM_{2.5}: - Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. - Apply water twice daily or as often as necessary to control dust or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). - Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. - Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas. - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand). - Limit vehicle traffic speeds on unpaved roads to 15 mph. - Replant vegetation in disturbed areas as quickly as possible. - Install sandbags or other erosion control measures to prevent silt runoff from public roadways.	LTS
AQ-3: The proposed project would not expose sensitive receptors to substantial pollutant concentrations.	LTS	N/A	N/A
AQ-4: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	LTS	N/A	N/A

EXECUTIVE SUMMARY**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AQ-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to air quality.	LTS	N/A	N/A
BIOLOGICAL RESOURCES			
BIO-1: The proposed project may have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	S	BIO-1.1: A qualified biologist will conduct an environmental education program for all persons employed or otherwise working on the project site before they perform any work. The program shall consist of a presentation from the biologist that includes a discussion of the biology and general behavior of special-status species on or near the site; information about the distribution and habitat needs of the species; sensitivity of the species to human activities; the status of the species pursuant to the Federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code including legal protection; recovery efforts; penalties for violations; and any project-specific protective measures described in this document or any subsequent documents or permits. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work on the site. The biologist shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on the site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protection measures. BIO-1.2: A qualified biologist will be on the site daily to monitor initial grubbing/vegetation clearing, grading, and ground disturbing activities. The biologist will have the authority to stop work that may impact special-status species. BIO-1.3: The Applicant shall include in the contract specifications a requirement to use tightly woven fiber of natural materials (e.g., coir rolls or mats) or similar material for erosion control. Plastic mono-filament netting (erosion control matting) or similar material shall be prohibited, to prevent the entrapment of wildlife. BIO-1.4: Surveys for California Tiger Salamander, California red-legged frog, San Joaquin coachwhip, California glossy snake, and Coast horned lizard shall be conducted by a qualified biologist within 24 hours prior to the initiation of any vegetation clearing or ground disturbing activities. All suitable habitat including	LTS

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		refuge such as burrows, under rocks, duff, debris, etc., shall be thoroughly inspected. Any listed wildlife that are encountered will be allowed to leave the work area of their own volition. BIO-1.5: To avoid entrapment, injury, or mortality of listed species resulting from falling into steep-sided holes or trenches, all excavated holes or trenches deeper than 12 inches shall be covered at the end of each workday with plywood or similar materials. Larger excavation that cannot easily be covered shall be ramped at the end of the workday to allow trapped animals an escape method. BIO-1.6: Prior to initiating construction activities, a California Department of Fish and Wildlife (CDFW)-approved biologist shall conduct surveys for burrowing owl within 500 feet of the project site, where safely accessible. This measure incorporates avoidance and minimization guidelines from the CDFW 2012 Staff Report on Burrowing Owl Mitigation. The surveys will establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls. Surveys shall take place near sunrise or sunset in accordance with CDFW survey guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted. BIO-1.7: If burrowing owls are found during the breeding season (February 1–August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a no disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the nest is inactive. During the nonbreeding season (September 1–January 31), the project proponent shall avoid the owls and the burrows they are using. Avoidance shall include the establishment of a buffer zone. BIO-1.8: If occupied burrows for nonbreeding burrowing owls are not avoided,	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within an appropriate buffer zone as recommended by the biologist in coordination with the California Department of Fish and Wildlife (CDFW) by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. BIO-1.9a: To mitigate for the alteration of burrowing owl habitat, <u>approximately 11.6 acres on the southern, western, and northern edges of the site will be protected in perpetuity under a conservation easement or deed restriction for the duration of the project.</u> This land is contiguous with the levee and open space associated with the Mendota Canal. A mitigation and management plan (MMP) with success criteria <u>to ensure the site is maintained as burrowing owl habitat, and to facilitate its continued use by burrowing owls,</u> will be developed for this area and approved by the <u>Alameda County Planning Director in consultation</u> coordination with California Department of Fish and Wildlife (CDFW). <u>The MMP shall include measures to rehabilitate any habitat temporally disturbed by construction activities.</u> Mitigation Measure BIO-1.9b: <u>No later than 6 months following the operational period of the project, the project site will be restored to as near as possible to its original condition. The MMP described in Mitigation Measure BIO-1.9a will include a post-project restoration plan to facilitate the future suitability of the site for burrowing owl.</u> BIO-1.10: The mitigation and management plan (MMP) described in Mitigation Measure BIO-1.9 for the <u>approximately 10 11.6-acre</u> conservation area shall include a prescription for managing the area as habitat for Swainson's hawk. The MMP will include success criteria for Swainson's hawk habitat. BIO-1.11: Pre-construction surveys shall be conducted for the American badger no more than 14 days prior to the initiation of ground-disturbing activities. Surveys shall be conducted by a qualified wildlife biologist with experience and knowledge in identifying badger burrows and include walking parallel transects looking for badger burrows and <u>signs of badgers.</u> Any badger dens identified shall be flagged	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		and mapped.	
		BIO-1.12: In the event active badger dens are identified, a no-work buffer of 200 feet shall be established around the den and associated occupied areas. If avoidance is not feasible, a biologist shall determine if the burrow is being used as an active maternity den through utilization of remote cameras. If young are determined to be present, the burrow shall be avoided until the young have vacated the burrow as determined by a qualified biologist. If the burrow is determined not to be an active maternity den and young are not present, in coordination with the California Department of Fish and Wildlife (CDFW), a one-way eviction door shall be installed between September 1 and January 1 to passively relocate the badger and to avoid impacts during the breeding season. If the badger digs back into the burrow, CDFW staff may allow the use of live traps to relocate badgers to suitable habitat from the area of project impact. BIO-1.13: The mitigation and management plan (MMP) described in Measure BIO-1.9 for the <u>11.6</u> 10-acre conservation area shall include prescription of an appropriate seed mix and planting plan targeted for the monarch butterfly, including milkweed and native flowering plant species known to be visited by monarch butterflies and containing a mix of flowering plant species with continual floral availability through the entire breeding season for monarch butterfly (early spring to fall). The MMP will include success criteria for monarch butterfly. BIO-1.14: A qualified biologist will conduct a minimum of two pre-construction surveys conducted within 30 days during appropriate activity periods (i.e., March through September) and conditions prior to the start of ground disturbing activities to look for milkweed host plants and signs of monarch breeding activity (larvae or chrysalides). Appropriate conditions for conducting the survey include surveying when temperatures are above 60 degrees Fahrenheit (15.5 degrees Celsius) and not during wet conditions (e.g., foggy, raining, or drizzling). The survey should be conducted at least 2 hours after sunrise and 3 hours before sunset and should occur at least 1 hour after rain subsides. Preferably, the survey should be conducted during sunny days with low wind speeds (less than 8 miles per hour) but surveying during partially cloudy days or overcast conditions are permissible if the surveyors can still see their own shadow. BIO-1.15: If monarch butterflies are observed within the project site, a plan to	

EXECUTIVE SUMMARY**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		protect monarch butterflies shall be developed and implemented in consultation with the United States Fish and Wildlife Service. The plan shall include, but not be limited to, the following measures: ▪ Specifications for construction timing and sequencing requirements; ▪ Establishment of appropriate no-disturbance buffers for milkweed and construction monitoring by a qualified biologist to ensure compliance if milkweed is identified; ▪ Restrictions associated with construction practices, equipment, or materials that may harm monarch butterflies (e.g., avoidance of pesticides/herbicides, best management practices to minimize the spread of invasive plant species); and ▪ Provisions to avoid monarch butterflies if observed away from a milkweed plant during project activity (e.g., ceasing of project activities until the animal has left the active work area on its own volition).	
BIO-2: The proposed project would not have a substantial adverse effect on any riparian habitat, but it could have a substantial adverse effect on other sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	No Impact	N/A	N/A
BIO-3: The proposed project would not have a substantial adverse effect on state or federally protected wetlands (marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	No Impact	N/A	N/A
BIO-4: The proposed project would not interfere with the movement of a native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	LTS	N/A	N/A
BIO-5: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	LTS	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
BIO-6: The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.	LTS	N/A	N/A
BIO-7: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to biological resources.	LTS	N/A	N/A
CULTURAL RESOURCES <i>(see Initial Study contained in Appendix A of this Draft EIR for full analysis; only criteria requiring mitigation are included below)</i>			
b) The proposed project would not project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5, with implementation of Mitigation Measure CULT (b).	S	CULT (b): If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.	LTS

EXECUTIVE SUMMARY**TABLE 1-1** **SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
c) The proposed project would not disturb any human remains, including those interred outside of formal cemeteries, with implementation of Mitigation Measure CULT (c).	S	CULT (c): Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.	LTS

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
GEOLOGY AND SOILS <i>(from Initial Study contained in Appendix A of this Draft EIR for full analysis; only criteria requiring mitigation are included below)</i>			
a) The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, with implementation of mitigation measure GEO (f).	S	GEO (f): The construction contractor shall incorporate the following in all grading, demolition, and construction plans: ▪ In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted. ▪ The contractor shall notify the Alameda County Building Department and a County-approved qualified paleontologist to examine the discovery. ▪ The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. ▪ The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. ▪ If the project applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the proposed project based on the qualities that make the resource important. The excavation plan shall be submitted to the County for review and approval prior to implementation.	LTS
GREENHOUSE GAS EMISSIONS			
GHG-1: The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment.	LTS	N/A	N/A
GHG-2: The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	LTS	N/A	N/A

EXECUTIVE SUMMARY**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
GHG-3: The proposed project would not, in combination with past, present, and reasonably foreseeable projects, result in cumulative impacts with respect to greenhouse gas emissions.	LTS	N/A	N/A
LAND USE AND PLANNING			
LU-1: The proposed project would not physically divide an established community.	LTS	N/A	N/A
LU-2: The proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	N/A
LU-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to land use and planning.	LTS	N/A	N/A
NOISE			
NOI-1: The proposed project would not result in the 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 in other applicable local, state, or federal standards.	LTS	N/A	N/A
NOI-2: Implementation of the proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.	LTS	N/A	N/A
NOI-3: Implementation of the proposed project would not expose people working within two miles of a private airstrip or airport to excessive noise levels.	No Impact	N/A	N/A
NOI-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in less-than-significant cumulative impacts with respect to noise.	LTS	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
TRIBAL CULTURAL RESOURCES			
TCR-1: The proposed project would have potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.	S	TCR-1.1: Implement Mitigation Measure CULT (b): If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out. TCR-1.2: Implement Mitigation Measure CULT (c): Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does	LTS

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC.	
TCR-2: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to cultural resources.	LTS	N/A	N/A

EXECUTIVE SUMMARY

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2. Introduction

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Chapter 14 California Code of Regulations, Section 15378[a], the Alameda Grant Line Solar 1 Project is considered a “project” subject to environmental review as its implementation is “an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.” Alameda County (County) is the Lead Agency for the proposed project. The assessment in this Final Environmental Impact Report (EIR) is intended to inform the County’s decision-makers, other responsible agencies, and the public-at-large of the nature of the project and its effect on the environment.

2.1 PROJECT OVERVIEW

The subject property is a 23.07-acre parcel located at West Grant Line Road and Great Valley Parkway in eastern unincorporated Alameda County, California, adjacent to the unincorporated community of Mountain House in San Joaquin County. The subject property is bounded by orchard land to the north, single-family housing to the east across Great Valley Parkway, vacant agricultural land to the south, and the Delta Mendota Canal to the west.

The proposed project would develop an approximately 2 megawatt alternating current (AC) solar photovoltaic (PV) facility known as the Alameda Grant Line Solar 1. The project would have a 15-year Power Purchase Agreement (PPA) with Pacific Gas and Electric (PG&E) under their Electrical Renewable Market Adjusting Tariff (REMAT) program, which is a program specifically designed for small utility-scale local renewable energy projects (<5MW) that benefit the local communities around it by delivering renewable energy via the distribution grid. Power generated by the proposed project would connect to the existing local PG&E distribution grid and would be transmitted via an existing substation near the site. Construction would occur over a 3- to 4-month period and involve minor excavation to construct a gravel access road and electrical pads with a continuous fence installed around the perimeter of the entire site.

2.2 EIR SCOPE

This EIR identifies and analyzes site specific potential environmental impacts of the project. The analysis discloses the changes to the environment resulting from construction and operation of the proposed project. For a complete listing of environmental topics covered in this EIR, see Chapter 4, Environmental Evaluation, of the Draft EIR.

INTRODUCTION

2.3 ENVIRONMENTAL REVIEW PROCESS

2.3.1 DRAFT EIR

Pursuant to State CEQA Guidelines Section 15063, Alameda County determined that the proposed project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with Section 21080.4 of the California Public Resources Code, the County circulated the Notice of Preparation (NOP) of an EIR for the project to the Office of Planning and Research (OPR) State Clearinghouse and interested agencies and persons on October 20, 2021, for a 30-day review period. The NOP solicited comments regarding the scope of the Draft EIR from identified responsible and trustee agencies, as well as interested parties.

The Draft EIR was available for review by the public and interested parties, agencies, and organizations for a 45-day comment period from May 6, 2022, to June 19, 2022. During the comment period, the public and responsible agencies were invited to submit written or e-mail comments on the Draft EIR to the Alameda County Community Development Department. Written and/or verbal comments on the Draft EIR were also accepted at a public hearing held on May 26, 2022.

2.3.2 FINAL EIR

Upon completion of the public review period, Alameda County reviewed all comments received on the Draft EIR. This Final EIR includes written responses for each comment received during the public review period. This Final EIR consists of the Draft EIR, the comments received on the Draft EIR, and the responses to those comments, and describes any changes to the Draft EIR that have resulted from the comments received.

The Final EIR will be presented to the East County Board of Zoning Adjustments for certification as the environmental document for the project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the Board of Zoning Adjustments on the project, and all responses to comments submitted on the Draft EIR by public agencies will be provided to those agencies at least 10 days prior to final action.

If the Board of Zoning Adjustments determines that the project may be approved, the Board of Zoning Adjustments will certify the Final EIR and adopt and incorporate into the project all feasible mitigation measures identified in the EIR and may also require other feasible mitigation measures as conditions of approval.

However, the Board of Zoning Adjustments may also find that the project does not satisfy the required findings for approval and decide to reject the project on that basis. In that case, the Board of Zoning Adjustments is not required to certify the Draft EIR. However, both the Draft EIR and project entitlements would be appealable to the Board of Zoning Adjustments, who could then decide on both the EIR and project.

2.3.3 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the lead agency adopt a monitoring or reporting program for any project for which it has made mitigation findings pursuant to Public Resources Code 21081. Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR. The Mitigation Monitoring and Reporting Program for the project will be completed and available to the public prior to certification of this EIR.

2.4 REPORT ORGANIZATION

This Final EIR is organized into the following chapters:

- **Chapter 1: Executive Summary.** Summarizes environmental consequences that would result from implementation of the project, describes recommended mitigation measures, and indicates the level of significance of environmental impacts before and after mitigation.
- **Chapter 2: Introduction.** Provides an overview describing the use and organization of this Final EIR.
- **Chapter 3: Revisions to the Draft EIR.** Contains corrections to the text and graphics of the Draft EIR. Underline text represents language that has been added to the EIR; text in ~~strike through~~ has been deleted from the EIR.
- **Chapter 4: List of Commenters.** Lists the names of agencies and individuals who commented on the Draft EIR.
- **Chapter 5: Comments and Responses.** Presents comments received from agencies and the public on the Draft EIR alongside responses to each comment.
- **Appendix:** The appendix for this Final EIR contains the following:
 - Appendix I: Comment Letters. This appendix contains all comments received during the public review period for the Draft EIR in their original format.

The Draft EIR is available online and incorporated here by reference. It constitutes part of the Final EIR.

INTRODUCTION

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3. Revisions to the Draft EIR

This chapter presents changes to the Draft EIR that resulted from preparation of responses to comments or were staff-directed changes including corrections and clarifications. In each case, the page and location on the page in the Draft EIR is presented, followed by the text or graphic revision. Underline text represents language that has been added to the EIR; text with ~~striketrough~~ has been deleted from the EIR. The revisions in this chapter do not require recirculation of the Draft EIR because they do not constitute “significant new information” under Section 15088.5 of the CEQA Guidelines. All changes to Draft EIR Table 1-1, *Summary of Impacts and Mitigation Measures*, are included in Chapter 1 of this Final EIR.

CHAPTER 1 EXECUTIVE SUMMARY

The first cell of the first row under the column titled “Significant Impact” in Table 1-1, *Summary of Impacts and Mitigation Measures*, on page 1-9 of Chapter 1, *Executive Summary*, is hereby amended as follows:

AQ-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in ~~less than~~ significant cumulative impacts with respect to air quality.

CHAPTER 3 PROJECT DESCRIPTION

The first paragraph of Section 3.3.1, *Site Preparation, Construction, and Solar Installation*, on page 3-10 of the Draft EIR is hereby amended as follows:

Construction of the proposed project would occur in one phase over an approximately 2-month period. Site preparation would involve minor excavation to construct the gravel access road and electrical pads. All other areas of the site will be minimally cleared and grubbed as needed with minimal ground disturbance. Additional facilities within the project footprint necessary for the photovoltaic system includes internal vehicular access ways to facilitate construction and maintenance of the solar arrays and panels, temporary parking, an equipment laydown staging area to be used during construction and routine maintenance, and additional chain-link fencing that surrounds the solar arrays within the site boundary. The construction staging area would be temporary, with no permanent infrastructure, and roughly one-half acre in size. The proposed project would introduce 500 square feet of impervious concrete for the inverter and transformer pad for use as a base for the inverter and transformer. Other impervious surfaces include the storage container pad and the solar array piers. As shown on Figure 3-4, *Groundmount Array Layout*, a gravel access road would run north to south through the middle of the project site. The crushed aggregate rock used for the gravel access road would be delivered to the project site, requiring approximately 25 to 30 haul trips. The total estimated amount of impervious surface for the

REVISIONS TO THE DRAFT EIR

project is 2,200 square feet. Equipment used during the construction phase of the proposed project includes a backhoe, skid steer, telehandler, excavator, front loader, compactor, and pile driver.

