TABLE 4-1
SUMMARY OF WRITTEN COMMENTS RECEIVED ON THE DRAFT EIR FOR THE PROPOSED AV SOLAR RANCH ONE PROJECT

Date	Commenter/Affiliation	Comment Item ID	Number of Comments Identified
Federal Agencies			
None			
State Agencies (SA)			
7/15/20	Dave Singleton/Native American Heritage Commission	SA-1	14
7/16/10	Carl Shiigi/California Department of Transportation	SA-2	8
7/30/10	Scott Morgan/State Clearinghouse	SA-3	2
Local Agencies (LA)			
7/9/10	Gary T. K. Tse/Los Angeles County Sheriff Department	LA-1	2
7/15/10	John R. Todd/Los Angeles County Fire Department	LA-2	6
7/15/10	Richard Kite/City of Palmdale	LA-3	1
7/20/10	Bret Banks/Antelope Valley Air Quality Management District	LA-4	3
Organizations (ORG)			
7/30/10	Kate Allen/Antelope Valley Group of Sierra Club	ORG-1	5
7/21/10	Elizabeth Klebaner/Adams Broadwell Joseph & Cardozo	ORG-2	1
7/30/10	Elizabeth Klebaner/Adams Broadwell Joseph & Cardozo	ORG-3	79*
Individuals (I)			
6/21/10	Shizuko Hill	I-1	1
6/21/10	Ponciano Manalo	I-2	2
7/26/10	L. Dean Webb	I-3	7
7/30/10	Several Residents of Antelope Acres (Stout, Kerekes, Seybold, Fuentes)	I-4	6

* Note: ORG-3 includes 79 comments in letter; plus 15 comments in Attachment A (ORG-3A); and 25 comments in Attachment B (ORG-3B).

4.4 ORGANIZATIONS

Comment letters from organizations and corresponding Written Responses to Comments follow for the following Organization (ORG) letters:

- Antelope Valley Group of Sierra Club (ORG-1)
- Adams Broadwell Joseph & Cardozo (July 21, 2010) (ORG-2)
- Adams Broadwell Joseph & Cardozo (July 30, 2010) (ORG-3)
    - Attachment A (Matt Hagemann, July 29, 2010) (ORG-3A)
    - Attachment B (James Cornett, July 28, 2010) (ORG-3B)
    - Attachments C through J (reference materials)(ORG-3C through ORG-3J)

Written Responses to Adams Broadwell Joseph & Cardozo (Letter Dated July 21, 2010) (ORG-2)

Response ORG-2-1:

This comment letter and attachments were responded to in a response letter dated July 29, 2010 from Mr. Kim Szalay (Los Angeles County Department of Regional Planning). A copy of the response letter follows. The comment letter requests for access to the Project public records, which the County had provided prior to the close of the public comment period. Additionally, for clarification, delivery records indicate that both the Notice of Completion and Availability and Draft EIR CD were delivered and personally received at the commenter's location on June 15, 2010, instead of the commenter's claim that the Notice arrived on June 17, 2010. Contrary to the commenter's claim, the Notice of Completion and Availability was prepared in accordance with CEQA Guidelines Section 15085 and Section 15087. The Draft EIR was circulated in accordance with CEQA Guidelines 15105 for the public review period, and the County has demonstrated substantial compliance with the public notice requirements under CEQA (Public Resources Code, Section 21092). Therefore, the comment letter's request for an extension of the Draft EIR public comment period is not warranted.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

RESPONSE TO ORG-2

Richard J. Bruckner
Director

July 29, 2010

Adams Broadwell Joseph and Cardozo
Attention: Elizabeth Klebaner
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Re: Public Records Request and Request for an Extension to the Public Hearing for the AV Solar Ranch One Project.

Dear Ms. Klebaner,

In response to your July 21, 2010 public records request and request for an extension to the public hearing for the AV Solar Ranch One Project, staff of the Los Angeles County Department of Regional Planning provided the requested materials prior to the close on July 30, 2010 of the public comment period on the subject Draft Environmental Impact Report. Additionally, staff provided a response to the request for extension of the public hearing on the subject project.

Attached are copies of the July 21, 2010 requests and e-mail responses indicating fulfillment of the public records request and a response to the request for an extension to the subject public hearing.

Sincerely,

Kim K. Szalay, MPL, AICP
Principal Regional Planning Assistant

Attachments: July 21, 2010 request with its attachments
E-mails indicating responses to requests

Written Responses to Adams Broadwell Joseph & Cardozo (Letter Dated July 30, 2010) (ORG-3)

Written Responses to Adams Broadwell Joseph & Cardozo Letter dated July 30, 2010 (ORG-3) follow. This comment letter consists of a 39-page letter and attachments A through J. The letter is designated ORG-3 and the attachments are designated ORG-3A through ORG-3J. Responses are provided for the letter and attachments A (ORG-3A) and B (ORG-3B). Attachments C through J are reference documents attached to the comment letter and, as such, do not warrant responses.

Response ORG-3-1:

This comment provides an introduction to the letter that follows, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Response ORG-3-2:

The County disagrees with this comment and the general contention that the Draft EIR is inadequate (relative to air quality, biological resources, and soil and water) and requires recirculation. The Draft EIR provides thorough discussions and analysis for all applicable resource topics, including characterization of baseline environmental conditions, identification of all potentially significant impacts, and specification of appropriate mitigation measures for reducing identified impacts to less than significant levels. Please refer to subsequent responses to comments with more specificity, including:

- Air Quality (see Responses ORG-3-8, -14, -16, -19, -25, -27, -31, -32, -33,-55, -58, and -59)
- Biological Resources (see Responses ORG-3-12, -16, -29, -31, -34 through -39, -61, -63, and -76; and ORG-3B-3 through -10, -13, -17, -18, -19, -22 and -25)
- Soil (see Responses ORG-3-14, -19, -26, -49, and -59)
- Water (see Responses ORG-3-9, -13, -15, -18, -40 through -48, -65, -66, -67, -69, -70, -71, and -78; and ORG-3A-6 and -10).