The first paragraph of Section 3.3.1, *Site Preparation, Construction, and Solar Installation*, on page 3-10 of the Draft EIR is hereby amended as follows:

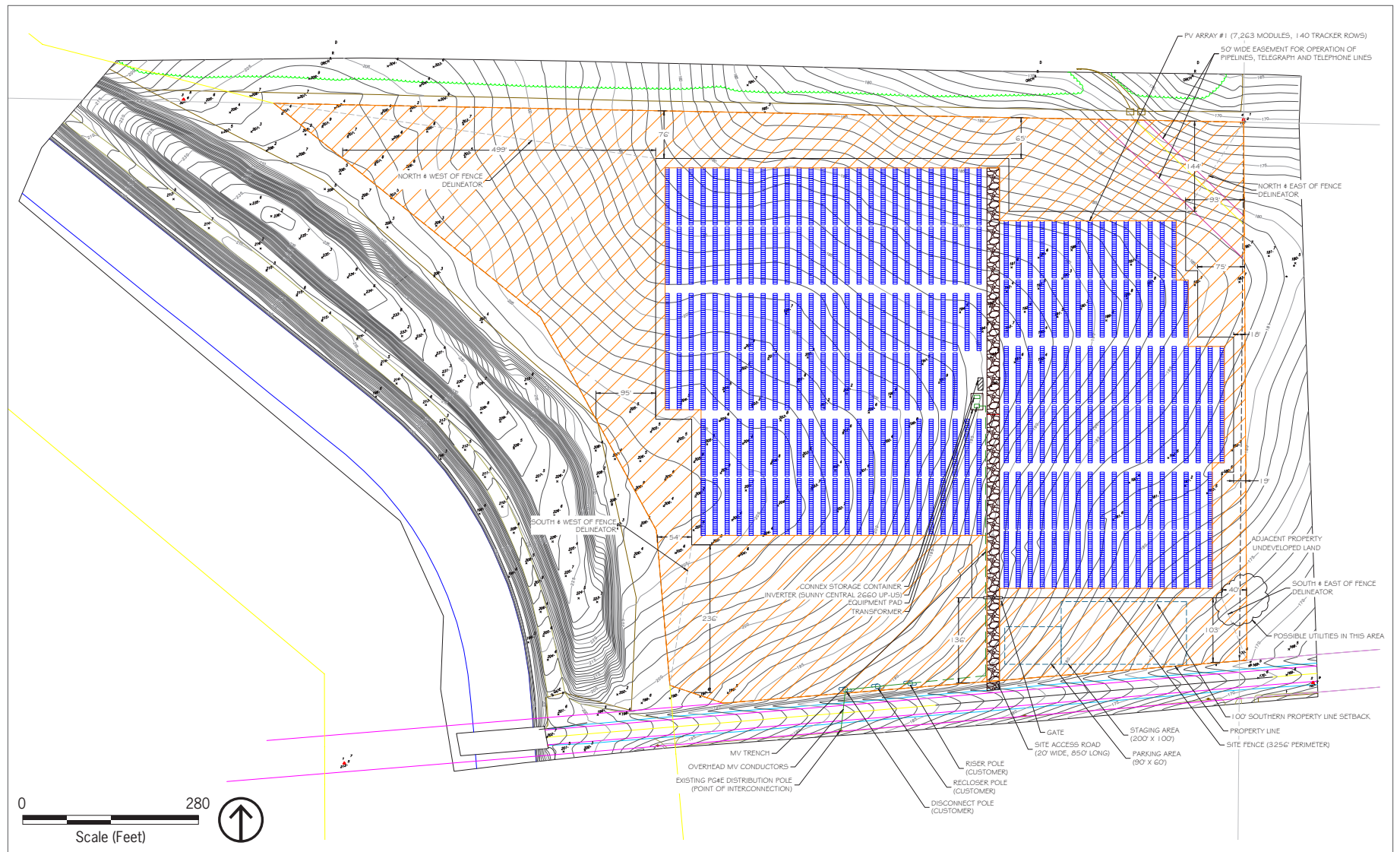
Section 3.4, *Required Permits and Approvals*, on page 3-14 of Chapter 3, *Project Description*, of the Draft EIR is hereby amended as follows:

Alameda County is the Lead Agency for the preparation and certification of the Focused EIR. Where appropriate, responsible, trustee, and other agencies will be consulted during the Focused EIR process. Subsequent development entitlements for the project may require approval of State, federal, and regional responsible and trustee agencies that may rely on the Focused EIR for decisions in their areas of expertise.

Approval of the project would require the following permits and approvals from the Alameda County:

- Conditional Use Permit
- ~~Variance~~
- Building Permit
- Grading Permit
- Encroachment Permit
- Fire Clearance and Approval

Figure 3-4, *Groundmount Array Layout*, is amended to show a revised site layout which shifts the solar arrays further east on the project site.



Source: Soltag LLC, 2022.

SYMBOL LEGEND		
SYMBOL	NAME	DESCRIPTION
	TRACKER PV MOD.	ET SOLAR 410W
	UNDISTURBED AREA	

Undisturbed Area	Acres
Between West Side fence and property line	3.610
Between North Side fence and property line	2.550
Between East Side fence and property line	0.860
Between South Side fence and property line	3.548
Between Array Perimeter & Fence	1.040
Total Undisturbed Area	11.608

Disturbed (PV) Area	Acres
Total Area Between All Tracker Rows	7.410
PV Module Footprint	2.590
Pad Footprints	0.015
Space Between Array and Pads	1.445
Total Disturbed PV Area	11.460

PV SYSTEM SUMMARY TABLE						
Array ID	Inverter ID	Mod Qty.	kW size	GCR	Tilt	Azimuth
1	Inv-1	6993	2867.13	34.7%	±60°	180°

NOTE:
SITE DIMENSIONS DERIVED FROM TOPOGRAPHICAL/GEOLOGICAL SURVEY
TOTAL SITE AREA: 23.068 Acres
TOTAL UNDISTURBED AREA / TOTAL SITE AREA: 50.32%, 11.608 Acres
TOTAL DISTURBED AREA / TOTAL SITE AREA: 49.68%, 11.460 Acres

Figure 3-4
Groundmount Array Layout

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CHAPTER 4.0 ENVIRONMENTAL ANALYSIS

Table 4-1 on page 4-3 of the Draft EIR is hereby amended as follows:

TABLE 4-1 CUMULATIVE PROJECTS WITHIN THE VICINITY OF THE PROPOSED PROJECT

Project Name/Location	Approximate Distance from Project	Project Type	Project Size	Status
<i>Alameda County</i>				
Aramis Solar Energy Generation and Storage/North Livermore Avenue	12 miles	Energy	410 acres	Approved
KOLA/NextEra Battery Energy Storage/Midway Road	3.5 miles	Energy	60 acres	Pending
Vasco Road Landfill CUP	8 miles	Utility	246 acres	Pending
<u>Jess Ranch Compost facility</u>	<u>2 miles</u>	<u>Utility</u>	<u>30 acres</u>	<u>Approved</u>
<i>San Joaquin County</i>				
19550 W Grant Line Road	0.3 miles	Residential/Major Subdivision	36 acres	Pending
22261 South Mountain House Parkway	0.9 miles	Residential/Major Subdivision	143 acres	Pending
Arnaudo Boulevard at Mountain House II Apartments	1.4 miles	Residential	8.8 acres	Pending
Telecommunications Tower/21000 South Mountain House Park	1.6 miles	Utility	900 square feet	Pending
17400 West Bethany Road	2 miles	Office/Warehouse	3 acres	Approved
Sources: Alameda County; San Joaquin County, Map of Active Planning Applications, https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=planning&htm=active&typ=apd , accessed January 26, 2022.				

CHAPTER 4.1 AESTHETICS

The first paragraph on page 4.1-8 of the Draft EIR is hereby amended as follows:

As described in Chapter 4.0, *Environmental Analysis*, the cumulative development project in the vicinity of the proposed project includes proposed subdivisions, a proposed apartment building, a telecommunications tower, a composting facility, and an office/warehouse development within two miles of the project site in San Joaquin County.

CHAPTER 4.2 AGRICULTURE AND FORESTRY RESOURCES

The second and third paragraphs on page 4.2-6 of the Draft EIR is hereby amended as follows:

The analysis of cumulative impacts to agricultural lands is based on impacts of the proposed project plus development in the vicinity of the project site. As described in Table 4-1, *Cumulative Projects within the Vicinity of the Proposed Project*, in Chapter 4.0, *Environmental Analysis*, development within

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approximately 2 miles of the proposed project include proposed major subdivisions, a proposed apartment building, a telecommunications tower, a composting facility, and an office/warehouse development. Similar projects to the proposed project within Alameda County include another solar facility, a battery energy storage facility, and a grow facility.

Because the proposed project would not result in impacts to agriculture or forestry resources, it would not contribute to cumulative impacts. Similarly, the Aramis Solar Energy Generation and Storage project in Alameda County (approximately 12 miles west of the project site) was determined not to have any agricultural and forestry resource impacts.¹ The office/warehouse development in nearby San Joaquin County and the Jess Ranch Composting Facility were also ~~also was~~ determined not to have any agricultural and forestry resource impacts.^{2,3} While the telecommunications tower and the battery energy storage facility are within agricultural-designated lands, the other San Joaquin County projects within the vicinity of the project site are not.

Footnote 3 is hereby added to page 4.2-6 of the Draft EIR as follows:

³2019, HDR. *Final Environmental Impact Report, Jess Ranch Compost Facility, Conditional Use Permit, PLN2015-00087*, State Clearinghouse Number 2018052056.

The impact discussion heading for AG-6 on page 4.2-5 of Chapter 4.2, *Agriculture and Forestry Resources*, of the Draft EIR is hereby amended as follows:

AG-6	The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in less-than-significant cumulative impacts with respect to agricultural and forestry resources.
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CHAPTER 4.3 AIR QUALITY

The impact discussion heading for AQ-5 on page 4.3-29 of Chapter 4.3, *Air Quality*, of the Draft EIR is hereby amended as follows:

AQ-5	The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in less-than-significant cumulative impacts with respect to air quality.
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CHAPTER 4.4 BIOLOGICAL RESOURCES

The last paragraph on page 4.4-19 of the Draft EIR is hereby amended as follows:

Burrowing Owl: Construction of the project has the potential to crush or entomb burrowing owls in burrows. Construction work near an occupied burrow could impact breeding or wintering western burrowing owls through general disturbance. Installation of the solar panels will permanently impact

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11.46 acres and proposed parking/construction staging will temporarily affect an additional 0.58 acre of burrowing owl habitat by lowering the habitat quality. Potential impacts to burrowing owl would be reduced to *less than significant* with implementation of Mitigation Measures BIO-1.1, 1.2, 1.6, 1.7, 1.8, and 1.9.

Mitigation Measure BIO-1.9 on page 4.4-20 of the Draft EIR is hereby amended as follows:

Mitigation Measure BIO-1.9a: To mitigate for the alteration of burrowing owl habitat, approximately 11.6 acres on the ~~southern~~, western, and northern edges of the site will be protected under a conservation easement or deed restriction for the duration of the project. This land is contiguous with the levee and open space associated with the Mendota Canal. A mitigation and management plan (MMP) with success criteria to ensure the site is maintained as burrowing owl habitat, and to facilitate its continued use by burrowing owls, will be developed for this area and approved by the Alameda County Planning Director in coordination with California Department of Fish and Wildlife (CDFW). The MMP shall include measures to rehabilitate any habitat temporally disturbed by construction activities.

Mitigation Measure BIO-1.9b: No later than 6 months following the operational period of the project, the project site will be restored to as near as possible to its original condition. The MMP described in Mitigation Measure BIO-1.9a will include a post-project restoration plan to facilitate the future suitability of the site for burrowing owl.

The last paragraph on page 4.4-20 of the Draft EIR is hereby amended as follows:

Swainson's Hawk: Impacts on Swainson's hawk foraging habitat will include the permanent loss of approximately 11.46 acres of open grassland foraging habitat. The project will temporarily affect approximately 0.58 acres of mostly non-native annual grassland within the project site. Much of this area is characterized by ruderal, often sparse vegetation, trash accumulation, roadside gravel, and fill. The area next to the roadway is also subject to noise from passing vehicles and presents a strike risk to the birds and is thus a sub-optimal foraging area. There are no suitable nest trees on or adjacent to the project site. The project site is a relatively small, disjunct parcel of habitat adjacent to dense residential development; by itself it cannot support a breeding pair of Swainson's hawk. However, the incremental loss of foraging habitat could be a significant impact. Potential impacts to Swainson's hawk would be reduced to *less than significant* with implementation of Mitigation Measures BIO-1.1, 1.2, 1.9, and 1.10.

Mitigation Measure BIO-1.10 on page 4.4-21 of the Draft EIR is hereby amended as follows:

Mitigation Measure BIO-1.10: The mitigation and management plan (MMP) described in Mitigation Measure BIO-1.9 for the approximately 10 11.6-acre conservation area shall include a prescription for managing the area as habitat for Swainson's hawk. The MMP will include success criteria for Swainson's hawk habitat.

The following paragraph is hereby added to the Draft EIR on page 4.4-21, preceding the third paragraph starting with "San Joaquin Kit Fox":

Golden Eagle: As listed in Table 4.4-2, *Special-Status Animal Species Evaluated*, there is no potential for this species to nest on the site, due to the absence of trees, transmission towers, cliffs, or other suitable

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nesting sites. While golden eagles may occasionally fly over or forage on the site, these activities would not be disrupted by the proposed project. As such, impacts to golden eagles will be less than significant.

Mitigation Measure BIO-1.13 on page 4.4-22 of the Draft EIR is hereby amended as follows:

Mitigation Measure BIO-1.13: The mitigation and management plan (MMP) described in Measure BIO-1.9 for the 11.6 ~~10~~-acre conservation area shall include prescription of an appropriate seed mix and planting plan targeted for the monarch butterfly, including milkweed and native flowering plant species known to be visited by monarch butterflies and containing a mix of flowering plant species with continual floral availability through the entire breeding season for monarch butterfly (early spring to fall). The MMP will include success criteria for monarch butterfly.

The first paragraph under impact discussion BIO-7 on page 4.4-25 of the Draft EIR is hereby amended as follows:

The cumulative development projects in the vicinity of the proposed project are described in Chapter 4.0, *Environmental Analysis*, of this Draft EIR. The geographic scope of the cumulative analysis for biological resources is the area surrounding the project site. Therefore, projects included in this cumulative analysis are 19550 W Grant Line Road 0.3 miles away, 22261 South Mountain House Parkway 0.9 miles away, Arnaudo Boulevard at Mountain House II Apartments 1.4 miles away, Telecommunications Tower/21000 South Mountain House Park 1.6 miles away, Jess Ranch Composting Facility 2 miles away, and 17400 West Bethany Road 2 miles away.

CHAPTER 4.7 LAND USE AND PLANNING

The last paragraph on page 4.7-5 of the Draft EIR is hereby amended as follows:

The cumulative setting for land use and planning considers the effects of the proposed project when considered along with other projects in the vicinity of the subject property that are pending. Therefore, based on Table 4-1, *Cumulative Projects within the Vicinity of the Proposed Project*, in Chapter 4.0, *Environmental Analysis*, this analysis of cumulative impacts to land use and planning is based on the proposed project in combination with 19550 W Grant Line Road 0.3 miles away, 22261 South Mountain House Parkway 0.9 miles away, Arnaudo Boulevard at Mountain House II Apartments 1.4 miles away, Telecommunications Tower/21000 South Mountain House Park 1.6 miles away, Jess Ranch Composting Facility 2 miles away, and 17400 West Bethany Road 2 miles away.

CHAPTER 5 ALTERNATIVES

A new sub-section following Section 5.4, *Selection of a Reasonable Range of Alternatives*, in Chapter 5, *Alternatives*, of the Draft EIR is hereby added as follows (subsequent numbering is revised to follow the new Section 5.4.1, including *Alternatives Analysis* revised to be Section 5.4.2, and *Assumptions and Methodology* revised to be Section 5.4.3):

REVISIONS TO THE DRAFT EIR

5.4.1 ALTERNATIVES CONSIDERED BUT REJECTED AS INFEASIBLE

As described above, Section 15126.6(c) of the State CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and briefly explains the reasons underlying the lead agency's determination. Section 15126.6(c) provides that among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. The following is a discussion of an alternative that was considered and rejected, along with the reasons it was not included in the analysis.

Alternative Location

Development of the proposed project at an alternative location in the county was considered and rejected because it is dependent on land ownership and not guaranteed to substantially lessen or avoid any significant environmental impacts. An alternative site may not allow for a 2 MW solar energy facility, or be compatible with solar energy facility land uses. Additionally, the project applicant does not currently own or control other potential sites for the proposed project in Alameda County which could accommodate the proposed project or meet the objectives of the proposed project. As location of an alternative site is also speculative, depending on the location, it could cause greater operation- or construction-related impacts. Therefore, no feasible alternative locations were evaluated for the proposed project and no further discussion is warranted.

APPENDIX A NOTICE OF PREPARATION AND SCOPING COMMENTS

The heading "San Francisco Bay Regional Water Quality Control Board" and the paragraph under this heading on page 4-24 of the Environmental Analysis attachment of the Notice of Preparation contained in Appendix A of the Draft EIR is hereby amended as follows:

San Francisco Bay Central Valley Regional Water Quality Control Board

The Porter-Cologne Water Quality Control Act established the State Water Resource Board (SWRCB) and the San Francisco Bay Central Valley RWQCB, which regulates water quality in the project area. The San Francisco Bay Central Valley RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the State is threatened, and to require remediation actions, if necessary.

The last paragraph on page 4-29 of the Environmental Analysis attachment of the Notice of Preparation contained in Appendix A of the Draft EIR is hereby amended as follows:

The Clean Water Act (CWA) of 1977, as administered by the USEPA, seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The CWA employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal

REVISIONS TO THE DRAFT EIR

wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the USEPA to implement water-quality regulations. The National Pollutant Discharge Elimination System (NPDES) permit program under Section 402(p) of the CWA controls water pollution by regulating stormwater discharges into the waters of the United States. California has an approved State NPDES program. The USEPA has delegated authority for water permitting to the SWRCB and the ~~San Francisco Bay~~ Central Valley Regional Water Quality Control Board (RWQCB).

The second paragraph under the heading “National Pollutant Discharge Elimination System” on page 4-30 of the Environmental Analysis attachment of the Notice of Preparation contained in Appendix A of the Draft EIR is hereby amended as follows:

The project site within Alameda County lies within the jurisdiction of ~~San Francisco Bay~~ Central Valley RWQCB (Region 2) and is subject to the waste discharge requirements of the Municipal Regional Stormwater Permit (MRP; Order No. R2-2015-0049) and NPDES Permit No. CAS612008, which was issued on November 19, 2015 and became effective as of January 1, 2016. The permit governs a variety of activities in ~~the~~ Alameda County such as industrial and commercial businesses, new and redevelopment projects, construction sites, storm drain operation and maintenance, creek monitoring, pesticide applications, and illegal dumping of water and other pollution in the County’s storm drain.