As discussed in subsequent Responses, the Draft EIR includes sufficient information and analysis regarding the Project's potentially significant impacts to air quality, biological resources, water supply and groundwater resources, and soil contamination et al. Moreover,

there is no significant new information requiring recirculation (See CEQA Guidelines Section 15088.5).

Response ORG-3-3:

The comment in general, correctly identifies various permits that would be required, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Response ORG-3-4:

The proposed Project will not require a Stream Alteration Agreement from the California Department of Fish and Game. See Response ORG-3-29.

Response ORG-3-5:

This comment identifies that the comment letter is provided by the attorney firm representing CURE, which is a coalition of unions whose members build, maintain, and operate power plants. The comment states that poorly designed renewable energy power plants may degrade the environment, and that the union members live in and around this community may have a direct interest in protecting the biological resources in and around the Project site, and the groundwater and air resources in the Antelope Valley. Further, the union members have a direct interest in ensuring a safe workplace for workers during Project construction. This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Response ORG-3-6:

The Final EIR responds to all comments received within the formal comment period for the Draft EIR, including the attachments to CURE's letter. Please refer to Responses ORG-3A (-1 through -15) and ORG-3B (-1 through -25), respectively, for the responses to the comments provided in Attachment A (comments of Matthew Hagemenn, P.G.) and Attachment B (comments of Jim Cornett, M.S.).

Response ORG-3-7:

The County disagrees with this general comment and the contention that the Draft EIR is inadequate in these areas. See Response ORG-3-2.

Response ORG-3-8:

The County disagrees with the contention that the Project Description as presented in Draft EIR Section 4.0 is not stable and finite. The Project Description presents options for certain aspects of solar field development such as panel types and foundations and the Draft EIR assessments utilize the worst-case earth movement, air emissions, traffic and noise levels, etc. associated with the options presented to ensure that the environmental analyses presented in the Draft EIR are conservative and cover the worst-case development scenario for each discipline. Please refer to Responses ORG-3-19 through ORG-3-28 for more information.

Response ORG-3-9:

California Water Code section 10910 provides that any county that determines a project, as defined in Water Code section 10912, is subject to CEQA shall prepare a Water Supply Assessment (WSA). Water Code section 10912(a) defines "project" as any of the following:

(1) A proposed residential development of more than 500 dwelling units.

(2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

(4) A proposed hotel or motel, or both, having more than 500 rooms.

(5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(6) A mixed-use project that includes one or more of the projects specified in this subdivision.

(7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

The Project is not a "project" as defined in Water Code section 10912. The Project is not a residential development as defined in Water Code section 10912(a)(1); a shopping center or business establishment as defined in Water Code section 10912(a)(2); a commercial office building as defined in Water Code section 10912(a)(3); a hotel or motel as defined in Water Code section 10912(a)(4); or a mixed-use project as defined in Water Code section 10912(a)(6).

In addition, the Project is not an industrial, manufacturing, or processing plant as defined in Water Code section 10912(a)(5); the Project is a renewable solar photovoltaic project. The

Project is not a project as defined in Water Code section 10912(a)7) because it requires substantially less than an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project. (*See* Water Code § 10912(a)(7).) The Project is estimated to require approximately 150 AFY during the 38 month construction period and 12 AFY during operation. The Antelope Valley Integrated Regional Water Management Plan estimates a single family dwelling unit to use between 0.86 and 1.2 AFY (RWMG 2007); a 500 dwelling unit project based on this estimate demands between 430 to 600 AFY. Because the Project is not a "project", a WSA is not required for the Project. Accordingly a WSA was neither prepared nor included in the Draft EIR.

Nevertheless, the Draft EIR presents a detailed analysis of groundwater resources and potential Project effects in Section 5.14 (Utility Services), Appendix J (Groundwater Characteristics at the AV Solar Ranch One Site), and Appendix J2 (Water Requirements and Groundwater Supply at the AV Solar Ranch One Site). In accordance with CEQA's mandates, the analysis sets forth the amount of groundwater available in the Antelope Valley Groundwater Basin and includes a level of current water consumption. (See *Cadiz Land Co. v. Rail Cycle*, 83 Cal.App.4th 74 (2000) and *Save Our Peninsula Committee v. Monterey Bay County Board of Supervisors*, 87 Cal.App.4th 99 (2001).)

Response ORG-3-10:

The County disagrees with this comment and the contention that the Draft EIR is inadequate and requires recirculation. See Responses ORG-3-2 and ORG-3-79. In accordance with CEQA (Public Resources Code, Section 15088.5), the Draft EIR does not require the addition of significant new information, and thus, does not require recirculation.

Response ORG-3-11:

This comment presents two basic purposes of CEQA, but does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Response ORG-3-12:

The Draft EIR presents a detailed and comprehensive Project Description in Section 4.0 (Project Description). Please refer to Responses ORG-3-8 and ORG-3-19 through ORG-3-28 for more information.

The comment also asserts that the Draft EIR failed to set forth a sufficiently detailed biological baseline, and failed to examine impacts to the desert tortoise, Mohave ground

squirrel, and "numerous other special status plants and wildlife." A robust and detailed description of the baseline conditions with respect to biological resources was presented in Section 5.7 of the Draft EIR and in the Biota Report, included as Appendix E to the Draft EIR. These documents included a detailed biological description of the site and its surroundings, descriptions of the various field surveys conducted, and discussions of the resources present, including plants, animals, and mapped vegetation communities. Refer to Responses ORG-3-34 through ORG-3-39 for more information. All special-status resources identified during field investigations of the site were considered in the impacts analysis. For additional responses addressing the desert tortoise and Mohave ground squirrel, please refer to Responses ORG-3B-7 and ORG-3B-6, respectively.

Response ORG-3-13:

The Draft EIR provides an accurate description of the existing environment for water supply in Draft EIR Section 5.14.2.1. With respect to groundwater resources, the Draft EIR presents a detailed analysis of groundwater resources and potential Project effects in Section 5.14 (Utility Services); Appendix J (Groundwater Characteristics at the AV Solar Ranch One Site), which includes the results of an on-site well investigation performed for the Project; and Appendix J2 (Water Requirements and Groundwater Supply at the AV Solar Ranch One Site). Refer to Responses ORG-3-40 through ORG-3-48, ORG-3-65, ORG-3-67, ORG-3-69 through ORG-3-71, and ORG-3-78 for more information.

Response ORG-3-14:

The Draft EIR presents a thorough assessment of the air quality baseline and impacts in Section 5.6 (Air Quality) and Appendix D (Air Quality Emission Calculations and Wind Rose Data). Additionally, the Draft EIR presents an assessment of Valley Fever in Air Quality Environmental Setting Sections 5.6.2.3.3 and 5.6.2.5; Project Impacts Sections 5.6.3.4.4 and 5.6.6; and Mitigation Measure Section 5.6.5 (Mitigation Measure 5.6-11: Off-road Equipment Operator Worker Protection). As discussed in Draft EIR Section 5.6.6, with implementation of required mitigation measures to reduce fugitive dust emissions and worker protection, the risk associated with dust exposure and possible Valley Fever exposure would be substantially reduced and would be considered less than significant. Refer to Response ORG-3-33 for more information regarding the Draft EIR assessment of Valley Fever.

Draft EIR Section 5.15 (Environmental Safety) summarizes the results of the previous Phase I Environmental Site Assessments conducted on the Project site, assesses impacts associated with potential soil contamination and hazardous building materials on the site, and requires mitigation to reduce all identified potential impacts to less than significant.

Response ORG-3-15:

As discussed in Response ORG-3-9, a WSA is not required for the Project and, accordingly, a WSA was neither prepared nor included in the Draft EIR. The Draft EIR presents a detailed analysis of groundwater resources and potential Project effects in Section 5.14, Appendix J, and Appendix J2.

Response ORG-3-16:

The Draft EIR identifies feasible mitigation measures for all potentially significant impacts to biological resources in Section 5.7.5 and all identified impacts. The analysis concludes that all impacts would be mitigated to less than significant levels. As stated in Responses ORG-3-4 and ORG-3-29, the proposed Project would not impact any state jurisdictional waters. As discussed in Responses ORG-3-14 and ORG-3-33, required dust control and worker protection mitigation measures specified in Draft EIR Section 5.6.5 (Air Quality) would mitigate potentially significant Valley Fever impacts to less than significant levels.

Response ORG-3-17:

The County disagrees with this comment and the contention that the Draft EIR is inadequate in these areas. The adequacy of the Draft EIR Project Description is addressed in Responses ORG-3-8 and ORG-3-19 through ORG-3-28. A WSA is not required for the Project as discussed in Response ORG-3-9 and ORG-3-15.

Response ORG-3-18:

As discussed in Responses ORG-3-46 and ORG-3-65, the Draft EIR provides an assessment of existing groundwater conditions in the Project area and potential Project impacts to groundwater resources and concludes that such impacts would be less than significant.

Response ORG-3-19:

Please refer to Response ORG-3-8. Draft EIR Section 4.0 (Project Description) clearly identifies the Project purpose and objectives, project location and boundaries, and project characteristics in accordance with (CEQA Guidelines Section 15124). As clearly stated in Draft EIR Sections 4.4 (Project Characteristics) and 4.4.1 (Facility Equipment), the proposed Project consists of a 230 MW solar PV facility on 2,100 acres of land and the major Project equipment consists of PV solar panels mounted on single-axis trackers (tilted or horizontal) or fixed tilt supports. The Applicant's proposed Project includes these options for solar PV facility equipment to allow flexibility in equipment selection based on market conditions, ongoing advances in solar PV technology, and equipment availability at the time of construction. The Draft EIR Project Description presents the key differences in the design

and physical characteristics of each option and the environmental analyses presented in Draft EIR Section 5.0 (Environmental Impact Analysis), including air quality, soil and water, consider the worst-case attributes of the Project options respective to each environmental analysis.

Response ORG-3-20:

The comment asserts that the project description presented in the Draft EIR fails to include the Project's need for a Streambed Alteration Agreement. As stated in Draft EIR Section 5.7, the proposed Project would avoid all jurisdictional streambeds, and thus would not require a Streambed Alteration Agreement. See Response ORG-3-29.

Response ORG-3-21:

As discussed in Draft EIR Section 4.4.6.7.6 (On-site/Off-site 230 kV Transmission Line) and shown on Figures 4.3-4A and B, the proposed transmission line does not include an access road along the right of way. The portion in Los Angeles County is within the edge of the public road right of way of 170th Street West and short access pathways from the roadway to the individual pole locations are shown on Figure 4.3-4A. Similarly, perpendicular access pathways from 170th Street West to individual pole locations are shown on Figures 4.3-4A and B for the portion of the transmission line route in Kern County.