The first paragraph on page 4-31 of the Environmental Analysis attachment of the Notice of Preparation contained in Appendix A of the Draft EIR is hereby amended as follows:

The Porter-Cologne Water Quality Act is the basic water-quality control law for California. Under this Act, the SWRCB has ultimate control over State water rights and water-quality policy. In California, the California EPA has delegated authority to issue NPDES permits to the SWRCB. The SWRCB, through its nine RWQCBs, carries out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a Water Quality Control Plan, or Basin Plan, that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region’s ground and surface water, and local water-quality conditions and problems. ~~The project site county is within the San Francisco Bay Basin and is under the jurisdiction of the San Francisco Bay Central Valley RWQCB (Region 2) which monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and designates beneficial uses for surface water bodies and groundwater within the San Francisco Bay region. The Basin Plan for the San Francisco Basin was last updated on May 4, 2017 and will continue to be updated as deemed necessary to maintain pace with technological, hydrological, political, and physical changes in the region.³⁸ This Basin Plan describes the water quality that must be maintained to support the designated beneficial uses and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan also contains water quality criteria for groundwater.~~

The first paragraph under heading “California Porter-Cologne Water Quality Control Act” on page 4-50 of the Environmental Analysis attachment of the Notice of Preparation contained in Appendix A of the Draft EIR is hereby amended as follows:

Under the Porter-Cologne Water Quality Control Act, which was passed in California in 1969 and amended in 2013, the State Water Resources Control Board (SWRCB) has authority over State water rights and

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water quality policy. This act divided the State into nine regional basins, each under the jurisdiction of a RWQCB to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. ~~Alameda County~~ The project site is overseen by the ~~San Francisco Bay~~ Central Valley RWQCB.

4. List of Commenters

Comments on the Draft EIR were received from the following agencies, organizations, and individuals. Letters are arranged by category, date received, and name. Each comment letter has been assigned a number, as indicated below. These letters are included in and responded to in Table 5-1 of this Final EIR. Comments are presented in their original format in Appendix I, along with annotations that identify each individual comment number.

4.1 COMMENTS ON THE DRAFT EIR

4.1.1 GOVERNMENTAL AGENCIES

GOV1 Central Valley Regional Water Quality Control Board, Peter Minkel, Engineering Geologist, June 17, 2022

4.1.2 PRIVATE COMPANIES AND ORGANIZATIONS

ORG1 Friends of Livermore, David Rounds, June 20, 2022

ORG2 Friends of Open Space and Vineyards, Tamara Reus, President, June 20, 2022

4.1.3 MEMBERS OF THE PUBLIC

PUB1 Donna Cabanne, June 20, 2022

LIST OF COMMENTERS

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5. Comments and Responses

This chapter includes a reproduction of, and responses to, each comment letter received during the public review period on the Draft EIR. Comments are presented in their original format in Appendix I.

Responses to individual comments are provided in this chapter alongside the text of each corresponding comment. Letters are categorized by:

- Governmental Agencies (GOV)
- Private Companies and Organizations (ORG)
- Members of the Public (PUB)

Letters are arranged by category, date received, and name. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are shown in Chapter 3, *Revisions to the Draft EIR*, of this Final EIR. Responses to individual comments are presented in Table 5-1.

COMMENTS AND RESPONSES

5.1 COMMENTS AND RESPONSES

TABLE 5-1 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Comment	Comment	Response
A. Governmental Agencies		
GOV1	Central Valley Regional Water Quality Control Board	
GOV1-01	Pursuant to the State Clearinghouse's 6 May 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Environmental Impact Report for the Alameda Grant Line Solar 1 Project, located in Alameda County. Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.	The comment serves as an introduction to the comments that follow. No response is needed.
GOV1-02	I. Regulatory Setting <u>Basin Plan</u> The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38. The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that	The comment serves as an introduction to the Central Valley Water Board Basin Plan. No response is needed.

COMMENTS AND RESPONSES

Comment	Comment	Response
	assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/	
GOV1-03	<u>Antidegradation Considerations</u> All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf In part it states: Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State. This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives. The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.	The proposed solar project does not involve any wastewater discharges. Water will be used to clean the solar panels with an electronic cleaning system one to two times per year.
GOV1-04	<u>II. Permitting Requirements</u> <u>Construction Storm Water General Permit</u> Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml	Comment noted. The applicant would be required to obtain and comply with the applicable conditions under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities because the project would disturb more than one acre.

COMMENTS AND RESPONSES

Comment	Comment	Response
GOV1-05	<u>Phase I and II Municipal Separate Storm Sewer System (MS4) Permits [footnote 1]</u> The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process. For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/ For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml [footnote 1: 1 Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.]	The proposed solar project does not involve any wastewater discharges. Water will be used to clean the solar panels with an electronic cleaning system one to two times per year. The project would not be subject to the Phase I or Phase II MS4 permits.
GOV1-06	<u>Industrial Storm Water General Permit</u> Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml	The proposed solar project does not involve any stormwater discharges. Rainwater runoff from the solar panels and supporting equipment will go directly into the soil throughout the site. Additionally, photovoltaic solar projects are not regulated under Industrial Storm Water General Permit Order No. 2014-0057-DWQ.
GOV1-07	<u>Clean Water Act Section 404 Permit</u> If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions	The proposed project does not involve discharge of dredged or fill material into waters or wetlands subject to jurisdiction under Section 404 of the Clean Water Act because none are located on the project site. No Clean Water Act Section 404 permit is therefore necessary.

COMMENTS AND RESPONSES

Comment	Comment	Response
	regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.	
GOV1-08	<u>Clean Water Act Section 401 Permit – Water Quality Certification</u> If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/	There are no waters of the United States on the project site and thus a Clean Water Act Section 401 Water Quality Certification will not be necessary for the project.
GOV1-09	<u>Waste Discharge Requirements – Discharges to Waters of the State</u> If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/ Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf	The proposed solar project does not involve any wastewater discharges. Water will be used to clean the solar panels with an electronic cleaning system one to two times per year. Additionally, there are no waters of the State on the project site and therefore Waste Discharge Requirements are not applicable.
GOV1-10	<u>Dewatering Permit</u> If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and	The proposed project does not include construction dewatering.

COMMENTS AND RESPONSES

Comment	Comment	Response
	Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge. For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf	
GOV1-11	Limited Threat General NPDES Permit If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf	The proposed project does not include construction dewatering.
GOV1-12	NPDES Permit If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/	Comment noted. Please see response to comment GOV1-04. The applicant would be required to obtain coverage under the Construction Stormwater General Permit.
GOV1-13	If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.	The comment serves as a conclusion to the preceding comments. No response is needed.

B. Private Companies & Organizations

COMMENTS AND RESPONSES

Comment	Comment	Response
ORG1	Friends of Livermore	
ORG1-01	Friends of Livermore (FOL) submits the following comments on the Draft Environmental Impact Report (“DEIR”) prepared for the Alameda Grant Line Solar 1 project (“Solar 1 project”). Friends of Livermore is a community organization dedicated to protecting open space and improving the quality of life in the Livermore Area. We formed in early 2002 during the fight to protect North Livermore from a developer initiative that would have allowed massive housing developments in North Livermore. We have been involved with many subsequent development proposals over the ensuing 20 years and fight projects and proposals that are inconsistent with Measure D. After reviewing the DEIR for the Grant Line Solar 1 project, FOL has identified various deficiencies in the analysis and conclusions. These need to be addressed in the Final Environmental Impact Report.	The comment serves as an introduction to the comments that follow. No response is needed.
ORG1-02	1. Project description in the DEIR is inaccurate. Based on information presented by the applicant to the East County Board of Zoning Adjustments at its May 26, 2022 hearing, the DEIR inaccurately describes the project. The DEIR states that on the 23-acre project site, approximately 13 acres will be covered in solar panels and related equipment, and “10 acres on the western and northern edges of the site will be protected in perpetuity under a conservation easement or deed restriction.” (P. 4.4-20, Mitigation Measure BIO-1.9). This conservation area is to mitigate for impacts to various special status species analyzed in the DEIR. On May 26, the applicant stated that an agreement had been reached with a non-profit organization for the area not used for solar generation to be used for growing tree seedlings for reforestation projects. This is an altered project description. The altered project requires analysis to determine whether this new use for the 10-acre permanent conservation area will actually provide mitigation habitat for impacted special status species, or if the 10-acre permanent conservation area on the project site will no longer be provided. If the latter is the case, then compensatory mitigation elsewhere will be required.	The applicant did note in the May 26, 2022 hearing that the project area could be used for growing trees. However, upon further discussion with the applicant, they have stated they are no longer proposing using any portion of the project site for growing trees. Consequently, the DEIR project description has not been altered and remains accurate.
ORG1-03	2. Compensatory mitigation habitat for impacts to special status species is inadequate. The DEIR describes on P. 4.4-5 the East Alameda County Conservation Strategy (“EACCS”) and states “[F]or the purposes of the analysis, the EACCS is considered a local habitat conservation plan.” (P. 4.4-24) Nevertheless, the DEIR fails to apply the habitat mitigation ratios described in the EACCS. For example, the DEIR acknowledges that the California red-legged frog (CRLF) has potential to occur on the project site. Both EACCS modeled suitable habitat (EACCS, Appendix D, Figure D-9) and East Bay Regional Conservation Investment Strategy [footnote 1]	The comment suggests that the project should apply the EACCS habitat mitigation ratios for CRLF and states that the proposed mitigation is insufficient. Unlike an approved Habitat Conservation Plan / Natural Community Conservation Plan, the EACCS does not result in any permits or authorizations and is not formally adopted by the County. Overall, the EACCS is intended to provide guidance to the County and other stakeholders regarding where potential habitat may occur and what mitigation may be appropriate.

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Comment	Comment	Response
	modeled suitable habitat (EB RCIS, Appendix F, Figure F-10) show the same thing. Nevertheless, the CRLF Standardized Mitigation Ratios (EACCS Chapter 3, Table 3-7) are neither analyzed nor even mentioned in the DEIR. Table 3-7 provides a range of CRLF mitigation ratios depending on the location of the impact and the location of the mitigation. Since the project site is not located inside CRLF critical habitat, the mitigation ratios range from 2.5:1 to 3.5:1, depending on whether the mitigation occurs inside critical habitat in the same EACCS CRLF Mitigation Area or outside critical habitat in a different CRLF Mitigation Area. Moreover, EACCS Table 3-7, Footnote 2, states, "In order to meet CDFG's standard of full mitigation for state listed species under CESA, project applicants will have to demonstrate habitat enhancement, not just permanent protection, on properties used for mitigation." The presumed 10-acre permanent conservation area on the project site is not nearly sufficient to provide compensatory mitigation for the CRLF, nor is there any indication in the DEIR that habitat enhancement for the CRLF would occur on these 10 acres. [footnote 1: https://wildlife.ca.gov/Conservation/Planning/Regional-Conservation/Documents]"	The commenter notes that the EACCS figures (Appendix D, Figure D-9) depict modeled suitable habitat for CRLF. The EACCS figure (D-9) referenced by the commenter specifically notes that the figure "should not be used for site planning and should be verified in the field". In other words, a project specific site assessment by a biologist should be used to assess the potential occurrence of this species. As described in the DEIR, Appendix E, Biological Resources Studies, the County's biological consultant conducted surveys and assessments for CRLF at the project site to support preparation of the DEIR. The study found that there is a low potential for California red-legged frog to occur on the site. The site contains no aquatic habitats such as ponds, rivers, marshes or wetlands which are necessary for CRLF breeding and survival. It is unlikely CRLF would be able to disperse to the site considering the distance to aquatic habitat and the presence of an orchard between the project site and aquatic habitat. As noted in the DEIR, work would also not occur during nighttime hours or during rain events which would further prevent potential impacts to CRLF movement. Lastly, the County notes that we considered the information and general recommendations in the EACCS, as well as the site-specific assessment. Mitigation Measures BIO-1.3, BIO-1.4, and BIO-1.5, which focus on avoiding impacts on CRLF if they do happen to move through the project site, will adequately reduce potential impacts to CRLF to a less than significant level and additional compensatory mitigation for this species is not warranted or required in this instance.
ORG1-04	Similar deficiencies for other analyzed special status species also occur. For the California Tiger Salamander (CTS), the EACCS shows the project site to be within modeled Potential Upland Habitat for the CTS (EACCS Appendix D, Figure D-8). Standardized Mitigation Ratios for CTS range from 2.5:1 to 4:1, again depending on whether the mitigation occurs inside CTS critical habitat within the EACCS study area or outside critical habitat but within or outside the same CTS Mitigation Area within the EACCS Study Area. (EACCS Chapter 3, Table 3-8). Once again, the same footnote appears in Table 3-8 that full mitigation requires habitat enhancement not just permanent protection as for CRLF mitigation in Table 3-7.	The comment is similar to comment ORG1-03 and suggests that the project should apply the EACCS habitat mitigation ratios for CTS and states that the proposed mitigation is insufficient. As noted in response to comment ORG1-03, the EACCS does not result in any permits or authorizations and is not formally adopted by the County. Overall, the EACCS is intended to provide guidance to the County and other stakeholders regarding where potential habitat may occur and what mitigation may be appropriate. The commenter again notes that the EACCS figures (Appendix D, Figure D-8) depict modeled suitable habitat for CRLF. The EACCS figure (D-8) referenced by the commenter specifically notes that the figure "should not be used for site planning and should be verified in the field". In other words, a project specific site assessment by a biologist should be used to

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Comment	Comment	Response
		assess the potential occurrence of this species. As described in the DEIR, Appendix E, Biological Resources Studies, the County's biological consultant conducted surveys and assessments for CTS at the project site to support preparation of the DEIR. The study found that there is a low potential for CTS to occur on the site. The site contains no aquatic habitats such as ponds or other suitable wetlands which are necessary for CTS breeding and survival. It is unlikely CTS would be able to disperse to the site considering the distance to aquatic habitat and the presence of an orchard between the project site and aquatic habitat. As noted in the DEIR, work would also not occur during daylight hours or during rain events which would further prevent potential impacts to CTS movement. Lastly, the County notes that similar to CRLF, we considered the information and general recommendations in the EACCS, as well as the site-specific assessment for CTS. Mitigation Measures BIO-1.3, BIO-1.4, and BIO-1.5, which focus on avoiding impacts on CTS if they do happen to move through the project site, will adequately reduce potential impacts to CTS to a less than significant level and additional compensatory mitigation for this species is not warranted or required in this instance.

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Comment	Comment	Response
ORG1-05	For San Joaquin Kit Fox, both the EACCS and the EB RCIS show Modeled Suitable Habitat over the entire project site. EACCS (Appendix D, Figure D-17) describes this area as Core Habitat. EB RCIS (Appendix F, Figure F-19) describes the area as Denning/Movement Habitat. EACCS Standardized Mitigation Ratios for San Joaquin Kit Fox range from 3:1 to 3.5:1, again depending on whether the mitigation occurs in the same Mitigation Area as the location of impact. (Chapter 3, Table 3-11) Again, the same footnote appears about habitat enhancement not just permanent protection as it does for other focal species analyzed.	The comment is similar to comment ORG1-03 and ORG1-04 and suggests that the project should apply the EACCS habitat mitigation ratios for SJKF and states that mitigation consistent with the EACCS should be applied. Please see response to comments ORG1-03 and ORG1-04 which generally describe the County's use and consideration of the EACCS. Numerous regional surveys over the past 20 years have failed to detect the SKJF in Alameda County. As such, SKJF are extremely unlikely to occur on the project site. However, described in the DEIR, Appendix E, Biological Resources Studies, the County's biological consultant conducted surveys and assessments for SJKF at the project site to support preparation of the DEIR. The study included the use of remote cameras to detect use of the site by SJKF, and found that there is no potential for SJKF to occur on the site. As noted in the DEIR, the fence surrounding the solar panels will have openings at the bottom to allow the passage of small to medium-sized wildlife, such as the SJKF, if they were to move through or occur in the area in the future (i.e., wildlife-friendly fencing). Lastly, the County notes that we considered the information and general recommendations in the EACCS, as well as the site-specific assessment for SJKF and determined that potential impacts were less than significant. Consequently, no additional compensatory mitigation for this species warranted or required in this instance.
ORG1-06	For Western Burrowing Owl, EACCS habitat mitigation ratios range from 3:1 to 3.5:1, depending on distance between location of impact and location of mitigation. (Chapter 3, Table 3-10). The same footnote as described above applies to burrowing owl habitat enhancement rather than just permanent protection. And for all of the above species, if compensatory habitat mitigation were to occur outside the EACCS Study Area, then it "Requires site-specific agency approval."	The comment is generally similar to comments ORG1-03, ORG1-04, and ORG1-05 and suggests that the project should apply the EACCS habitat mitigation ratios for burrowing owl and states that mitigation consistent with the EACCS should be applied. Please see response to comments ORG1-03 and ORG1-04 which generally describe the County's use and consideration of the EACCS. The County notes that we considered the information and general recommendations in the EACCS, and the site-specific assessment for BUOW, the type of project as proposed, as well as the applicant's proposal to manage a portion of the property adjacent to and contiguous with the Mendota Canal as burrowing owl habitat for the duration of the project.

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Comment	Comment	Response
		The proposed on-site mitigation for burrowing owl will have a deed restriction placed upon it preventing any future development during the operational period of the project and the land will be managed for maximum habitat value for burrowing owl. The management will be guided by a County-approved Mitigation and Monitoring Plan (MMP) developed in coordination with CDFW. The MMP will include performance criteria and adaptive management to ensure that the habitat has high value for western burrowing owl. Additionally, the County has future clarified the mitigation requirements in the Final EIR by adding Mitigation Measure BIO-9b, which requires the restoration of the project site following construction and inclusions of a restoration plan in the MMP to ensure the site is returned to conditions suitable for burrowing owl. The County considered several factors when making mitigation and significance findings in the DEIR, such as the conservation value of the proposed mitigation lands, the type of development (which will alter the habitat on site but which will leave habitat between the panel rows intact), and the type of mitigation that would be the most effective in this situation. Considering all these factors, the County determined that Mitigation Measures BIO-1.6, BIO-1.7, BIO-1.8, and BIO-1.9 (split into BIO-1.9a and BIO-1.9b for clarification in the Final EIR), which focus on avoiding impacts on BUOW during construction, mitigation for the alteration (but not complete removal) of habitat, and restoration of the project site to preconstruction conditions following operations, will adequately reduce potential impacts to BUOW to a less than significant level.
ORG1-07	For Golden Eagle, both the EACCS and the EB RCIS show the project site as modeled suitable foraging habitat. (EACCS Appendix D, Figure D-13 and EB RCIS Appendix F, Figure F-15). While the DEIR states that the species “probably forages occasionally on the site” (Table 4.4-2), it inexplicably says the Potential to Occur is “None.” Occasionally on site and never on site are inconsistent.	As stated on page 4.4-11 in Chapter 4-4, Biological Resources, of the Draft EIR, for birds the potential to occur refers only to nesting, as many species may fly over or forage on the site. There is no potential for golden eagle to nest on the site because it lacks suitable nesting substrate such as large trees, cliffs, or transmission towers. The DEIR does acknowledge that golden eagle may “occasionally fly over or forage on the site”. However, the County considered this species when drafting the EIR and did not find potentially significant impacts. Additional description of this potential impact, including a less than significant finding, has been included in the Final EIR for clarification.