As discussed in Draft EIR Section 4.4.2.4, the Project's domestic water needs during operation would be supplied via a new well to be developed in conformance with Los Angeles County Department of Public Health standards and a 100,000 gallon process water/fire water tank (and associated piping) to be constructed adjacent to the O&M building.

Response ORG-3-22:

Please refer to Responses ORG-3-8 and ORG-3-19. The proposed Project includes use of PV panels mounted on single axis trackers (tilted and/or horizontal) and/or fixed tilt supports. The environmental analyses presented in the Draft EIR consider these options to the extent they would result in differing impacts. The Project Description presented in Draft EIR Section 4.0 includes pertinent design details for each option and the environmental analyses consider the worst case attributes as applicable to each environmental resource topic.

Response ORG-3-23:

The County disagrees with this comment that the Project Description compromises the adequacy of the Draft EIR or that portions of the Draft EIR are incomprehensible. Please refer to Responses ORG-3-8, ORG 3-19 and ORG 3-22.

Response ORG-3-24:

Please refer to Responses ORG-3-8 and ORG-3-22. The Noise impact assessment presented in Draft EIR Section 5.18 and the Noise Technical Report presented in Appendix I of the Draft EIR consider worst-case construction noise impacts due to vibratory pile drivers and other construction noise sources as well as operational noise levels and impacts from tracker motors, inverters and transformers among other sources. The noise assessment presented in the Draft EIR is comprehensive and assumes worst case noise impact scenarios. As discussed in Draft EIR Noise Section 5.18.3.2.3, two basic construction scenarios for the solar arrays are considered: 1) pile foundations; and 2) concrete ballast foundations. The pile drivers required for driven pile foundations constitute the worst-case construction scenario for noise generation. Noise levels associated with Project construction are presented in Noise Section 5.18.3.2.3 and Appendix I (Noise Technical Report) of the Draft EIR, including identification of the following major construction components: Project substation; O&M facilities; Drainage A cutoff wall; solar field areas; and on-site/off-site 230 kV transmission line. Maximum noise levels from construction equipment are identified by construction component and assessed for significance against applicable noise standards. All of the major construction components with the exception of solar panel foundation type (i.e., pile or concrete ballast) are common to all facility design options considered. As discussed in Draft EIR Section 5.18.3.2.3 (under "solar field"), the driven pile foundation option would involve the installation of approximately 465,000 steel piles throughout the solar field using pile drivers (hydraulic vibratory pile drivers) with associated noise levels of 88 dBA at 50 feet from the front of the equipment to 81 dBA at a distance of 50 feet from the rear of the equipment. The proposed Project includes a concrete batch plant near the O&M building (interior of Project site; noise level of 83 dBA Lmax at 50 feet assumed in Draft EIR noise assessment) to meet construction concrete needs. The concrete batch plant may be utilized regardless of solar panel foundation type selected (i.e., pile or concrete ballast).Use of concrete ballast foundations (pre-cast prior to placement in solar field) for solar panel array supports would not involve use of pile drivers or any other construction equipment/activities with noise levels outside the range of other typical construction equipment considered in the Draft EIR noise impact assessment for the Project. Therefore, as discussed in Section 5.18.3.2.3 of the Draft EIR, the pile foundation option using hydraulic vibratory pile drivers represents the worst-case construction noise impact scenario. The Draft EIR noise impact assessment assumes pile foundations and use of pile drivers in order to analyze the worst-case construction noise impacts from the Project as required by CEQA. The comprehensive noise assessment conducted for the Project is documented in Section 5.18 and Appendix I of the Draft EIR, including the applicable noise standards, identification of potential sensitive noise receptors (i.e., residences), baseline noise measurement results, impact assessment methodology and results for construction and operation phases, and mitigation requirements. With implementation of the noise mitigation specified in Section 5.18.5 of the Draft EIR, all construction and operational phase noise impacts are determined to be less than significant.

Response ORG-3-25:

The methodology for quantification of air emissions is presented in Draft EIR Section 5.6.3.2. As stated and discussed in Draft EIR Section 5.6.3.2, there are two primary scenarios for quantification of construction emissions – pile driven and concrete ballast foundations. Project construction emissions were calculated for both foundation scenarios and the results are presented separately for both scenarios in Draft EIR Section 5.6 (Air Quality), Tables 5.6-13 (pile scenario) and 5.6-14 (concrete ballast foundation scenario), and documented in Draft EIR Appendix D (Air Quality Emission Calculations and Wind Rose Data). As the Draft EIR clearly shows, the pile foundation scenario would result in greater emissions than the concrete ballast foundation scenario, but calculated emissions of criteria pollutants under both construction scenarios would be below applicable AVAQMD emission thresholds and would be less than significant. The emissions associated with a concrete batch plant are included and analyzed (Draft EIR Section 5.6 and Appendix D) in the event that the Project's need for concrete warrant an on-site concrete batch plant. The calculated construction emissions, with consideration of an on-site concrete batch plant (electric powered), are less than AVAQMD thresholds and, thus, less than significant. No further analysis is warranted.

Response ORG-3-26:

Project grading and excavation requirements are discussed in Draft EIR Section 4.4.6.4 (Site Clearing and Grading) and itemized in Table 4.4-2 (Estimated Grading/Cut and Fill and Non-grading Related Excavated Material Balance). The total Project grading-related balanced cut and fill (balanced on-site) is estimated to be 180,000 cubic yards, with an estimated additional 69,000 cubic yards of soil from on-site and off-site excavations (non-grading related) for a total of approximately 250,000 cubic yards of soil material movement during Project development. As stated in Section 4.4.6.4 of the Draft EIR, the total quantity of balanced cut and fill and non-grading related excavations on the site will depend on the final Project design and associated options selected, including foundation type(s). Figure 4.4-12 (Grading and Drainage Plan) of the Draft EIR (which is referenced by the commenter) lists estimated on-site grading related cut and fill as 179,996 cubic yards of cut and 179,710 cubic yards of fill. The difference between 179,996 and 179,710 is 286 cubic yards not 2,000 cubic yards as stated in this comment. The small variance between these estimates of grading related cut and fill does not affect the validity of the statements in the Draft EIR that approximately 180,000 cubic yards of grading related cut and fill would be balanced on-site. Table 4.4-1 (Estimated Grading/Cut and Fill and Non-grading Related Excavated Material Balance) of the Draft EIR (which is referenced by the commenter) lists both grading and non-grading related cut and fill whereas Draft EIR Figure 4.4-12 (Grading and Drainage Plan) only lists grading-related cut and fill which is consistent with standard engineering practice and requirements for grading and drainage plans. The grading related cut and fill estimates presented in Table 4.4-1 and Figure 4.4-12 of the Draft EIR are consistent (i.e.,

estimated 179,996 and 179,910 cubic yards of grading related cut and fill, respectively). Table 4.4-1 of the Draft EIR also lists estimates of non-grading related excavations (approximately 67,000 cubic yards on-site and 2,000 cubic yards off-site), which total approximately 69,000 cubic yards. Further, Table 4.4-1 of the Draft EIR lists the total grading related cut and fill and non-grading related excavations for the Project at 249,933 and 248,356 cubic yards of total cut and fill, respectively, with an estimated excess of 977 cubic yards of cut. The small variance (less than 0.04%) between the total estimated cut and fill (i.e., 977 cubic yards of excess) is considered "balanced" from a preliminary engineering perspective and does not affect the validity of the statements in the Draft EIR that approximately 250,000 cubic yards of grading related cut and fill and non-grading related excavations would be balanced on-site. The Draft EIR does not specify grading and excavation quantities of up to 700,000 cubic yards. The April 29, 2009 NOP for the Project presented in Draft EIR Appendix A stated that 700,000 cubic yards of grading was proposed and that the majority of the 700,000 cubic yards was for drainage channel improvements (Drainage A). The Applicant voluntarily removed the channel improvements from the Project prior to issuance of the Draft EIR. The total grading and non-grading related cut and fill estimate of approximately 250,000 cubic yards presented and analyzed in the Draft EIR is correct.

Response ORG-3-27:

Please refer to Response ORG-3-26. As shown in Draft EIR Table 4.4-1 (Estimated Grading/Cut and Fill and Non-grading Related Excavated Material Balance), the majority of the estimated 180,000 cubic yards of grading required for site development is for solar field infiltration trenches (approximately 111,000 cubic yards) and permanent access roads (50,000 cubic yards) and other Project facilities which are required irrespective of the solar panel option selected. Similarly, as shown in Draft EIR Table 4.4-1, the majority of on-site excavations (non-grading related) are associated with underground utility trenches and transmission pole foundations which are required irrespective of solar panel options. As shown in Draft EIR Table 4.4-1, the only pertinent difference in grading-related cut and fill between solar panel options is for trackers (i.e., versus fixed tilt), which are estimated to require a total of 10,050 cubic yards of cut for drive motor foundations. The maximum grading and excavation requirements for site development (i.e., including the aforementioned 10,050 cubic yards of cut for drive motor foundations) are presented in the Project Description and have been considered in applicable environmental resource assessments, including air quality. As stated in Draft EIR Air Quality Section 5.6.3.2.1 (Development of Construction Emissions), the cut and fill and excavation quantities utilized in the air quality assessment are as presented in Draft EIR Table 4.4-1.

Response ORG-3-28:

As discussed in Draft EIR Section 5.6.3.2.1, the large majority of water used during construction would be for dust control. Use of driven piles versus concrete ballast foundations would not substantially alter construction water use requirements. The foundation scenario selection process will be based on panel support type and site specific geotechnical considerations and not associated temporary minor water usage requirements. The worst-case estimate of water usage during construction is 150 AFY as stated and analyzed throughout the Draft EIR.

The Drainage Concept Report for the Project (Appendix C to the Draft EIR) evaluated the concrete ballast design as the worst case design scenario with respect to reduction in infiltration rates on the site associated with an increase in impervious areas. The report identified a design of infiltration basins to be constructed on the site that would adequately compensate for the reduced infiltration created by the ballast foundation design, resulting in less than significant impacts from the Project. Therefore, the worst case design results in an acceptable level of impacts, and no further evaluation is necessary.

Response ORG-3-29:

The Draft EIR does not fail to identify the need for a Stream Alteration Agreement, as discussed in Draft EIR Section 5.7.3.2.2. A Stream Alteration Agreement is not required for the Project. The proposed Project avoids disturbance of all four ephemeral washes on the Project site and provides adequate setbacks to avoid indirect impacts to the on-site drainages. The Project does not include installation of any Arizona crossings on the jurisdictional portion of Drainage A or elsewhere. The proposed cutoff wall is setback a minimum of 100 feet from Drainage A which is sufficient to avoid impacts to Drainage A.