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Comment	Comment	Response
		Management of the on-site mitigation for burrowing owl (see MM-BIO-1.9) and for Swainson's hawk (see MM-BIO-1.10) will also benefit golden eagle foraging habitat. The mitigation land will be managed to maintain or increase the numbers of ground squirrels, a favored prey item for the golden eagle.
ORG1-08	The Swainson's Hawk is not an EACCS focal species. However, it is an EB RCIS focal species and the project site is clearly shown within its Modeled Suitable Habitat for Agricultural Foraging. (EB RCIS, Appendix F, Figure F-17). Again, while the DEIR acknowledges the species "probably forages occasionally on site" (emphasis added), it also states the Potential to Occur is "None." (Table 4.4-2) Probably on site occasionally and never on site are inconsistent.	This comment states that the draft East Bay Regional Conservation Investment Strategy models the project site as suitable agricultural foraging habitat for the Swainson's hawk (<i>Buteo swainsoni</i>). The biological surveys and assessment conducted by the County's biological consultant and the DEIR also concluded that the project site represents suitable foraging habitat for Swainson's hawk. As stated on page 4.4-11 in Chapter 4-4, Biological Resources of the Draft EIR, for bird species the potential to occur refers only to nesting, as many species may fly over or forage on the site. There is no potential for Swainson's hawk to nest on the site because it lacks trees or large shrubs. The protection and enhancement of habitat for Swainson's hawk as required by MM BIO-1.10 will reduce potential impacts to the species to less than significant.

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Comment	Comment	Response
ORG1-09	3. The project is inconsistent with Measure D's infrastructure policy. The Alameda Grant Line Solar 1 Project is designed and intended to serve the Mountain House community in San Joaquin County. The Power Purchase Agreement with PG&E is under a program "specifically designed for small utility-scale local renewable energy projects (<5MW) that benefit the local communities around it...." (DEIR, p. 1-3, emphasis added). "The project is located on a 23.07-acre site at West Grant Line Road and Great Valley Parkway in eastern unincorporated Alameda County, adjacent to the unincorporated community of Mountain House in San Joaquin County." (DEIR, p. 3-1, emphasis added). That is where the power generated by this project will go." Alameda County East County Area Plan Policy 13 (Infrastructure) was adopted in 2000 as part of Measure D. Policy 13 states, "The County shall not authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the Initiative...Infrastructure shall include public facilities, community facilities, and all structures and development necessary to the provision of public services and utilities." This solar power plant will clearly provide a utility service, namely electric power, but it will not serve permissible development consistent with the Initiative because it will not serve development in Alameda County. It will serve development across the county line in San Joaquin County. While Policy 13 does not bar "new, expanded or replacement infrastructure necessary to create adequate service for the East County," this project is not necessary to create adequate service for eastern Alameda County. There is no statement in the DEIR, much less any analysis to show that this project is needed to create adequate service for East County. Absent any such need or analysis, the project is inconsistent with the Alameda County General Plan.	The comment incorrectly states that the Alameda Grant Line Solar 1 Project is designed and intended to serve the Mountain House community in San Joaquin County. The proposed project would generate electricity that would be incorporated into the PG&E grid which serves Alameda County.
ORG1-10	4. Prior project approvals cannot be used as precedent for this project. Alameda County does not have an adopted solar policy, although a solar policy is currently being developed. Until such time as the Board of Supervisors adopts a solar policy, past administrative decisions are not a substitute for policy. In 2011, when the Cool Earth solar project approval was appealed to the Board of Supervisors, Supervisor Miley asked County planning staff whether approving that project (rejecting the appeal) would set a precedent for future projects. Then-Planning Director Chris Bazar stated flatly to Supervisory Miley and to the rest of the Board that its decision in the Cool Earth appeal would not set a precedent for future decisions. Nevertheless, with each subsequent project, county staff uses prior, parcel-specific administrative decisions to imply that the County does have a policy (enacted legislation) that solar projects are consistent with zoning and general plan provisions. (DEIR, P. 3-6, 3.1.3.2 Zoning and DEIR, P.	As described on page 3-6 of the Draft EIR, the County Planning Commission made findings in 2008 pursuant to the Alameda County Municipal Code (ACMC) Sections 17.54.050 and 17.54.060 that a solar electric facility would not be contrary to the specific intent established for the A District and could be permitted under a conditional use permit. With this determination (Determination D-165) made in 2008, the County determined that a solar installment is a similar use to the expressly permitted non-agricultural uses. Determination D-165, while used to approve other similar projects, is itself distinct from specific project approvals. Additionally, lack of an active solar-specific policy does not preclude Alameda County from allowing solar projects.

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Comment	Comment	Response
	4.7-3 Existing Conditions) The DEIR should be revised to state categorically that prior decisions are not a precedent for a decision in the Alameda Grant Line Solar 1 project proceeding.	
ORG1-11	Friends of Livermore look forward to seeing revisions in the Final EIR in line with these comments.	The comment serves as a conclusion to the preceding comments. No response is needed.
ORG2	Friends of Open Space and Vineyards	
ORG2-01	Friends of Open Space and Vineyards ("FOV"), a conservation organization based in Livermore, submits the following comments on the Draft Environmental Impact Report ("DEIR") prepared for the Alameda Grant Line Solar 1 Project. FOV was founded in 1981 in an effort to stop uncontrolled residential development from taking over the land in the South Livermore Valley and displacing our local vineyards, wineries, and open space resources. In subsequent years, our mission has been expanded to also include protection and preservation of East County's agriculture and open space. We have reviewed the draft environmental impact report for the Alameda Grant Line Solar 1 Project and have identified several concerns with the analysis and conclusions. We submit these comments for response.	The comment serves as an introduction to the comments that follow. No response is needed.
ORG2-02	ECAP and Measure D The DEIR relies on the erroneous conclusion that the Planning Commission made a formal determination that utility-scale solar plants are a compatible use within the meaning of Measure D. The Planning Commission was acting on two different project applications, Greenvolts and Cool Earth. The Planning Commission was not acting in a legislative capacity in making these individual permit decisions. This was documented in subsequent appeal hearings in which the County Staff assured the Board of Supervisors that these decisions were not to serve as precedents for future solar projects in the absence of a the formal adoption of a county solar policy. The Cool Earth project was explicitly recognized as not setting a precedent for future solar projects within North Livermore as stated on the record by the Board and staff at the 2012 appeal hearing. The County cannot go back now and use these decisions as a basis for concluding that utility-scale solar projects are a compatible use under Measure D. A county solar policy is currently in development. Until a full environmental review of that policy is completed and the policy is formally adopted in accordance with legal requirements, the current project cannot be approved.	As described on page 3-6 of the Draft EIR, the County Planning Commission made findings in 2008 pursuant to the Alameda County Municipal Code (ACMC) Sections 17.54.050 and 17.54.060 that a solar electric facility would not be contrary to the specific intent established for the A District and could be permitted under a conditional use permit. With this determination (Determination D-165) made in 2008, the County determined that a solar installment is a similar use to the expressly permitted non-agricultural uses. Determination D-165, while used to approve other similar projects, is itself distinct from specific project approvals; as a formal determination it has general applicant, including to future projects. Additionally, lack of an active solar-specific policy does not preclude Alameda County from allowing solar projects.
ORG2-03	The DEIR acknowledges the applicability of ECAP Policy 13, added by Measure D (originally designated Policy 14A in the Initiative text). It provides: Policy 13: The County shall not provide nor authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the Initiative. This policy shall not bar 1) new, expanded or replacement	The comment incorrectly states that the proposed project would serve development in San Joaquin County and not Alameda County based on the project's proximity to San Joaquin County. The proposed project would generate electricity that would be incorporated into the PG&E grid which serves Alameda County. The possibility that power could also be provided to San Joaquin County has no effect on the legitimacy of the

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	infrastructure necessary to create adequate service for the East County, 2) maintenance, repair or improvements of public facilities which do not increase capacity, and 3) infrastructure such as pipelines, canals, and power transmission lines which have no excessive growth-inducing effect on the East County area and have permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative. The EIR fails to address compliance with Policy 13's requirement that new infrastructure must be necessary to create adequate service for East County. Given that the project will tie-in with PG&E's local power distribution line, it appears that the power generated will be delivered to residents in the adjacent Mountain House Community, located in San Joaquin County. Policy 13 recognizes the need for some additional infrastructure to benefit current residents of Alameda County such that excessive growth is not generated. The proposed project fails to support the needs of Alameda County residents, and instead is contributing to a growth inducing area in San Joaquin County which is continuing to be developed with residential housing. It fails to comply with Policy 13.	County's determination regarding Policy 13, which is intended to prevent urban sprawl in East Alameda County.

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ORG2-04	The project fails to meet the requirements of subsections (2) and (3) of Policy 13 as well. The project is not a public facility under subsection (2). Subsection (3) allows infrastructure projects designed to convey energy and other transmissible materials across the County, such as pipelines, canals, and transmission lines. The intent of the subsection is to ensure that energy and needed substances can continue to be moved to residents of Alameda County subsequent to the enactment of Measure D's limits on development. The proposed project is a solar energy generation facility. In and of itself it does not convey energy. The project needs to connect to PG&E's transmission distribution grid to be conveyed anywhere, and when it is, the energy produced will go to residents of another county which is not authorized. However well-intentioned, the project is not in compliance with Policy 13 and cannot be approved. The EIR must fully address the application of Policy 13.	Policy 13 states that it shall not bar 1) new, expanded or replacement infrastructure necessary to create adequate service for the East County; 2) maintenance, repair or improvements of public facilities which do not increase capacity; and 3) infrastructure such as pipelines, canals, and power transmission lines which have no excessive growth-inducing effect on the East County area and have permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative. This sentence is not requiring that projects fall into 1, 2, or 3, but stating that Policy 13 is not intended to bar projects that fall into 1, 2, or 3. As shown on page 10 of the East County Area Plan, Policy 13 is listed under the goal "to achieve a balanced subregion featuring compact communities, a diverse economic base, affordable housing, and a full complement of public facilities" [footnote 1]. Policy 13 is intended for the County to maintain a proportional level of service needed for permissible development consistent with the Measure D Initiative. The proposed project increases the availability of renewable energy used for energy in Alameda County. Additionally, the comment incorrectly states that the proposed project would not serve Alameda County. The proposed project would generate electricity that would be incorporated into the PG&E grid which serves Alameda County. [footnote 1: Alameda County East County Area Plan amended November 2000. https://www.acgov.org/cda/planning/generalplans/documents/EastCountyAreaPlancombined.pdf]
ORG2-05	Biological Impacts The DEIR does not provide adequate mitigation for habitat loss. The DEIR acknowledges the project site provides suitable habitat for a number of species classified as species of special concern by the California Department of Fish and Wildlife (CDFW). (DEIR, pp. 4.4-6 to 4.4-16.) [footnote 1] California Burrowing Owls and Swainson's Hawks were observed on the site, and the specific type of plant that Monarch Butterflies use was also confirmed to be present. Habitat which has been confirmed to be in use and which could provide forage for animals known to be in the area will be destroyed when the project is constructed. The DEIR confirms the project will result in the permanent loss of 11 acre of habitat for the owls and hawks. It provides some mitigation for this loss in the form of a set-aside of 10 acres on the project site to be conserved for these species and concludes that this is sufficient to reduce the impacts to less	The project proponent has revised the site plan and shifted solar facility eastward and southward creating an approximately 11.6-acre area for preservation, which is in compliance with a 1:1 mitigation ratio. The on-site mitigation land will have a deed restriction placed upon it and will be enhanced and managed to maximize habitat value for burrowing owl, Swainson's hawk, and monarch butterfly. The management will be guided by a County-approved Mitigation and Monitoring Plan (MMP) developed in consultation with CDFW. The MMP will include required management actions, performance criteria, and adaptive management to ensure that the habitat has high value for special-status species, as well as including a restoration plan for the project site following the operational period. Additionally, please see responses to comments ORG1-03, ORG1-04, ORG1-05, ORG1-06, ORG1-07, and ORG1-08 which discuss the County's approach and considerations for several special status species.

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	than significant. This is not enough land to reduce the impacts to a less than significant level. [footnote 1: The DEIR States that numerous ground squirrels and rock pigeons were noted on the site. A burrowing owl, a Swainson’s Hawk, a red-tailed Hawk, and a possible badger were photographed by a trail camera. (DEIR, p. 4.4-6.) The project site provides a moderate potential for San Joaquin Coachwhip and California Glossy Snakes, American Badgers and Monarch Butterflies to occur on the site. (DEIR, pp. 4.4-10 to 4.4-13.) Among special status species, the site provides potential foraging habitat for Northern Harriers, Swainson’s Hawk, White Tailed Kites, and Golden Eagles. (DEIR, pp. 4.4-11 to 4.4-12.) Two burrowing owls were seen on multiple occasions in May 2021 (Appendix E, p. 11.)]	
ORG2-06	The DEIR acknowledges the applicability of the East Alameda County Conservation Strategy (EACCS) in its discussion of applicable land use plans and policies. However, it fails to include the mitigation ratios specified in the EACCS as part of the proposed mitigation measures. The standard habitat mitigation ratio is 3:1 with an individualized analysis recommended to evaluate whether ratios should be higher or lower. (EACCS, sec. 3.2.1, p. 3-4.) Applicable ratios also depend on the classification of the habitat which will be affected. The set-aside of 10 acres fails to come close to achieving the County conservation goals as embodied in the EACCS. With 11 acres of habitat permanently destroyed, the ratio provided for in the DEIR is less than 1:1. Burrowing owls are listed as focal species in the EACCS and specific mitigation ratios are given depending on the zone in which the habitat is found. Table 3-10 provides mitigation ratios for non-listed species, such as Swainson’s Hawks and Monarch Butterflies. 1:1 ratios are not included, not to mention a ratio that is less than 1:1.	This comment cites Section 3.2.1 of the EACCS. The EACCS is intended to provide guidance to the County and other stakeholders, and its recommendations are not binding. Additionally, the EACCS was not formally adopted by the County. Additionally, please see responses to comments ORG1-03, ORG1-04, ORG1-05, ORG1-06, ORG1-07, and ORG1-08 which discuss the County’s consideration of the EACCS and other factors when considering appropriate mitigation for potential impacts.
ORG2-07	As confirmed in the DEIR, Burrowing Owls are identified as a species of special concern by the CDFW. (See https://en.wikipedia.org/wiki/California_species_of_special_concern.) CDFW also lists Swainson’s Hawks as a threatened species. Monarch butterflies are included on CDFW’s Terrestrial and Vernal Pool Invertebrates of Conservation Priority list PDF and identified as a Species of Greatest Conservation Need in California’s State Wildlife Action Plan. (https://wildlife.ca.gov/Conservation/Invertebrates/Monarch-Butterfly). They are a federal candidate species, scheduled to be federally listed in 2024. (Ibid.) All of these species are in great need of protection from habitat loss.	This comment correctly identifies the regulatory status of special-status species that may use the project site and states that their habitats should be protected. The approximately 11.6 acres of on-site mitigation will be managed to maximize its value to burrowing owl and monarch butterfly and to provide Swainson’s hawk foraging habitat (see response to comment ORG2-05). The monarch butterfly is not currently listed as an endangered or threatened species under the Endangered Species Act (ESA) or the California Endangered Species Act (CESA); however, the monarch butterfly is a candidate under the ESA [footnote 1]. In December 2020, the monarch butterfly was found to be “warranted but precluded” for

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		listing by the United States Fish and Wildlife Service (USFWS). With that decision, the monarch became a candidate for listing under the ESA, and its status will be reviewed each year until it is no longer a candidate. Candidate species receive no statutory protection under the ESA. During the reconnaissance-level surveys conducted for this Project in 2021, no monarch butterflies or caterpillars were observed. However; the surveys were not focused surveys for monarch butterfly. Although there are no California Natural Diversity Database (CNDDB) or Xerces Society Milkweed Mapper Records (https://www.monarchmilkweedmapper.org/app/#/combined/map) for monarch butterflies within five miles of the Project site, the Central Valley lies in an important migratory pathway for monarchs and breeding may occur in some areas. Narrowleaf milkweed is a common and widespread annual plant and its distribution and abundance varies annually. The loss or removal of narrowleaf milkweed within the Project site would not be a significant effect on monarchs unless the milkweed is being actively used for breeding. The Draft EIR therefore assumes that milkweed could be used for breeding in the absence of complete surveys and contains measures (see MM BIO-1.14) to require surveys prior to construction to determine if monarchs are present and the requirements for a preparation of a monarch butterfly protection plan (see MM BIO-1.15) with required minimum standards to be developed and implemented in coordination with the USFW. Milkweed and additional nectar plants will also be incorporated into the MMP for the preserved open space habitat (see MM BIO-1.13). These measures are considered adequate to reduce potential impacts to monarch to a less than significant level. The Commentor does not provide any specific comments on the effectiveness of proposed mitigation measures. [footnote 1: U.S. Fish and Wildlife Service. 2021. Monarch Butterfly. Website: https://www.fws.gov/savethemonarch/ssa.html (accessed August 2021).]
ORG2-08	The project will also impact prey species such as ground squirrels and rock pigeons which were present on the site. This will impact food sources for a number of bird species which may use the site for hunting. Thus, the loss of habitat for these animals, which will impact the food chain and access to food for special status birds, represents a real concern. The more these areas are taken away, the harder it will be for these species to thrive.	This comment states that the project will decrease habitat and therefore total numbers of locally common non-special status species which are prey for special-status species. In addition to the approximately 11.6 acres of on-site mitigation, it is expected that many wildlife species will continue to use the areas under and between the solar panels. There will be approximately 7.41 acres between the rows of solar panels. Although these areas will be partially