The comment describes language in Section 1600 *et seq.* of the California Fish and Game Code related to Streambed Alteration Agreements, restates information contained in the Draft EIR related to the existing configuration of jurisdictional streambeds on-site, and asserts that the project would impact all four drainage channels on-site. The comment cites the Notice of Preparation (NOP) for the EIR, included in Appendix A to the Draft EIR, which describes the construction of "Arizona Crossings" and other drainage modifications as components of the Project. The County issued the NOP on April 29, 2009, more than one year prior to the release of the Draft EIR. During the intervening period, the Applicant voluntarily proposed changes to the description of the proposed Project intended to avoid impacts to jurisdictional streambeds. The description of the Project presented in Section 4.0 of the Draft EIR, including Figure 4.4-1A, reflects these changes, as does the impacts analysis presented in Section 5.7.3. As stated in Draft EIR Section 5.7.3.2.2, and shown on Figure 4.4-1A, no modifications or improvements within on-site drainages are proposed. The proposed buried

sheet piles parallel to Drainage A would be installed no less than 100 feet from the edge of the jurisdictional drainage, and would not divert, obstruct, or substantially alter the existing streambed. Given these considerations, the proposed activities would not require authorization from CDFG under Section 1600 *et seq.* of the Fish and Game Code. Figure 4.4-1A (Facility Site Plan) of the Draft EIR does not depict impacts to jurisdictional portions of all four (or any of the four) drainages on the Project site as purported by the commenter.

Response ORG-3-30:

The Draft EIR does not fail to identify the need for a Stream Alteration Agreement. See Response ORG-3-29. Accordingly, the Draft EIR neither violates the CEQA Guidelines nor improperly piece meals its environmental review of the Project.

Response ORG-3-31:

This is a general comment that introduces subsequent comments claiming that the Draft EIR employs an inaccurate and incomplete baseline. The subsequent comments specify this claim regarding air quality, biological, groundwater and subsidence, soil conditions, and visual resources. As specifically addressed in Responses ORG-3-33 through ORG-3-41, ORG-3-43, and ORG-3-45 through ORG-3-52, in accordance with CEQA Guidelines Section 15125, the Draft EIR describes the physical environmental conditions for the Project site, the proposed transmission line, and the vicinity of the Project as they existed at the time the Notice of Preparation was published. In addition, the environmental setting is used to constitute the baseline physical conditions by which an impact is determined to be significant.

Response ORG-3-32:

Section 5.6.2 of the Draft EIR identifies the means by which individuals may be exposed to Valley Fever, current meteorological and air quality conditions, and existing activities lending to the risk level of Valley Fever in the Project area, as well as the frequency of infection in the Project region. Section 5.6.2.5 also states that "At present, the local population is exposed to significant levels of dust, and the dust in the region is believed to contain the *C. immitis* fungi, thus the local population is most likely exposed to *C. immitis* fungi (i.e., Valley Fever)." This baseline information provides sufficient description of the environmental setting with respect to Valley Fever in order to provide an understanding of the potential significant effects of the Project, in accordance with CEQA Guidelines Section 15125. Refer to Response ORG-3-33.

Response ORG-3-33:

As discussed in Draft EIR Section 5.6.2.5 (Valley Fever in California and the Project Area), much of the land adjacent to the proposed Project area is zoned for agricultural use. The

Project site is not currently active agricultural land, but agricultural activities are ongoing in nearby areas. Dust from tilled agricultural land and off-road vehicles contribute to the current level of background dust near the site. The majority of dust in the region is generated from agricultural and off-road activities and wind storms. High wind episodes, when the wind speed is greater than 25 mph, occur approximately 5 percent of the time at the Poppy Park Remote Automated Weather Station (RAWS) just east of the Project site. The region is non-attainment for particulate matter, with the majority of these emissions occurring in the form of dust. At present, the local population is exposed to substantial levels of dust, and the dust in the region is believed to contain the *C. immitis* fungi, thus the local population is most likely exposed to *C. immitis* fungi (i.e., Valley Fever).

As discussed in the Draft EIR Section 5.9.2.1 (Agricultural Resources, Project Site), the Project site is located within the Antelope Valley Planning Area, which contains the largest amount of productive farmland in Los Angeles County. Agricultural uses comprise about 62,772 acres (approximately 40 percent) of land currently in use in the Antelope Valley Planning Area and agricultural uses in the Planning Area include grazing lands, alfalfa, orchards for stone fruits, and vineyards (LACDRP 2009). Agricultural activities in the Project site area vary from year to year but included large areas to the north and northeast of the Project site at the time the NOP was issued and the associated Draft EIR studies were performed.

The assessment of Valley Fever in Draft EIR Section 5.6 (Air Quality) identifies the existence and associated hazards of the *C. immitis* fungi, including the existing exposure of the local population and the relationship of dust generation activities (manmade and natural) to exposure. Draft EIR Section 5.6.4 (Cumulative Impacts) concludes that construction emissions from the Project would not result in cumulatively considerable increases in fugitive dust emissions. The total estimated Project specific emissions of PM_{10} over the 38-month construction period equate to approximately 0.04 percent of the total estimated emissions within the AVAQMD in 2008 (most recent data available).

As summarized in Draft EIR Section 5.6.6, the proposed Project would generate dust during the construction phase associated with ground disturbing activities and vehicular/equipment movement on unpaved surfaces. These dust-generating activities have the potential to increase the risk of exposure to Valley Fever (*C. immitis* fungi). With implementation of mitigation measures focused on reducing fugitive dust emissions and exposure (i.e., Mitigation Measures [MM] 5.6-1, 5.6-2, and 5.6-3) and MM 5.6-11 (Off-road Equipment Operator Worker Protection), the additional risk associated with dust and possible Valley Fever exposure would be substantially reduced in accordance with established risk minimization measures and would be considered less than significant for both Project direct and cumulative effects.

Response ORG-3-34:

The comment asserts that the Draft EIR failed to establish an adequate biological baseline because the survey data were limited to the Project boundaries. Consistent with CEQA Guidelines Section 15126.2(a), the Draft EIR considers and discusses the existing physical conditions of the potentially affected area. Numerous, full-coverage field surveys of the Project site were conducted to establish the existing biological conditions for purposes of the Draft EIR, as described in Draft EIR Section 5.7. Adjacent lands were not surveyed, because these lands are under private ownership by parties other than the Applicant, and the biological resources survey team did not have permission to access the lands for survey purposes. However, reviews of pertinent literature sources, including publicly available environmental documents and the spatial mapping data provided by the CDFG's California Natural Diversity Database (CNDDB) were conducted for the entire Project vicinity, and were not limited to the Project boundaries. While adjacent lands were not physically surveyed due to access constraints, the Draft EIR nevertheless considered resources within those lands in its analysis.

Response ORG-3-35:

The comment asserts that areas adjacent to the Project site, including adjacent areas bounded on two or more sides by the proposed Project, should be surveyed for biological resources with the same intensity as the Project site due to the potential for wildlife to move on and off of the site in these areas. As described in Response ORG-3-34, evaluation of off-site lands at the same level of detail as the Project site was not feasible due to access constraints, and was not necessary to ascertain baseline conditions in support of impact assessment for biological resources. In addition, the Project design features a minimum setback of 80 to 130 feet between the site boundaries and proposed solar arrays (see Draft EIR Figure 4.4-1A), which would minimize the potential for impacts to off-site biological resources.

Response ORG-3-36:

The comment points out that the proposed gen-tie is a component of the Project, and asserts that the Draft EIR and supporting materials fail to provide any information regarding survey efforts along the transmission line or Whirlwind Substation site. This assertion is incorrect. As described in Appendix E to the Draft EIR, biological field surveys of the transmission line route were conducted on February 3; March 26; April 8, 22, 23, and 30; May 1 and 8; and June 9 and 10, 2009. The surveys conducted were similar in scope and intensity to those undertaken within the Project site, and included vegetation mapping, general wildlife surveys, focused floristic surveys, protocol surveys for the burrowing owl, Joshua tree mapping, nesting bird surveys, and jurisdictional drainage delineations (Draft EIR Appendix

E, Table 4-1). In addition, biological surveys of the expanded study area surrounding the proposed transmission line route in Kern County were conducted in January 2010.

No surveys were performed within the Whirlwind Substation site, as that facility is not a component of the proposed Project. The Whirlwind Substation is part of the SCE Tehachapi Renewables Transmission Project, and has been previously evaluated under CEQA through an EIR prepared by the California Public Utilities Commission.

Response ORG-3-37:

Please refer to Response ORG-3-21. The comment asserts that the Draft EIR fails to identify the access roads necessary to construct and maintain the proposed transmission line, and that additional biological surveys may be needed. As described in Draft EIR Section 4.4, the proposed transmission line route would be installed partially within the right-of-way of 170th Street West, and partially on private lands. Where transmission line poles would be constructed outside the existing road right-of-way (applicable to Kern County portion), access would be obtained via a series of proposed construction pathways that would link the construction zones to 170th Street West (Draft EIR Section 4.4.6.7.6). Because of the route's close proximity to this existing roadway, no additional construction/maintenance access road along the transmission line is proposed. Refer to Response ORG-3-36 for information regarding the biological studies completed for the entire length of the transmission line.

Response ORG-3-38:

The comment asserts that because the biological surveys for the Project site were directed towards birds and plants, these surveys do not constitute substantial evidence regarding the presence of "terrestrial vertebrae." As stated in Draft EIR Appendix E, general surveys for wildlife were incorporated into the other surveys conducted within the Project site. This practice was associated primarily with the focused botanical surveys and protocol burrowing owl surveys of the site, because these surveys required intensive, repeated pedestrian transects of the entire site. While it is true that surveys for the burrowing owl are technically "bird surveys," these surveys do not involve "looking upwards at birds" as the commentor suggests. During the burrowing owl transect surveys, survey effort is directed at the ground in an attempt to identify small mammal burrows or other features that may be suitable for use by burrowing owls, as well as other owl signs such as pellets and white wash. Likewise, focused botanical surveys also require careful examination of the ground in an effort to detect and identify low-growing plant species. The substantial number of full-coverage, pedestrian transect surveys conducted during the spring of 2009 were adequate to compile baseline information regarding biological resources within the site, including terrestrial vertebrates.

Response ORG-3-39:

According to the California Burrowing Owl Consortium Protocol (CBOC 1993), Phase III burrowing owl surveys are intended to determine "if, when, and how the site is used by burrowing owls." The initial site visit in this Phase III survey effort is dedicated to examining burrows previously identified as potential owl burrows for evidence of owl occupation. The three subsequent visits to determine use of the site by owls are to be conducted "from two hours before sunset to one hour after or from one hour before to two hours after sunrise" (CBOC 1993). Following this protocol, after an initial Phase III visit to check burrows for signs of owl occupancy, subsequent visits were conducted from two hours before sunset to one hour after (see Table 4-1 of the Biota Report, Draft EIR Appendix E). Prior to conducting Phase III surveys, Phase II surveys were conducted "for burrows and owls," following the CBOC protocol. This protocol makes no stipulation of what time of day these surveys should take place, or what conditions are suitable for conducting surveys (CBOC 1993). And, as these surveys involve walking straight-line transects over the entire site, it is not practical to perform them in darkness.