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		shaded at times of day, they are still expected to support some vegetation and therefore contribute to the food web. To protect ground squirrels and other wildlife species, no rodenticides will be used on the project site. Rodenticides are currently used on the orchard to the north of the project site. Considering these factors, the County does not find a potentially significant impact with respect to common wildlife species.
ORG2-09	It is one thing to prioritize renewable energy due to climate change. This does not relieve applicants or the County from their obligation to minimize the significant harm caused by their projects, particularly habitat loss which will last for decades. As the County continues to issue permits for utility-scale solar projects on our last major swaths of agricultural lands, it must take steps to ensure that the continued loss of habitat is adequately mitigated.	This comment states that the project applicant and County are obligated to minimize habitat loss. Please see responses to comments ORG1-03, ORG1-04, ORG1-05, ORG1-06, ORG1-07, and ORG1-08 which discuss the County's consideration of the EACCS and other factors when considering appropriate mitigation for potential impacts. Mitigation measure BIO-1.9, and other associated measures require the protection of the land during the operational period. The mechanism used to conserve and manage the property, either a conservation easement or deed restriction will be determined by the Applicant and approved by the County. CDFW regulations, including take permits under Section 2081 subdivision (b) of California Fish and Game Code are outside of the County's jurisdiction and thus cannot be specifically required in our CUP. Compliance with applicable state, federal and local laws will be the Applicants responsibility.
ORG2-10	FOV recommends that the DEIR be revised to include mitigation ratios for habitat loss as specified in the EACCS. These mitigation ratios should be made part of a conditional use permit if the project is approved. The on-site mitigation area should be placed under conservation easement and managed by an accredited land conservation organization. Off-site land to be conserved as mitigation should be located in Alameda County and provide habitat that is comparable to that being destroyed. In addition, full compliance with CDFW regulations, including take permits, should be required in the CUP for any special status species located on the project site as necessary.	This comment refers to the mitigation ratios specified in the EACCS. It also states that the project applicant should be required to obtain incidental take permits for any special-status species found on the site. As described in response A-2, the guidelines for mitigation ratios in the EACCS are not mandatory. The on-site mitigation area will be protected by a deed restriction as opposed to a conservation easement. Deed restrictions are an approved method for protecting smaller mitigation parcels for impacts to non-listed species and habitats such as burrowing owls, monarch butterfly, and

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		Swainson's hawk foraging habitat where placement of conservation easement is not practicable. Because the project site is subject to a long-term lease, a deed restriction is more appropriate for ensuring habitat preservation during the life of the project.
		Section 2081 subdivision (b) of California Fish and Game Code allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs). CDFW cannot issue an ITP for Species of Special Concern, such as the burrowing owl or California red-legged frog.
ORG2-11	Urban Reforestation Project At the EBZA meeting that took place on May 26, 2022, the Applicant stated that the company is partnering with an urban reforestation project to allow them to grow seedlings on the site and will be gifting them the unused project acreage. This information was not presented in the DEIR and conflicts with the representation that the unused acreage would be conserved as mitigation habitat. The details of this new information must be fully disclosed and analyzed in the EIR. Environmental impacts of the reforestation plan operations must be fully discussed, especially the impacts of the change in use on special status species and habitat. Additionally, the original evaluation of the project's impacts on biological species as well as other impacts, such as water use, must be rewritten and updated in light of the new information.	The applicant is no longer proposing using any portion of the project site for growing trees.
ORG2-12	Aesthetics The project description and photographs included in the EIR indicate that the facility will be fenced with chain-link material with beige plastic slats. The DEIR notes there is little vegetation on the site. However, the photographs shows areas of green vegetation that is present at least some of the year and the adjacent open land is plowed for agricultural use which indicates the presence of growing crops. The project is also immediately adjacent to residential development. FOV recommends that the DEIR discuss the use of native landscape plants to provide additional green color during the cool season that will be more visually appealing and better balance with the presence of residential neighborhoods across the street at least for the areas that are most visible from the street.	As described in Chapter 4.1, Aesthetics, of the Draft EIR, the proposed project would not result in significant aesthetics impacts and would not require mitigation.
ORG2-13	Wildfires The DEIR does not address the risk of wildfires on the project site. Given the heightened risk of fires associated with climate change, the proximity of the project to residential areas, and presence of special status species, the EIR	As listed in Chapter 2, Introduction, of the Draft EIR, the topic of wildfire was scoped out of the Draft EIR. This is detailed in the Environmental Analysis (also referred to as the Initial Study) contained as part of the Notice of Preparation in Appendix A of the Draft EIR. As described in

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	should discuss the risk of wildfire in greater depth including the risks associated with high-wind events. Average wind speeds should not be the basis for the analysis. The ability to fight a wildfire under solar panels should also be discussed. The DEIR should also address the location of the nearest fire station and how long will it take for a crew to respond to a fire emergency on the project site. The DEIR states, without explanation, that wildfires occurring on the project site would not expose surrounding neighborhoods to dangers from uncontrolled wildfires or accompanying pollutants. The reasons for this conclusion should be provided. The DEIR also fails to address the risks associated with the addition of three utility poles and wiring which are to be used to connect to PG&E's distribution lines. What is the risk of the new above-ground wiring causing a fire? What is the risk of a wildfire causing the utility poles and wires to catch fire? Can these lines be placed underground to mitigate the risk? These questions should be answered to the fullest extent possible in the final EIR.	Appendix A, the proposed project would have less than significant impacts regarding wildfire. Additionally, only one low-voltage electrical line (approximately 50 feet long) would be added to support the project, and high-voltage lines are typically associated with potential wildfire risks. See also response to comment PUB1-27.
ORG2-14	Conclusion In closing, FOV appreciates the opportunity to comment on the Draft Environmental Impact Report for the Alameda Grant Line Solar 1 Project. We look forward to reviewing the responses to these comments.	The comment serves as a conclusion to the preceding comments. No response is needed.
C. Public Comments		
PUB1	Donna Cabanne	
PUB1-01	The Draft EIR concludes the environmentally superior choice is no project. The Final EIR should support the no project choice because of the following significant concerns directly associated with proposed project: 1. Hazardous materials from run-off of frequent solar panel washings and breakage have not been identified and sufficiently analyzed 2. Air Quality impacts in a non-attainment air basin during construction have not been adequately analyzed and the proposed mitigations are insufficient to make a finding of less than significant. 3. The Alameda Grant line Solar project will result in the loss of agriculture land 4. The project conflicts with measure D provisions 5 Project design is not consistent with PG and E's public statements and commitment to underground wires in areas in and near Livermore due to wildfires. 6. Insufficient biological mitigations to make the finding that biological impacts are less than significant. 7. Wildfire risks are underestimated. 8 Cumulative impacts of air, water quality, traffic and loss of land have not been	The comment serves as an introduction to the comments that follow. No response is needed.

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	analyzed sufficiently in combination with impacts of other known projects (existing landfills, and biosolids facilities) and future projects 9. Other energy producing alternatives using solar panels and other energy generating projects such as wind were not analyzed in alternatives. 10. The potential for a non-conforming use must be analyzed	
PUB1-02	1. NEW Hazardous Materials A. Under the project description, the consultants state that the project will not use PFAs but silicon panels which also have many toxic components. Solar panels are ""dirty energy"" and they harbor their share of toxic chemicals. The toxic chemicals are a problem at the beginning of a solar panel's life, during its construction, through breakage, and at the end of its life when it is disposed of. The toxic chemicals in solar panels include cadmium telluride, copper indium selenide, cadmium gallium ,selenide, copper indium gallium (di)selenide, hexafluoroethane, lead, and polyvinyl fluoride. Additionally, silicon tetrachloride, a byproduct of producing crystalline silicon, is toxic. In lab experiments, these substances have caused to many health issues.	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As discussed in Chapter 4.6, Hazardous Materials, of the Draft EIR, the proposed project would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would it create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. See also response to comment PUB1-03.
PUB1-03	B. If PFAs are not being used, will the shorter chain chemicals cousins of PFAs --- GenX or PFBS --be used either in the panels, their coatings, or non-glare shield? What specific chemicals and substances will be used? Research shows that even the use of shorter chain chemical cousins of PFAs still have significant contamination risks and health impacts. How will drainage into soil of any of these chemicals or substances be monitored? Because of required frequent washing of solar panels and breakage, how will groundwater be monitored over time ? Will ground water monitoring wells be installed? What chemicals will be used in posts? Will the posts include zinc? Has a baseline for PFAs and other contaminants in wells near the project been completed? If not, why not?. Will ground water monitoring wells be placed around the perimeter of the project?	As discussed on page 4.6-5 of the Draft EIR, the proposed proeject would use silicon PV modules, which do not contain hazardous chemicals as shown in product safety data sheets for silicon PV modules. The proposed project would also not use after-market coatings on the solar panels. The most common polymer used in silicon PV units is Tedlar which is not a PFAS compound [footnote 1]. These solar panels also do not contain GenX or PFBS chemicals. While the manufacturing of solar panels may contain toxic chemicals or metals, operation of solar panels does not pose a hazardous health risk. Manufacturing of solar panels would not occur on the project site. Testing to simulate potential for leaching from broken panels has been found to not pose a health risk due to insignificant levels of chemicals of concern [footnote 1, footnote 2]. Disposal of the solar panels after they reach their lifetime would be subject to Method 1311 testing (Toxicity Characteristic Leaching Procedure, or TCLP) to ensure that they do not require hazardous materials waste disposal; similar testing of solar panels as those that would be used for the proposed project have shown that the modules do not exceed levels of any of the substances analyzed in the Method 1311 testing. The project would not be required to conduct groundwater monitoring. [footnote 1: https://graham.umich.edu/media/pubs/Facts-about-solar-panels--PFAS-contamination-47485.pdf]

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		[footnote 2: https://nccleantech.ncsu.edu/wp-content/uploads/2018/10/Health-and-Safety-Impacts-of-Solar-Photovoltaics-2017_white-paper.pdf]
PUB1-04	C. Landfills are known contributors to the increase of PFAs, per and polyfluoroalkyl substances, classified as hazardous wastes. Groundwater contamination from PFAs are high in areas near landfills. The Department of Drinking Water, part of California Water Boards. requires PFAs sampling to be made public in the annual Consumer Confidence Report (required by Health and Safety Code section 116465). What are the current PSAs readings at the nearby Altamont Landfill? What are the current PFAs readings for the nearby Altamont Composting facility? How might the PFAs readings at the landfill affect the long term safety of the project?	The comment asks a question about an off-site facility that is not related to the proposed project. Therefore, no response is required.
PUB1-05	D. June 16, 2022 the Environmental Protection Agency (EPA) announced a dramatic revision to its drinking water limits for four toxic PFAS chemicals. The agency is lowering its lifetime health advisory levels for two PFAS chemicals - PFOS and PFOA - by more than 1000-fold to 20 and 4 parts per quadrillion, respectively. EPA is also setting new health advisories for two common PFAS chemicals that were invented as replacements - known as GenX and PFBS, to 10 and 2000 parts per trillion respectively. The EPA has confirmed there are effectively no safe levels of PFOS or PFAS and rejected the notion that newer PFAS chemicals GenX and PFBS are harmless.	The comment discusses PFAS chemicals but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As discussed in Chapter 4.6, Hazardous Materials, of the Draft EIR, the proposed project would not result in significant impacts with respect to hazardous materials. The proposed project would also not use solar panels containing PFAS such as PFOA or PFOS.
PUB1-06	E. Any government authority that approves projects with known potential for PFAs contamination in soil, or groundwater may be held responsible for clean up costs--- ball park figure 200-400 million per well. Does Alameda County have the resources to clean up wells near project if they become contaminated? The EPA will no longer allow the discharges of PFAS and their chemical cousins into our waterways.	As discussed in response to comment PUB1-05, the proposed project would use silicon solar panels that do not contain PFAS.
PUB1-07	F. The EPA's announcement is based on recent scientific reviews that include hundreds of studies of PFAS low dose toxicity to humans and animals. The new standards for PFOS ,PFOAS and PFAs are way below current measurement levels, meaning any detectable amount of either chemical in drinking water exceeds EPA's recommendation. The interim values will require additional pollution testing , water filtration or blending at contaminated sites, and potentially the abandonment of some polluted drinking water . These 'forever chemicals' are toxic at trace amounts. Does Alameda County have the resources to complete new additional PFA pollution testing that will become mandatory in a matter of months? CEQA requires decision makers to consider health impacts on the surrounding community as part of CEQA mandates.	As discussed in response to comment PUB1-05, the proposed project would use silicon solar panels that do not contain PFAS.

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PUB1-08	G. This is especially critical as the Tri-Valley already has a rate of PFAs ---higher than the Consumer Reports recommended 10 parts per trillion(ppt). ""Nationwide sampling averaged 8ppt. In a water sampling conducted by Consumer Reports of 120 sites nationwide, Zone 7 tested 20-30 ppt for PFAS, in the top 20% nationwide. Pleasanton closed its drinking well # 8 in abundance of caution due to PFAs reading and is spending thousands of dollars to further study the situation. We should not accept any project that has the potential to create new sources of PFAs, their short chained chemical cousins, or other hazardous materials that could negatively affect soil and groundwater aquifers in an area where rural residents and their livestock depend on wells for drinking water. CEQA requires decision makers to consider health impacts on the surrounding community as part of CEQA mandates	As discussed in response to comments PUB1-05 through PUB1-07, the proposed solar panels would not contain PFAS.
PUB1-09	2. Air Impacts during construction in a non-attainment air basin. A. The Air Impacts associated the project during construction will increase PM 2.5 pollutants, green house gas (GHG) emissions and other air pollutants in a nonattainment air basin. Livermore had 56 spare the air days in 2020. Due to this project and other nearby projects, East County will not be able to meet more restrictive Clean Air Standards of 2017. Hospitalizations directly related to air pollutants in the Tri-Valley rose substantially in the last decade. Premature deaths due to air pollution rose from 2600 in 1990 to 8300 in 2015; asthma emergency room visits rose from 1000 in 1990 to 3400 in 2015. The number one priority must be the protection of infants, children, pregnant women, elderly, immune-compromised, those suffering from asthma, heart and lung diseases whose health will be further endangered with this project.	The comment does not substantiate how the proposed project could impact air quality. As described in Chapter 4.3, Air Quality, of the Draft EIR, the proposed project would not result in significant or cumulative impacts regarding air quality based on the California Emissions Estimator Model (CalEEMod) construction modeling, a construction health risk assessment, and minimal operational emissions.
PUB1-10	B. Green House Emissions from nearby Landfills. Even with the operation of the Liquid Natural Gas Plant, nearby Altamont Landfill has the third highest landfill GHG emissions in the state after Keller Canyon and a landfill in LA. The landfill received a conditional use permit to operate until 2075. Contributing air pollutants from other known facilities must be analyzed.	The comment refers to a landfill that is not part of the proposed project.
PUB1-11	C.. According to the Tri-Valley Air Quality Community Alliance (TVAQCA), the bigges contributors to air pollution in the Tri-Valley are diesel powered machinery. Diesel construction equipment emits pollution even when not in use. The TVAQCA has succeeded in getting Tri-Valley cities to convert their landscaping and city equipment to electrical powered machinery. How much would the use of electric construction equipment during the construction period of the industrial solar plant reduce air pollutants? The EIR must analyze how non-diesel construction equipment could reduce air impacts in a non-attainment basin.	As described in Chapter 4.3, Air Quality, of the Draft EIR, construction emissions for the proposed project would be below Bay Area Air Quality Management District (BAAQMD) thresholds, and would not result in a significant impact. Therefore, no mitigation is required.

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Comment	Comment	Response
PUB1-12	3. Loss of Agricultural Land A. Utility scale solar is rapidly reducing the 22% of land California has left. The Draft EIR incorrectly concludes that the loss of 23 acres of agricultural land is less than significant because there are other agricultural lands available in East County. However, when combined with the possible loss of 400 acres of agricultural land due to the approval of the Aramis project, and other commercial projects, the cumulative losses continue to accumulate.	As described in in Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR, the proposed project is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and would therefore not conflict with or result in a conversion of these lands to non-agricultural use. Additionally, the operation of a solar installation on the project site would be consistent with uses allowed on lands designated for agriculture in Alameda County.
PUB1-13	B. From 1984 to 2018, Alameda County has lost 67% of its Prime Farmland (6,532 acres lost out of 9,809 in 1984) and 49% of its Important Farmland (6,370 acres out of 12,869 acres in 1984). Furthermore, between 2000 and 2018, there has been a loss of 13,108 acres of grazing land outside urban growth boundaries (LAFCO, Measure D Study). These agricultural lands were intended for agricultural production and protected by Measure D for less intensive uses. Remaining lands will be affected negatively when surrounded by higher intensity uses. The Draft EIR cannot conclude the loss of agricultural land for this project is less than significant without a comprehensive analysis of the cumulative impacts of lost agricultural lands to commercial/industrial projects outside urban growth boundaries in East County. This comprehensive analysis must cover the last twenty years.	As described in in Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR, the proposed project is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and would therefore not conflict with or result in a conversion of these lands to non-agricultural use. Additionally, the operation of a solar installation on the project site would be consistent with uses allowed on lands designated for agriculture in Alameda County.
PUB1-14	C. If we convert our agricultural lands to industrial use, we will have to import our food from other areas. We should remain self-sufficient with our food supply as much as possible. Realistically, if we convert agricultural lands to industrial solar plants for the next forty years, this land will never again be used for agriculture. How does the loss of land comply with Governor Newsom's 30x30 biodiversity mandate? The EIR must address these critical issues.	As described on page 4.2-5 of Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR, the installation of solar panels involves minimal ground disturbance that would not permanently alter the viability of the project site to be used for agriculture, should the intent for the site change in the future. Additionally, the operation of a solar installation on the project site would be consistent with uses allowed on lands designated for agriculture in Alameda County.
PUB1-15	D. Agricultural land mitigation is critical for protecting agricultural lands. Any lands to be used for mitigation should either be on-site or within East County and should be the same type of soil/land quality that will be lost through the development of solar plants. Mitigation land should be placed under easements or otherwise restricted to agricultural purposes for the duration of the solar project or longer if it cannot be proven in advance that soils can be restored to their original state.	As described on page 4.2-5 of Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR, the installation of solar panels involves minimal ground disturbance that would not permanently alter the viability of the project site to be used for agriculture, should the intent for the site change in the future. Additionally, the operation of a solar installation on the project site would be consistent with uses allowed on lands designated for agriculture in Alameda County.
PUB1-16	E. The Draft EIR recommendation of 1:1 agricultural land mitigation for acreage lost due to the installation of large scale solar panels is insufficient. If 1:1 mitigation is applied, it means that Alameda County has the potential to lose 50% of land that is available for growing crops and agricultural resources which can provide food products for its residents. Mitigation land should be conserved within East County and very high compensatory ratios for mitigation lands must be included with a minimum rate of 3:1.	The comment incorrectly states that the Draft EIR includes a 1:1 agricultural land mitigation recommendation. As described in Chapter 4.2, Agriculture and Forestry Resources, the proposed project would not result in significant impacts to agriculture, and no mitigation is required.

COMMENTS AND RESPONSES

Comment	Comment	Response
PUB1-17	F. One of the key provisions of the Alameda County Agricultural Advisory committee recommendations is no solar project shall degrade the present or future suitability of the land for agricultural purposes or convert the site to non-agricultural uses. Furthermore, all solar plant projects must include a decommissioning and restoration plan to convert back to other agricultural uses if necessary. These recommendations are especially critical for the Alameda Grant Line Solar Project. Soltage, only has a contract with PG and E for 15 years, but the project is slated to run for 40 years. What happens after 15 years? What if PG and E declines to renew their contract? Who would be responsible for possible clean-up and restoration?	The proposed project would be required to undergo decommissioning of solar panels in accordance with any applicable regulations, if at a future point the project site is no longer used for solar power.
PUB1-18	4. Compliance with Measure D A. Measure D does not allow the use of solar plants on Large Parcel Agriculture (LPA) unless the solar energy is being produced for nearby by residents. This is not the case with the Soltage project. Solar Photovoltaics are not the utility corridors described in Measure D and do not compare with windmills that allow ongoing grazing and other agricultural uses to operate with minimal disturbance. The Planning Commission approval of the Cool Earth Project in 2012 does not act as precedent for a finding of compatibility with Measure D.	Policy 13 states that the County shall not authorize public facilities or infrastructure in excess of that needed for permissible development consistent with Initiative Measure D. Policy 13 defines "infrastructure" as "public facilities, community facilities, and all structures and development necessary to the provision of public services and utilities." The proposed project would provide solar infrastructure that would generate power from a renewable resource for the PG&E grid that serves Alameda County. As described on page 3-6 of the Draft EIR, the County Planning Commission made findings in 2008 pursuant to the Alameda County Municipal Code (ACMC) Sections 17.54.050 and 17.54.060 that a solar electric facility would not be contrary to the specific intent established for the A District and could be permitted under a conditional use permit. With this determination (Determination D-165) made in 2008, the County determined that a solar installment is a similar use to the expressly permitted non-agricultural uses. Determination D-165, while used to approve other similar projects, is itself distinct from specific project approvals.
PUB1-19	B. The power generated by Soltage will be uploaded to PG&E's three new overhead distribution lines and sent to a substation in Contra Costa County. There isn't a 2 MW power demand in the East County vicinity of the project. Why place an industrial solar plant at the farthest point east in the county, miles from any potential urban county users? The project is only accessible using roads and an entrance in San Joaquin County. The truth is the power will not serve East County residents.	The proposed project would generate electricity that would be incorporated into the PG&E grid which serves Alameda County.
PUB1-20	C. Why should Alameda County lose agricultural lands, agricultural resources, biological resources, open space and endure the negative impacts of the project to provide energy for a neighboring county? The power will serve the Mountain House community in San Joaquin County just a few hundred yards away. Measure D only permits infrastructure that is needed to provide adequate	The comment incorrectly states that the proposed project would serve the Mountain House community in San Joaquin County and not Alameda County based on the project's proximity to San Joaquin County. The proposed project would generate electricity that would be incorporated into the PG&E grid which serves Alameda County.

COMMENTS AND RESPONSES

Comment	Comment	Response
	services for East County. How does the Soltage project comply with the critical Measure D provisions listed above? The EIR must disclose and analyze the incompatibility of Soltage with controlling land use provisions, ordinances and policies. Further, the Soltage project does not support local control or small businesses the way rooftop solar would.	
PUB1-21	5. Project design not consistent with PG and E statements and promises to Livermore Area. The use of three new overhead transmission lines running north to a PG and E substation in Contra Costa County is not consistent with promises PG and E made at public hearings. PG and G acknowledged the company was years behind in repairs and needed upgrades in and around Livermore. PG and E promised to underground all transmission lines as quickly as possible due to the recent devastating wildfires including the CSU wildfire and the East County's high risk for more wildfires in the future. Why then is PG and E running new overhead wires near Grant Line Road where prevailing winds are 50 to 60 miles an hour spring, summer and fall ---the same period with the highest fire risk? The EIR must address the choice of overhead lines that pose a high safety risk and run contrary to public commitments made by PG and E. The EIR must use recent drought data for weather predictions including the last 3 years. Using an average of weather conditions gives a false impression of the severity and duration of prevailing winds that continue to rise in intensity and velocity each year at the Altamont Pass.	The proposed project would need to use overhead distribution lines in order to connect to PG&E's current electrical infrastructure surrounding the project site, which involves overhead distribution lines. While overhead lines are more of a risk regarding wildfire than underground lines, the proposed project itself would involve a minimal adjustment to the existing overhead infrastructure. Additionally, only one low-voltage electrical line (approximately 50 feet long) would be added to support the project, and high-voltage lines are typically associated with potential wildfire risks. See also response to comment PUB1-27.
PUB1-22	6. Insufficient biological mitigations. A. The East Alameda County Conservation Strategy (EACCS) and the East Bay Regional Conservation Investment Strategy (EBRICS) contend the project is potential habitat for eight special status species including ; California Red-legged frog, western burrowing owl, Swainson's hawk, San Joaquin kit fox, American badger, Golden Eagle, Tri-colored blackbird and California Tiger Salamander. These species are threatened with extinction. More than one survey must be conducted by a qualified biologist and surveys should be completed after a rain event to access the presence of species that thrive in wet conditions. Risks to special species from solar panels leeching into the soil should be analyzed.	This comment states that the EACCS and EBRICS habitat models show the site as habitat for eight special-status wildlife species. The comment states that additional surveys must be conducted by a biologist to assess for species that are seen on land after rainfall events. Please see responses to comments ORG1-03, ORG1-04, ORG1-05, ORG1-06, ORG1-07, and ORG1-08 which discuss the County's consideration of the EACCS and other factors when considering appropriate mitigation for potential impacts. The Biological Resources Assessment addresses the eight special-status species listed in the comment in the text of the document and/or Table C. An additional 19 species are assessed as well. The two special-status species mentioned in the comment that are dependent on rainfall for overland movement are the CRLF and CTS.

COMMENTS AND RESPONSES

Comment	Comment	Response
		The USFWS has a survey protocol for CRLF . This protocol focuses on surveys in aquatic habitats. The site lacks any potential aquatic habitat. The protocol notes that CRLF “may also take shelter in small mammal burrows and other refugia on the banks up to 100 meters from the water any time of the year...” Although the site has many burrows, they are more than 100 meters from any potential aquatic habitat, and partial to complete barriers to CRLF movement are present between the site and any known or potential breeding habitat. The USFWS also has guidance on CTS surveys. This guidance first requires a site assessment. The BRA covers the essential elements of this site assessment. The guidance then states that because CTS have been observed to make breeding migrations of at least 0.6 miles (1 km), the project proponent or the USFWS may assume presence of CTS if a known breeding pond lies within 1 km and no significant barriers exist. The nearest CTS record in the CNDDDB (Occurrence #104) is located approximately 1.0 mile southwest of the project site. The occurrence is separated from the site by the Delta-Mendota Canal as well as the California Aqueduct, which form a major barrier to CTS movement. The next closest CTS record in the CNDDDB (Occurrence #755), which is approximately 1.8 mile from the project site. Consequently, given the existing assessment protocols, the County finds that the assessment is adequate without surveys conducted immediately after a rain event, as suggested by the commenter. The comment regarding the “Risks to special species from solar panels leeching into the soil should be analyzed” is unclear. We assume this refers to concerns that have been expressed about toxic materials that are used for the manufacture of solar panels. As we understand the primary issues related to this are related to manufacturing or disposal/recycling of used panels and not in-field use. See response to comment PUB1-03. Consequently, the County is not aware of any potential impacts to special status species related to “leeching” from panels and the commenter has not provided any additional evidence supporting this concern.

COMMENTS AND RESPONSES

Comment	Comment	Response
PUB1-23	B. This area also has documented sightings of Bald Eagles, Kites, Cooper's Hawks and other endangered and special species status wildlife. How will the installation of these solar panels and the reflected glare---even with non-glare coatings- and heat cause disruptions to nesting and habitat corridors for endangered birds of prey? The California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) should be consulted to evaluate the potential for biological impacts and possible mitigations before the Final EIR.	This comment states that light and heat reflected from the solar panels will disrupt the nesting and movements of endangered birds of prey. It also stated that the CDFW and USFWS should be consulted. No birds of prey are expected to nest on or adjacent to the project site due to the absence of trees. As the comment states, the solar panels would have an anti-reflective coating to minimize potential for glare. The CDFW was noticed as part of the public review period for the Draft EIR. The CDFW had the opportunity to comment on the Draft EIR but did not submit any comment. Since the project does not involve a federal action, there is no mechanism by which the USFWS could be formally consulted regarding federally listed species.
PUB1-24	C. The project is close to Golden Hills Conservation Easement plan. What negative impacts to this nearby conservation plan could hundreds of solar panels pose in the short term? Over forty years?	A review of publicly available information from the National Conservation Easement Database did not result in any conservation easements within 1 mile of the project site. Consequently, the project would not affect the conservation easement noted by the commenter or any other nearby conservation easement. The comment refers to a separate wind energy project, which underwent CEQA review and includes applicable mitigation measures to promote the conservation of raptors and other avian species, which are independent of and unrelated to the proposed project [footnote 1]. [footnote 1: https://www.acgov.org/cda/planning/landuseprojects/documents/Exh_A_Findings_of_Signif_Impacts.pdf]
PUB1-25	D. The Altamont Pass is documented to be a vital habitat corridor between Northern California and Southern California according to many county and regional biodiversity maps completed by qualified biologists. To what extent will the solar project diminish biodiversity and lead to habitat fragmentation?	This comment poses a question regarding the extent to which the project will diminish biodiversity and habitat connectivity. The project does not create a physical barrier to movement and is unlikely to impair habitat connectivity for any aquatic species. The project also will not significantly reduce the ability of terrestrial wildlife to move through the area. The fence surrounding the solar panels will have openings at the bottom to allow the passage of small to medium-sized wildlife. Because the project will not jeopardize the existence of any species, it will not lead to a loss of biodiversity.

COMMENTS AND RESPONSES

Comment	Comment	Response
PUB1-26	E. Any habitat mitigation must adhere to the ratios set forward in the EACCS mitigation ratios for each impacted species. Also mitigation acreage must be contiguous or in close proximity to the site and located in Alameda County.	This comment states that the project must mitigate at ratios described in the EACCS. Please see responses to comments ORG1-03, ORG1-04, ORG1-05, ORG1-06, ORG1-07, and ORG1-08 which discuss the County's consideration of the EACCS and other factors when considering appropriate mitigation for potential impacts. The proposed mitigation is on the site and located in Alameda County.
PUB1-27	7. Wildfire risks are underestimated. A. In the last three years, winds are 50 to 60 miles an hour at Grant Line Road. This has caused serious fires including one at the Altamont Landfill, a hundred acre fire in the Spring 2022 and one two days ago. The EIR must analyze all fires in the vicinity in the last five years. How many fires have occurred in or near the Altamont pass in the last five years? What was the acreage burnt for each? What was the duration of each fire? Where is the analysis for maximum winds at Altamont pass? Average wind speeds are not a reliable measure to determine fire risks in spring, summer and fall.	As listed in Chapter 2, Introduction, of the Draft EIR, the topic of wildfire was scoped out of the Draft EIR. This is detailed in the Environmental Analysis (also referred to as the Initial Study) contained as part of the Notice of Preparation in Appendix A of the Draft EIR. As described in Appendix A, ACMC Chapter 6.04, Alameda County Fire Code, would require the proposed project to comply with the 2019 California Fire Code and 2015 International Fire Code, which provide specific regulations governing conditions hazardous to life and property from fire or explosion. Additionally, the nature of the project involves minimal construction of the project site. Installation of utility poles and wiring for the solar panels would be required to comply with applicable California Building Code and Alameda County requirements to ensure safe installation. Additionally, only one low-voltage electrical line (approximately 50 feet long) would be added to support the project, and high-voltage lines are typically associated with potential wildfire risks. Based on conformance to regulations and limited activity on the project site as part of the proposed project, the proposed project would not result in impacts regarding wildfire.
PUB1-28	B. Further, wildfire risks must be analyzed using the last three drought years where conditions for fire risk due to low humidity and drier vegetation are much greater. Historical data is not relevant when it comes to analyzing current fire risks. Why is PG and G proposing to run three new overhead transmission lines north to Contra Costa in such a high risk fire area with numerous fires each year? Any new transmission lines in this severe fire risk area must go underground.	As listed in Chapter 2, Introduction, of the Draft EIR, the topic of wildfire was scoped out of the Draft EIR. This is detailed in the Environmental Analysis (also referred to as the Initial Study) contained as part of the Notice of Preparation in Appendix A of the Draft EIR. As described in Appendix A, the proposed project would have less than significant impacts regarding wildfire. ACMC Chapter 6.04, Alameda County Fire Code, would require the proposed project to comply with the 2019 California Fire Code and 2015 International Fire Code, which provide specific regulations governing conditions hazardous to life and property from fire or explosion. Additionally, the nature of the project involves minimal construction of the project site. Installation of utility poles and wiring for the solar panels would be required to comply with applicable California Building Code and Alameda County requirements to ensure safe installation. Additionally, only one low-voltage electrical line (approximately 50 feet long) would be added to support the project, and high-voltage lines are typically associated with potential wildfire risks.

COMMENTS AND RESPONSES

Comment	Comment	Response
PUB1-29	8.Cumulative impacts. The EIR must address the cumulative air, water quality, traffic, hazardous materials and land use impacts in combination with the recent approval off the Jess Ranch biosolids facility processing up to 1000 tons per day at the Altamont, and continuing impacts from two nearby landfills. These impacts must be analyzed with these known projects as well as others that may be approved.	Chapter 4, Environmental Analysis, has been revised to include the Jess Ranch biosolids facility in the list of cumulative projects; the cumulative impact discussions in chapters 4.1 through 4.15 of the Draft EIR have been revised accordingly. The inclusion of this project into the cumulative discussion, however, would not result in new significant cumulative impacts, due to conclusions found in the Final Environmental Impact Report for the Jess Ranch Composting Facility combined with the discussions for cumulative impacts in the Draft EIR.
PUB1-30	9. Failure to analyze other sources of solar energy. A. The Draft EIR failed to analyze other solar panel alternatives. For example, solar energy is now generated using solar panels over canals in a pilot project by UC Merced. Because the solar panels shade the canals, this method could save 63 billion gallons of water statewide, curtail the growth of aquatic weeds, and any evaporation that does occur helps to increase energy production by cooling the panels. Most importantly, solar panels over canals saves farmland, habitat and biodiverse areas. This technology has been used successfully in India for years.	An EIR is not required to analyze specific alternatives that would occur off-site. Off-site alternatives may not be feasible as they depend on land ownership. The Draft EIR includes two alternatives, including the required No Project Alternative, in Chapter 5, Alternatives.
PUB1-31	B. Further, the draft EIR failed to analyze how rooftop solar in commercial and industrial areas in the county could meet a much greater portion of our energy needs adjacent to the users. A complete analysis of rooftop solar in the built environment in Alameda County and the use of solar panels over canals must be included. Other methods to achieve the goals of energy sustainability without fossil fuels should include wind as well as the Altamont already has a wind energy center that could be expanded.	In accordance with CEQA, the Draft EIR analyzes the project as it is proposed on the project site. The proposed project is a solar facility that does not include rooftop solar or other components that would exist off-site.
PUB1-32	10. This project should not go forward until Alameda County adopts a Solar Policy with maps indicating the least impact areas for solar plants. If this project is approved before the solar county policy, it could become a non-conforming use. As a nonconforming use, could the capacity of the solar project be increased? If the panels were damaged, could they be replaced if this is a non-conforming use? These questions must be answered in the EIR if the project goes forward before the adoption of the solar policy.	The lack of a specific solar policy does not inhibit Alameda County from moving forward with current solar projects. Conformance with future policies in general, for any project or location within Alameda County, would depend on Alameda County requirements at that time.

COMMENTS AND RESPONSES

Comment	Comment	Response
PUB1-33	In summary, the EIR must further analyze the significant impacts in the areas of new hazardous materials, air impacts, conflicts with Measure D, loss of land, biological impacts using current county and regional biodiversity maps completed by qualified biologists, CDFW, and USFWS, recent data of increased risk of wildfires, new overhead transmission wires in a fire prone area, cumulative impacts, other solar alternative projects that could meet energy demands with less impacts, and nonconforming uses. This project is applying for a conditional use permit, a discretionary permit. There is no legal requirement to approve the project. Given all the environmental concerns associated with the project, the environmentally superior alternative is NO PROJECT, as stated in the Draft EIR. I am a forty year resident of Livermore, a member of the Center for Biodiversity, and Alameda Creek Alliance.	The comment serves as a conclusion to the preceding comments. No response is needed.

APPENDIX I:
COMMENT LETTERS RECEIVED ON
THE DRAFT EIR



Central Valley Regional Water Quality Control Board

17 June 2022

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COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, ALAMEDA GRANT LINE SOLAR 1 PROJECT, SCH#2021100398, ALAMEDA COUNTY

Pursuant to the State Clearinghouse's 6 May 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Alameda Grant Line Solar 1 Project, located in Alameda County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

GOV1-01

GOV1-02

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

GOV1-02
cont.

Antidegradation Considerations

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

In part it states:

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

GOV1-03

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

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

II. Permitting Requirements

Construction Storm Water General Permit

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

GOV1-04

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

GOV1-05

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

GOV1-06

Clean Water Act Section 404 Permit

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

GOV1-07

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

GOV1-08

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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

GOV1-08
cont.

Waste Discharge Requirements – Discharges to Waters of the State

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

GOV1-09

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

Dewatering Permit

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

GOV1-10

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

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

GOV1-10
cont.

Limited Threat General NPDES Permit

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

GOV1-11

NPDES Permit

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

GOV1-12

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

GOV1-13

Peter Minkel

Peter Minkel
Engineering Geologist

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

Friends of Livermore



1141 Catalina Drive # 263 • Livermore, CA 94550 • Phone: 925-963-0136 • E-Mail: d.michael.rounds@gmail.com

June 20, 2022

Albert Lopez, Planning Director
ATTN: Alameda Grant Line Solar 1 Project EIR
Alameda County Community Development Agency
Planning Department
224 W. Winton Avenue, Room 111,
Hayward, CA 94544

Re.: Alameda Grant Line Solar 1, Draft Environmental Impact Report, Alameda County Planning Application
PLN2021-00124

Dear Mr. Lopez:

Friends of Livermore (FOL) submits the following comments on the Draft Environmental Impact Report (“DEIR”) prepared for the Alameda Grant Line Solar 1 project (“Solar 1 project”).

Friends of Livermore is a community organization dedicated to protecting open space and improving the quality of life in the Livermore Area. We formed in early 2002 during the fight to protect North Livermore from a developer initiative that would have allowed massive housing developments in North Livermore. We have been involved with many subsequent development proposals over the ensuing 20 years and fight projects and proposals that are inconsistent with Measure D.

ORG1-01

After reviewing the DEIR for the Grant Line Solar 1 project, FOL has identified various deficiencies in the analysis and conclusions. These need to be addressed in the Final Environmental Impact Report.

1. Project description in the DEIR is inaccurate.

Based on information presented by the applicant to the East County Board of Zoning Adjustments at its May 26, 2022 hearing, the DEIR inaccurately describes the project. The DEIR states that on the 23-acre project site, approximately 13 acres will be covered in solar panels and related equipment, and “10 acres on the western and northern edges of the site will be protected in perpetuity under a conservation easement or deed restriction.” (P. 4.4-20, Mitigation Measure BIO-1.9). This conservation area is to mitigate for impacts to various special status species analyzed in the DEIR. On May 26, the applicant stated that an agreement had been reached with a non-profit organization for the area not used for solar generation to be used for growing tree seedlings for reforestation projects. This is an altered project description. The altered project requires analysis to determine whether this new use for the 10-acre permanent conservation area will actually provide mitigation habitat for impacted special status species, or if the 10-acre permanent conservation area on the project site will no longer be provided. If the latter is the case, then compensatory mitigation elsewhere will be required.

ORG1-02

2. Compensatory mitigation habitat for impacts to special status species is inadequate.

The DEIR describes on P. 4.4-5 the East Alameda County Conservation Strategy (“EACCS”) and states “[F]or the purposes of the analysis, the EACCS is considered a local habitat conservation plan.” (P. 4.4-24) Nevertheless, the DEIR fails to apply the habitat mitigation ratios described in the EACCS. For example, the DEIR acknowledges that the California red-legged frog (CRLF) has potential to occur on the project site. Both

ORG1-03

EACCS modeled suitable habitat (EACCS, Appendix D, Figure D-9) and East Bay Regional Conservation Investment Strategy¹ modeled suitable habitat (EB RCIS, Appendix F, Figure F-10) show the same thing. Nevertheless, the CRLF Standardized Mitigation Ratios (EACCS Chapter 3, Table 3-7) are neither analyzed nor even mentioned in the DEIR. Table 3-7 provides a range of CRLF mitigation ratios depending on the location of the impact and the location of the mitigation. Since the project site is not located inside CRLF critical habitat, the mitigation ratios range from 2.5:1 to 3.5:1, depending on whether the mitigation occurs inside critical habitat in the same EACCS CRLF Mitigation Area or outside critical habitat in a different CRLF Mitigation Area. Moreover, EACCS Table 3-7, Footnote 2, states, “In order to meet CDFG’s standard of full mitigation for state listed species under CESA, project applicants will have to demonstrate habitat enhancement, not just permanent protection, on properties used for mitigation.” The presumed 10-acre permanent conservation area on the project site is not nearly sufficient to provide compensatory mitigation for the CRLF, nor is there any indication in the DEIR that habitat enhancement for the CRLF would occur on these 10 acres.

**ORG1-03
cont.**

Similar deficiencies for other analyzed special status species also occur. For the California Tiger Salamander (CTS), the EACCS shows the project site to be within modeled Potential Upland Habitat for the CTS (EACCS Appendix D, Figure D-8). Standardized Mitigation Ratios for CTS range from 2.5:1 to 4:1, again depending on whether the mitigation occurs inside CTS critical habitat within the EACCS study area or outside critical habitat but within or outside the same CTS Mitigation Area within the EACCS Study Area. (EACCS Chapter 3, Table 3-8). Once again, the same footnote appears in Table 3-8 that full mitigation requires habitat enhancement not just permanent protection as for CRLF mitigation in Table 3-7.

ORG1-04

For San Joaquin Kit Fox, both the EACCS and the EB RCIS show Modeled Suitable Habitat over the entire project site. EACCS (Appendix D, Figure D-17) describes this area as Core Habitat. EB RCIS (Appendix F, Figure F-19) describes the area as Denning/Movement Habitat. EACCS Standardized Mitigation Ratios for San Joaquin Kit Fox range from 3:1 to 3.5:1, again depending on whether the mitigation occurs in the same Mitigation Area as the location of impact. (Chapter 3, Table 3-11) Again, the same footnote appears about habitat enhancement not just permanent protection as it does for other focal species analyzed.

ORG1-05

For Western Burrowing Owl, EACCS habitat mitigation ratios range from 3:1 to 3.5:1, depending on distance between location of impact and location of mitigation. (Chapter 3, Table 3-10). The same footnote as described above applies to burrowing owl habitat enhancement rather than just permanent protection. And for all of the above species, if compensatory habitat mitigation were to occur outside the EACCS Study Area, then it “Requires site-specific agency approval.”

ORG1-06

For Golden Eagle, both the EACCS and the EB RCIS show the project site as modeled suitable foraging habitat. (EACCS Appendix D, Figure D-13 and EB RCIS Appendix F, Figure F-15). While the DEIR states that the species “probably forages occasionally on the site” (Table 4.4-2), it inexplicably says the Potential to Occur is “None.” Occasionally on site and never on site are inconsistent.

ORG1-07

The Swainson’s Hawk is not an EACCS focal species. However, it is an EB RCIS focal species and the project site is clearly shown within its Modeled Suitable Habitat for Agricultural Foraging. (EB RCIS, Appendix F, Figure F-17). Again, while the DEIR acknowledges the species “probably forages occasionally on site” (emphasis added), it also states the Potential to Occur is “None.” (Table 4.4-2) Probably on site occasionally and never on site are inconsistent.

ORG1-08

¹ <https://wildlife.ca.gov/Conservation/Planning/Regional-Conservation/Documents>

3. The project is inconsistent with Measure D's infrastructure policy.

The Alameda Grant Line Solar 1 Project is designed and intended to serve the Mountain House community in San Joaquin County. The Power Purchase Agreement with PG&E is under a program "specifically designed for small utility-scale local renewable energy projects (<5MW) that benefit the local communities around it..." (DEIR, p. 1-3, emphasis added). "The project is located on a 23.07-acre site at West Grant Line Road and Great Valley Parkway in eastern unincorporated Alameda County, adjacent to the unincorporated community of Mountain House in San Joaquin County." (DEIR, p. 3-1, emphasis added). That is where the power generated by this project will go.

Alameda County East County Area Plan Policy 13 (Infrastructure) was adopted in 2000 as part of Measure D. Policy 13 states, "The County shall not authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the Initiative...Infrastructure shall include public facilities, community facilities, and all structures and development necessary to the provision of public services and utilities." This solar power plant will clearly provide a utility service, namely electric power, but it will not serve permissible development consistent with the Initiative because it will not serve development in Alameda County. It will serve development across the county line in San Joaquin County. While Policy 13 does not bar "new, expanded or replacement infrastructure necessary to create adequate service for the East County," this project is not necessary to create adequate service for eastern Alameda County. There is no statement in the DEIR, much less any analysis to show that this project is needed to create adequate service for East County. Absent any such need or analysis, the project is inconsistent with the Alameda County General Plan.

ORG1-09

4. Prior project approvals cannot be used as precedent for this project.

Alameda County does not have an adopted solar policy, although a solar policy is currently being developed. Until such time as the Board of Supervisors adopts a solar policy, past administrative decisions are not a substitute for policy. In 2011, when the Cool Earth solar project approval was appealed to the Board of Supervisors, Supervisor Miley asked County planning staff whether approving that project (rejecting the appeal) would set a precedent for future projects. Then-Planning Director Chris Bazar stated flatly to Supervisory Miley and to the rest of the Board that its decision in the Cool Earth appeal would not set a precedent for future decisions. Nevertheless, with each subsequent project, county staff uses prior, parcel-specific administrative decisions to imply that the County does have a policy (enacted legislation) that solar projects are consistent with zoning and general plan provisions. (DEIR, P. 3-6, 3.1.3.2 Zoning and DEIR, P. 4.7-3 Existing Conditions) The DEIR should be revised to state categorically that prior decisions are not a precedent for a decision in the Alameda Grant Line Solar 1 project proceeding.

ORG1-10

Friends of Livermore look forward to seeing revisions in the Final EIR in line with these comments.

ORG1-11

Sincerely,

David Rounds
Friends of Livermore



June 20, 2022

VIA EMAIL

Albert V. Lopez, Planning Director
Alameda County Community Development Agency
224 W. Winton Avenue, Suite 111
Hayward, CA 94544
albert.lopez@acgov.org

Re: Alameda Grant Line Solar Project 1 (PLN #2021-00124)

Dear Mr. Lopez,

Friends of Open Space and Vineyards (“FOV”), a conservation organization based in Livermore, submits the following comments on the Draft Environmental Impact Report (“DEIR”) prepared for the Alameda Grant Line Solar 1 Project. FOV was founded in 1981 in an effort to stop uncontrolled residential development from taking over the land in the South Livermore Valley and displacing our local vineyards, wineries, and open space resources. In subsequent years, our mission has been expanded to also include protection and preservation of East County’s agriculture and open space.

ORG2-01

We have reviewed the draft environmental impact report for the Alameda Grant Line Solar 1 Project and have identified several concerns with the analysis and conclusions. We submit these comments for response.

ECAP and Measure D

The DEIR relies on the erroneous conclusion that the Planning Commission made a formal determination that utility-scale solar plants are a compatible use within the meaning of Measure D. The Planning Commission was acting on two different project applications, Greenvolts and Cool Earth. The Planning Commission was not acting in a legislative capacity in making these individual permit decisions. This was documented in subsequent appeal hearings in which the County Staff assured the Board of Supervisors that these decisions were not to serve as precedents for future solar projects in the absence of a the formal adoption of a county solar policy. The Cool Earth project was explicitly recognized as not setting a precedent for future solar projects within North Livermore as stated on the record by the Board and staff at the 2012 appeal hearing. The County cannot go back now and use these decisions as a basis for concluding that utility-scale solar projects are a compatible use under Measure D. A county solar policy is currently in development. Until a full environmental review of that policy is completed and the policy is formally adopted in accordance with legal requirements, the current project cannot be approved.

ORG2-02

The DEIR acknowledges the applicability of ECAP Policy 13, added by Measure D (originally designated Policy 14A in the Initiative text). It provides:

ORG2-03

Policy 13: The County shall not provide nor authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the Initiative. This policy shall not bar

- 1) new, expanded or replacement infrastructure necessary to create adequate service for the East County,
- 2) maintenance, repair or improvements of public facilities which do not increase capacity,
- and
- 3) infrastructure such as pipelines, canals, and power transmission lines which have no excessive growth-inducing effect on the East County area and have permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative.

**ORG2-03
cont.**

The EIR fails to address compliance with Policy 13's requirement that new infrastructure must be necessary to create adequate service for East County. Given that the project will tie-in with PG&E's local power distribution line, it appears that the power generated will be delivered to residents in the adjacent Mountain House Community, located in San Joaquin County. Policy 13 recognizes the need for some additional infrastructure to benefit current residents of Alameda County such that excessive growth is not generated. The proposed project fails to support the needs of Alameda County residents, and instead is contributing to a growth inducing area in San Joaquin County which is continuing to be developed with residential housing. It fails to comply with Policy 13.

The project fails to meet the requirements of subsections (2) and (3) of Policy 13 as well. The project is not a public facility under subsection (2). Subsection (3) allows infrastructure projects designed to convey energy and other transmissible materials across the County, such as pipelines, canals, and transmission lines. The intent of the subsection is to ensure that energy and needed substances can continue to be moved to residents of Alameda County subsequent to the enactment of Measure D's limits on development. The proposed project is a solar energy generation facility. In and of itself it does not convey energy. The project needs to connect to PG&E's transmission distribution grid to be conveyed anywhere, and when it is, the energy produced will go to residents of another county which is not authorized.

ORG2-04

However well-intentioned, the project is not in compliance with Policy 13 and cannot be approved. The EIR must fully address the application of Policy 13.

Biological Impacts

The DEIR does not provide adequate mitigation for habitat loss. The DEIR acknowledges the project site provides suitable habitat for a number of species classified as species of special concern by the California Department of Fish and Wildlife (CDFW). (DEIR, pp. 4.4-6 to 4.4-16.)¹ California Burrowing Owls and Swainson's Hawks were observed on the site, and the specific type of plant that Monarch Butterflies use was also confirmed to be present. Habitat which has been confirmed to be in

ORG2-05

¹ The DEIR States that numerous ground squirrels and rock pigeons were noted on the site. A burrowing owl, a Swainson's Hawk, a red-tailed Hawk, and a possible badger were photographed by a trail camera. (DEIR, p. 4.4-6.) The project site provides a moderate potential for San Joaquin Coachwhip and California Glossy Snakes, American Badgers and Monarch Butterflies to occur on the site. (DEIR, pp. 4.4-10 to 4.4-13.) Among special status species, the site provides potential foraging habitat for Northern Harriers, Swainson's Hawk, White Tailed Kites, and Golden Eagles. (DEIR, pp. 4.4-11 to 4.4-12.) Two burrowing owls were seen on multiple occasions in May 2021 (Appendix E, p. 11.)

use and which could provide forage for animals known to be in the area will be destroyed when the project is constructed. The DEIR confirms the project will result in the permanent loss of 11 acre of habitat for the owls and hawks. It provides some mitigation for this loss in the form of a set-aside of 10 acres on the project site to be conserved for these species and concludes that this is sufficient to reduce the impacts to less than significant. This is not enough land to reduce the impacts to a less than significant level.

ORG2-05
cont.

The DEIR acknowledges the applicability of the East Alameda County Conservation Strategy (EACCS) in its discussion of applicable land use plans and policies. However, it fails to include the mitigation ratios specified in the EACCS as part of the proposed mitigation measures. The standard habitat mitigation ratio is 3:1 with an individualized analysis recommended to evaluate whether ratios should be higher or lower. (EACCS, sec. 3.2.1, p. 3-4.) Applicable ratios also depend on the classification of the habitat which will be affected. The set-aside of 10 acres fails to come close to achieving the County conservation goals as embodied in the EACCS. With 11 acres of habitat permanently destroyed, the ratio provided for in the DEIR is less than 1:1. Burrowing owls are listed as focal species in the EACCS and specific mitigation ratios are given depending on the zone in which the habitat is found. Table 3-10 provides mitigation ratios for non-listed species, such as Swainson's Hawks and Monarch Butterflies. 1:1 ratios are not included, not to mention a ratio that is less than 1:1.

ORG2-06

As confirmed in the DEIR, Burrowing Owls are identified as a species of special concern by the CDFW. (See https://en.wikipedia.org/wiki/California_species_of_special_concern.) CDFW also lists Swainson's Hawks as a threatened species. Monarch butterflies are included on CDFW's Terrestrial and Vernal Pool Invertebrates of Conservation Priority list PDF and identified as a Species of Greatest Conservation Need in California's State Wildlife Action Plan. (<https://wildlife.ca.gov/Conservation/Invertebrates/Monarch-Butterfly>). They are a federal candidate species, scheduled to be federally listed in 2024. (Ibid.) All of these species are in great need of protection from habitat loss.

ORG2-07

The project will also impact prey species such as ground squirrels and rock pigeons which were present on the site. This will impact food sources for a number of bird species which may use the site for hunting. Thus, the loss of habitat for these animals, which will impact the food chain and access to food for special status birds, represents a real concern. The more these areas are taken away, the harder it will be for these species to thrive.

ORG2-08

It is one thing to prioritize renewable energy due to climate change. This does not relieve applicants or the County from their obligation to minimize the significant harm caused by their projects, particularly habitat loss which will last for decades. As the County continues to issue permits for utility-scale solar projects on our last major swaths of agricultural lands, it must take steps to ensure that the continued loss of habitat is adequately mitigated.

ORG2-09

FOV recommends that the DEIR be revised to include mitigation ratios for habitat loss as specified in the EACCS. These mitigation ratios should be made part of a conditional use permit if the project is approved. The on-site mitigation area should be placed under conservation easement and managed by an accredited land conservation organization. Off-site land to be conserved as mitigation should be located in Alameda County and provide habitat that is comparable to that being destroyed. In addition, full compliance with CDFW regulations, including take permits, should be required in the CUP for any special status species located on the project site as necessary.

ORG2-10

Urban Reforestation Project

At the EBZA meeting that took place on May 26, 2022, the Applicant stated that the company is partnering with an urban reforestation project to allow them to grow seedlings on the site and will be gifting them the unused project acreage. This information was not presented in the DEIR and conflicts with the representation that the unused acreage would be conserved as mitigation habitat. The details of this new information must be fully disclosed and analyzed in the EIR. Environmental impacts of the reforestation plan operations must be fully discussed, especially the impacts of the change in use on special status species and habitat. Additionally, the original evaluation of the project's impacts on biological species as well as other impacts, such as water use, must be rewritten and updated in light of the new information.

ORG2-11

Aesthetics

The project description and photographs included in the EIR indicate that the facility will be fenced with chain-link material with beige plastic slats. The DEIR notes there is little vegetation on the site. However, the photographs shows areas of green vegetation that is present at least some of the year and the adjacent open land is plowed for agricultural use which indicates the presence of growing crops. The project is also immediately adjacent to residential development. FOV recommends that the DEIR discuss the use of native landscape plants to provide additional green color during the cool season that will be more visually appealing and better balance with the presence of residential neighborhoods across the street at least for the areas that are most visible from the street.

ORG2-12

Wildfires

The DEIR does not address the risk of wildfires on the project site. Given the heightened risk of fires associated with climate change, the proximity of the project to residential areas, and presence of special status species, the EIR should discuss the risk of wildfire in greater depth including the risks associated with high-wind events. Average wind speeds should not be the basis for the analysis. The ability to fight a wildfire under solar panels should also be discussed. The DEIR should also address the location of the nearest fire station and how long will it take for a crew to respond to a fire emergency on the project site.

The DEIR states, without explanation, that wildfires occurring on the project site would not expose surrounding neighborhoods to dangers from uncontrolled wildfires or accompanying pollutants. The reasons for this conclusion should be provided.

ORG2-13

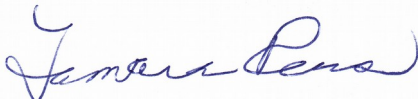
The DEIR also fails to address the risks associated with the addition of three utility poles and wiring which are to be used to connect to PG&E's distribution lines. What is the risk of the new above-ground wiring causing a fire? What is the risk of a wildfire causing the utility poles and wires to catch fire? Can these lines be placed underground to mitigate the risk? These questions should be answered to the fullest extent possible in the final EIR.

Conclusion

In closing, FOV appreciates the opportunity to comment on the Draft Environmental Impact Report for the Alameda Grant Line Solar 1 Project. We look forward to reviewing the responses to these comments.

ORG2-14

Respectfully submitted,



Tamara Reus
President
Friends of Open Space and Vineyards
tammyreus@gmail.com
(925) 223-7972

From: [Lopez, Albert, CDA](#)
To: [Steve Noack](#); [Allison Dagg](#)
Subject: FW: comments on Draft EIR for Grant Line Solar 2021-00214
Date: Monday, June 20, 2022 3:25:40 PM

Here's another just received.

Albert V. Lopez | Planning Director
ALAMEDA COUNTY | Community Development Agency
Planning Department
224 W. Winton Avenue, Room 111 • Hayward, CA 94544
Office 510-670-5426 | Fax 510-785-8793
albert.lopez@acgov.org | www.acgov.org/cda

*****The Planning Department is working normal business hours and remotely in compliance with the Shelter in Place Order issued by the County Public Health Officer*****

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: BERNARD CABANNE <bcabanne@comcast.net>
Sent: Monday, June 20, 2022 2:23 PM
To: Lopez, Albert, CDA <Albert.Lopez@acgov.org>; BERNARD CABANNE <bcabanne@comcast.net>; donna.cabanne@gmail.com; Chauhan, Nisha, CDA <nisha.chauhan@acgov.org>
Subject: Fwd: comments on Draft EIR for Grant Line Solar 2021-00214

Please email me back that you have received comments. Thanks

June 19,2022

Albert Lopez
Planning Director, Alameda County
RE: Grant Line Solar 2021-00214 Draft EIR Comments

Dear Mr. Lopez:

The Draft EIR concludes the environmentally superior choice is no project. The Final EIR should support the no project choice because of the following significant concerns directly associated with proposed project:

1. Hazardous materials from run-off of frequent solar panel washings and breakage have not been identified and sufficiently analyzed

PUB1-01

2. Air Quality impacts in a non-attainment air basin during construction have not been adequately analyzed and the proposed mitigations are insufficient to make a finding of less than significant.
3. The Alameda Grant line Solar project will result in the loss of agriculture land
4. The project conflicts with measure D provisions
5. Project design is not consistent with PG and E's public statements and commitment to underground wires in areas in and near Livermore due to wildfires.
6. Insufficient biological mitigations to make the finding that biological impacts are less than significant.
7. Wildfire risks are underestimated.
8. Cumulative impacts of air, water quality, traffic and loss of land have not been analyzed sufficiently in combination with impacts of other known projects (existing landfills, and biosolids facilities) and future projects
9. Other energy producing alternatives using solar panels and other energy generating projects such as wind were not analyzed in alternatives.
10. The potential for a non-conforming use must be analyzed

**PUB1-01
cont.**

1. NEW Hazardous Materials

A. Under the project description, the consultants state that the project will not use PFAs but silicon panels which also have many toxic components. Solar panels are "dirty energy" and they harbor their share of toxic chemicals. The toxic chemicals are a problem at the beginning of a solar panel's life, during its construction, through breakage, and at the end of its life when it is disposed of.

PUB1-02

The toxic chemicals in solar panels include cadmium telluride, copper indium selenide, cadmium gallium selenide, copper indium gallium (di)selenide, hexafluoroethane, lead, and polyvinyl fluoride. Additionally, silicon tetrachloride, a byproduct of producing crystalline silicon, is toxic. In lab experiments, these substances have caused to many health issues.

B. If PFAs are not being used, will the shorter chain chemicals cousins of PFAs --- GenX or PFBS --be used either in the panels, their coatings, or non-glare shield? What specific chemicals and substances will be used? Research shows that even the use of shorter chain chemical cousins of PFAs still have significant contamination risks and health impacts.

How will drainage into soil of any of these chemicals or substances be monitored? Because of required frequent washing of solar panels and breakage, how will groundwater be monitored over time ?

Will ground water monitoring wells be installed?

What chemicals will be used in posts? Will the posts include zinc?

Has a baseline for PFAs and other contaminants in wells near the project been completed? If not, why not?.

Will ground water monitoring wells be placed around the perimeter of the project?

PUB1-03

C. Landfills are known contributors to the increase of PFAs, per and polyfluoroalkyl substances, classified as hazardous wastes. Groundwater contamination from PFAs are high **in areas near landfills**. The Department of Drinking Water, part of California Water Boards. requires PFAs sampling to be made public in the annual Consumer

PUB1-04

Confidence Report (required by Health and Safety Code section 116465). What are the current PSAs readings at the nearby Altamont Landfill? What are the current PFAs readings for the nearby Altamont Composting facility?
How might the PFAs readings at the landfill affect the long term safety of the project?

PUB1-04
cont.

D. June 16, 2022 the Environmental Protection Agency (EPA) announced a [dramatic revision](#) to its drinking water limits for four toxic PFAS chemicals. The agency is lowering its lifetime health advisory levels for two PFAS chemicals - PFOS and PFOA - by more than 1000-fold to 20 and 4 parts **per quadrillion**, respectively. **EPA is also setting new health advisories for two common PFAS chemicals that were invented as replacements - known as GenX and PFBS**, to 10 and 2000 parts per trillion respectively. The EPA has confirmed there are effectively no safe levels of PFOS or PFAS and rejected the notion that newer PFAS chemicals GenX and PFBS are harmless.

PUB1-05

E. Any government authority that approves projects with known potential for PFAS contamination in soil, or groundwater may be held responsible for clean up costs---ball park figure 200-400 million per well. Does Alameda County have the resources to clean up wells near project if they become contaminated? The EPA will no longer allow the discharges of PFAS and their chemical cousins into our waterways.

PUB1-06

F. The EPA's announcement is based on recent scientific reviews that include hundreds of studies of [PFAS low dose toxicity to humans and animals](#). The new standards for PFOS ,PFOAS and PFAs are way below current measurement levels, meaning any detectable amount of either chemical in drinking water exceeds EPA's recommendation. **The interim values will require additional pollution testing** , water filtration or blending at contaminated sites, and potentially the abandonment of some polluted drinking water . These 'forever chemicals' are toxic at trace amounts. Does Alameda County have the resources to complete new additional PFA pollution testing that will become mandatory in a matter of months?
CEQA requires decision makers to consider health impacts on the surrounding community as part of CEQA mandates.

PUB1-07

G. This is especially critical as the Tri-Valley already has a rate of PFAs ---higher than the Consumer Reports recommended 10 parts per trillion(ppt). "Nationwide sampling averaged 8ppt. In a water sampling conducted by Consumer Reports of 120 sites nationwide, Zone 7 tested 20-30 ppt for PFAS, in the top 20% nationwide. Pleasanton closed its drinking well # 8 in abundance of caution due to PFAs reading and is spending thousands of dollars to further study the situation.

We should not accept any project that has the potential to create new sources of PFAs, their short chained chemical cousins, or other hazardous materials that could negatively affect soil and groundwater aquifers in an area where rural residents and their livestock depend on wells for drinking water.

PUB1-08

CEQA requires decision makers to consider health impacts on the surrounding community as part of CEQA mandates

2. Air Impacts during construction in a non-attainment air basin.

A. The Air Impacts associated the project during construction will increase PM 2.5 pollutants, green house gas (GHG) emissions and other air pollutants in a non-attainment air basin. Livermore had 56 spare the air days in 2020. Due to this project and other nearby projects, East County will not be able to meet more restrictive Clean Air Standards of 2017. Hospitalizations directly related to air pollutants in the Tri-Valley rose substantially in the last decade. Premature deaths due to air pollution rose from 2600 in 1990 to 8300 in 2015; asthma emergency room visits rose from 1000 in 1990 to 3400 in 2015. The number one priority must be the protection of infants, children, pregnant women, elderly, immune-compromised, those suffering from asthma, heart and lung diseases whose health will be further endangered with this project.

PUB1-09

B. Green House Emissions from nearby Landfills. Even with the operation of the Liquid Natural Gas Plant, nearby Altamont Landfill has the third highest landfill GHG emissions in the state after Keller Canyon and a landfill in LA. The landfill received a conditional use permit to operate until 2075. Contributing air pollutants from other known facilities must be analyzed.

PUB1-10

C.. According to the Tri-Valley Air Quality Community Alliance (TVAQCA), the biggest contributors to air pollution in the Tri-Valley are diesel powered machinery. Diesel construction equipment emits pollution even when not in use. The TVAQCA has succeeded in getting Tri-Valley cities to convert their landscaping and city equipment to electrical powered machinery.

PUB1-11

How much would the use of electric construction equipment during the construction period of the industrial solar plant reduce air pollutants?

The EIR must analyze how non-diesel construction equipment could reduce air impacts in a non-attainment basin.

3. Loss of Agricultural Land

A. Utility scale solar is rapidly reducing the 22% of land California has left. The Draft EIR incorrectly concludes that the loss of 23 acres of agricultural land is less than significant because there are other agricultural lands available in East County. However, when combined with the possible loss of 400 acres of agricultural land due to the approval of the Aramis project, and other commercial projects, the cumulative losses continue to accumulate.

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B. From 1984 to 2018, Alameda County has lost 67% of its Prime Farmland (6, 532 acres lost out of 9,809 in 1984) and 49% of its Important Farmland (6,370 acres out of 12,869 acres in 1984). Furthermore, between 2000 and 2018, there has been a loss of 13,108 acres of grazing land outside urban growth boundaries (LAFCO, Measure D Study). These agricultural lands were intended for agricultural production and protected by Measure D for less intensive uses. Remaining lands will be affected negatively when surrounded by higher intensity uses. The Draft EIR cannot conclude the loss of agricultural land for this project is less than significant without a

PUB1-13

comprehensive analysis of the cumulative impacts of lost agricultural lands to commercial/industrial projects outside urban growth boundaries in East County. **This comprehensive analysis must cover the last twenty years.**

**PUB1-13
cont.**

C. If we convert our agricultural lands to industrial use, we will have to import our food from other areas. We should remain self-sufficient with our food supply as much as possible. Realistically, if we convert agricultural lands to industrial solar plants for the next forty years, this land will never again be used for agriculture. How does the loss of land comply with Governor Newsom's 30x30 biodiversity mandate? The EIR must address these critical issues.

PUB1-14

D. Agricultural land mitigation is critical for protecting agricultural lands. Any lands to be used for mitigation should either be on-site or within East County and should be the same type of soil/land quality that will be lost through the development of solar plants. Mitigation land should be placed under easements or otherwise restricted to agricultural purposes for the duration of the solar project or longer if it cannot be proven in advance that soils can be restored to their original state.

PUB1-15

E. The Draft EIR recommendation of 1:1 agricultural land mitigation for acreage lost due to the installation of large scale solar panels is insufficient. If 1:1 mitigation is applied, it means that Alameda County has the potential to lose 50% of land that is available for growing crops and agricultural resources which can provide food products for its residents. Mitigation land should be conserved within East County and very high compensatory ratios for mitigation lands must be included with a minimum rate of 3:1.

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F. One of the key provisions of the Alameda County Agricultural Advisory committee recommendations is no solar project shall degrade the present or future suitability of the land for agricultural purposes or convert the site to non-agricultural uses. Furthermore, all solar plant projects must include a decommissioning and restoration plan to convert back to other agricultural uses if necessary. These recommendations are especially critical for the Alameda Grant Line Solar Project. Soltage, only has a contract with PG and E for 15 years, but the project is slated to run for 40 years. What happens after 15 years? What if PG and E declines to renew their contract? Who would be responsible for possible clean-up and restoration?

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4. Compliance with Measure D

A. Measure D does not allow the use of solar plants on Large Parcel Agriculture (LPA) unless the solar energy is being produced for nearby by residents. This is not the case with the Soltage project. Solar Photovoltaics are not the utility corridors described in Measure D and do not compare with windmills that allow ongoing grazing and other agricultural uses to operate with minimal disturbance. The Planning Commission approval of the Cool Earth Project in 2012 does not act as precedent for a finding of compatibility with Measure D.

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B. The power generated by Soltage will be uploaded to PG&E's three new overhead distribution lines and sent to a substation in Contra Costa County. There isn't a 2 MW power demand in the East County vicinity of the project. Why place an industrial

PUB1-19

solar plant at the farthest point east in the county, miles from any potential urban county users? The project is only accessible using roads and an entrance in San Joaquin County. The truth is the power will not serve East County residents.

**PUB1-19
cont.**

C. Why should Alameda County lose agricultural lands, agricultural resources, biological resources, open space and endure the negative impacts of the project to provide energy for a neighboring county? The power will serve the Mountain House community in San Joaquin County just a few hundred yards away. Measure D only permits infrastructure that is needed to provide adequate services for East County. How does the Soltage project comply with the critical Measure D provisions listed above?

PUB1-20

The EIR must disclose and analyze the incompatibility of Soltage with controlling land use provisions, ordinances and policies. Further, the Soltage project does not support local control or small businesses the way rooftop solar would.

5. Project design not consistent with PG and E statements and promises to Livermore Area.

The use of three new overhead transmission lines running north to a PG and E substation in Contra Costa County is not consistent with promises PG and E made at public hearings. PG and E acknowledged the company was years behind in repairs and needed upgrades in and around Livermore.

PG and E promised to underground all transmission lines as quickly as possible due to the recent devastating wildfires including the CSU wildfire and the East County's high risk for more wildfires in the future. Why then is PG and E running new overhead wires near Grant Line Road where prevailing winds are 50 to 60 miles an hour spring, summer and fall ---the same period with the highest fire risk?

PUB1-21

The EIR must address the choice of overhead lines that pose a high safety risk and run contrary to public commitments made by PG and E.

The EIR must use recent drought data for weather predictions including the last 3 years. Using an average of weather conditions gives a false impression of the severity and duration of prevailing winds that continue to rise in intensity and velocity each year at the Altamont Pass.

6. Insufficient biological mitigations.

A. The East Alameda County Conservation Strategy (EACCS) and the East Bay Regional Conservation Investment Strategy (EBRICS) contend the project is potential habitat for eight special status species including ; California Red-legged frog, western burrowing owl, Swainson's hawk, San Joaquin kit fox, American badger, Golden Eagle, Tri-colored blackbird and California Tiger Salamander. These species are threatened with extinction. More than one survey must be conducted by a qualified biologist and surveys should be completed after a rain event to access the presence of species that thrive in wet conditions. Risks to special species from solar panels leeching into the soil should be analyzed.

PUB1-22

B. This area also has documented sightings of Bald Eagles, Kites, Cooper's Hawks and other endangered and special species status wildlife. How will the installation of these solar panels and the reflected glare---even with non-glare coatings- and heat

PUB1-23

cause disruptions to nesting and habitat corridors for endangered birds of prey? The California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) should be consulted to evaluate the potential for biological impacts and possible mitigations before the Final EIR.

**PUB1-23
cont.**

C. The project is close to Golden Hills Conservation Easement plan. What negative impacts to this nearby conservation plan could hundreds of solar panels pose in the short term? Over forty years?

PUB1-24

D. The Altamont Pass is documented to be a vital habitat corridor between Northern California and Southern California according to many county and regional biodiversity maps completed by qualified biologists. To what extent will the solar project diminish biodiversity and lead to habitat fragmentation?

PUB1-25

E. Any habitat mitigation must adhere to the ratios set forward in the EACCS mitigation ratios for each impacted species. Also mitigation acreage must be contiguous or in close proximity to the site and located in Alameda County.

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7. Wildfire risks are underestimated.

A. In the last three years, winds are 50 to 60 miles an hour at Grant Line Road. This has caused serious fires including one at the Altamont Landfill, a hundred acre fire in the Spring 2022 and one two days ago. The EIR must analyze all fires in the vicinity in the last five years.

PUB1-27

How many fires have occurred in or near the Altamont pass in the last five years? What was the acreage burnt for each? What was the duration of each fire? Where is the analysis for maximum winds at Altamont pass? Average wind speeds are not a reliable measure to determine fire risks in spring, summer and fall.

B. Further, wildfire risks must be analyzed using the last three drought years where conditions for fire risk due to low humidity and drier vegetation are much greater. Historical data is not relevant when it comes to analyzing current fire risks. Why is PG and G proposing to run three new overhead transmission lines north to Contra Costa in such a high risk fire area with numerous fires each year? Any new transmission lines in this severe fire risk area must go underground.

PUB1-28

8.Cumulative impacts. The EIR must address the cumulative air, water quality, traffic, hazardous materials and land use impacts in combination with the recent approval of the Jess Ranch biosolids facility processing up to 1000 tons per day at the Altamont, and continuing impacts from two nearby landfills. These impacts must be analyzed with these known projects as well as others that may be approved.

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9. Failure to analyze other sources of solar energy.

A. The Draft EIR failed to analyze other solar panel alternatives. For example, solar energy is now generated using solar panels over canals in a pilot project by UC Merced. Because the solar panels shade the canals, this method could save 63 billion gallons of water statewide, curtail the growth of aquatic weeds, and any evaporation that does occur helps to increase energy production by cooling the panels. Most importantly, solar panels over canals saves farmland, habitat and biodiverse areas.

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cont.

This technology has been used successfully in India for years.

PUB1-31

B. Further, the draft EIR failed to analyze how rooftop solar in commercial and industrial areas in the county could meet a much greater portion of our energy needs adjacent to the users. A complete analysis of rooftop solar in the built environment in Alameda County and the use of solar panels over canals must be included. Other methods to achieve the goals of energy sustainability without fossil fuels should include wind as well as the Altamont already has a wind energy center that could be expanded.

PUB1-32

10. This project should not go forward until Alameda County adopts a Solar Policy with maps indicating the least impact areas for solar plants. If this project is approved before the solar county policy, it could become a non-conforming use. As a non-conforming use, could the capacity of the solar project be increased? If the panels were damaged, could they be replaced if this is a non-conforming use? These questions must be answered in the EIR if the project goes forward before the adoption of the solar policy.

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In summary, the EIR must **further analyze** the significant impacts in the areas of new hazardous materials, air impacts, conflicts with Measure D, loss of land, biological impacts using current county and regional biodiversity maps completed by qualified biologists, CDFW, and USFWS, recent data of increased risk of wildfires, new overhead transmission wires in a fire prone area, cumulative impacts, other solar alternative projects that could meet energy demands with less impacts, and non-conforming uses. This project is applying for a conditional use permit, a discretionary permit. There is no legal requirement to approve the project. Given all the environmental concerns associated with the project, the environmentally superior alternative is NO PROJECT, as stated in the Draft EIR.

I am a forty year resident of Livermore, a member of the Center for Biodiversity, and Alameda Creek Alliance.

Sincerely,

Donna Cabanne
bcabanne@comcast.net

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