Winds exceeded 20 mph for a portion of both the April 30 and May 6, 2009 Phase II evening burrowing owl surveys. However, weather data for the period April 23-May 31, 2009 show that winds exceeded 20 mph on 27 of 38 evenings, at the time of day specified for evening surveys in the CBOC protocol. Therefore, winds encountered on April 30 and May 6, which only exceeded 20 mph for part of the surveys and never exceeded 27 mph, appear to be normal for this time of year, at this location. In addition, during the April 30 and May 6 surveys, owls were observed at all locations identified as potentially supporting burrowing owls. These areas are those identified in the Draft EIR as supporting burrowing owls, and that are excluded from development. No areas identified after Phase II and the initial Phase III survey as potentially supporting burrowing owls are within the project footprint. In summary, the burrowing owl surveys and assessment performed for the Project provide adequate baseline data to establish existing burrowing conditions analyzed in the Draft EIR.

Response ORG-3-40:

CEQA Guidelines section 15125(a) provides: "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." However, "the date for establishing baseline cannot be a rigid one. . . . In some cases it is necessary to consider over a range of time periods." (*CBE v. SCAQMD*, 48 Cal.4th 310, 327-328 (2010) (quoting *Save Our Peninsula*, 87 Cal.App.4th at 125).) "Neither CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an

agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence. (*CBE v. SCAQMD*, 48 Cal.4th 310, 327-328 (2010) (citing *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412, 435 (2007)).)

As discussed in Responses ORG 3-41 through 3-45, the Draft EIR does not use groundwater use dating back to 1990 or a theoretical entitlement to groundwater as the environmental baseline for Project impacts.

Response ORG-3-41:

The Draft EIR does not use groundwater use dating back to 1990 as the environmental baseline for the Project. Rather, the Draft EIR discusses the historic water usage on the project site in the context of the current Adjudication of the Antelope Valley Groundwater Basin. Accordingly, Draft EIR Section 5.14.2.1.1 provides information about the Antelope Valley Groundwater Basin Adjudication, which is expected to determine all groundwater pumping rights in the Basin. As discussed in Draft EIR Section 5.14.3.2.1, LACDRP developed a refined threshold of significance for projects in the Antelope Valley Groundwater Basin that rely upon groundwater. This analysis requires a determination of whether the Project's groundwater usage would be consistent with the amount of groundwater reasonably estimated to be allocated to the Project site as its share of the native safe yield for the Antelope Valley Groundwater Basin. Accordingly, the Draft EIR discusses historical water usage within the Antelope Valley Groundwater Basin as it has implications for resolution of claims of prescription and claims of overlying owners to quiet title to water rights, as well as the final allocation of water rights in the Adjudication. As discussed in Draft EIR Section 5.14.2.1.1 and Appendix J2, the relevant period for determining historic water usage within the Antelope Valley Groundwater Basin in the Adjudication is likely to be a 5-year period in the 1990s to be determined by the Court. Accordingly, Draft EIR Section 5.14.2.1.2 discusses the historical water use at the Project site during a period that may be contemplated by the Adjudication and be relevant to the Project site's allocation. As discussed in Draft EIR Section 5.14.3.2.1, the historical water usage was considered to determine that the Project's water usage would be a significant reduction from the amount of water estimated to be allocated to the Project site as its share of the safe yield for the Basin as determined in the Adjudication.

Response ORG-3-42:

As discussed in Responses ORG-3-40 and ORG-3-41, the historical groundwater usage was not discussed as the physical environmental conditions in the vicinity of the Project site as it existed at the time the environmental review commenced. Nor was historical groundwater

usage assessed to provide a description of current conditions. Nor did the Draft EIR make a determination based on a groundwater entitlement that has not been made nor did it fail to measure the Project's impacts against the real conditions on the ground.

The Draft EIR adequately described the physical environmental conditions in the vicinity of the Project site. The groundwater use as of the date the NOP was filed for the Project in April 2009 was approximately 1 AFY. As discussed in Draft EIR Section 5.14.2.1.1, there is an adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project's water use based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin. Refer to Responses ORG-3-65, ORG-3-66, ORG-3-67, and ORG-3-70 for more information.

The Antelope Valley Groundwater Basin is in Adjudication. Accordingly, Draft EIR Section 5.14.2.1.1 provides information about the Antelope Valley Groundwater Basin Adjudication, which is expected to determine all groundwater pumping rights in the Basin. As discussed in Draft EIR Section 5.14.3.2.1, LACDRP developed a refined threshold of significance for projects in the Antelope Valley Groundwater Basin that rely upon groundwater. This analysis requires a determination of whether the Project's groundwater usage would be consistent with the amount of groundwater reasonably estimated to be allocated to the Project site as its share of the native safe yield for the Antelope Valley Groundwater Basin. Accordingly, the Draft EIR discusses historical water usage within the Antelope Valley Groundwater Basin as it has implications for resolution of claims of prescription and claims of overlying owners to quiet title to water rights, as well as the final allocation of water rights in the Adjudication. As discussed in Draft EIR Section 5.14.2.1.1 and Appendix J2, the relevant period for determining historic water usage within the Antelope Valley Groundwater Basin in the Adjudication is likely to be a 5-year period in the 1990s to be determined by the Court. Accordingly, Draft EIR Section 5.14.2.1.2 discusses the historical water use at the Project site during a period that may be contemplated by the Adjudication and be relevant to the Project site's allocation.

Response ORG-3-43:

As discussed in Responses ORG-3-41 and ORG-3-42, the historic water usage is not discussed as representing the physical environmental condition or baseline, but rather is included because it is relevant to the Adjudication and has implications on the Project site's allocation of groundwater in the Adjudication. The comments regarding agricultural activities at the Project site and Antelope Valley Groundwater Basin are noted. Where no documentation is available, CEQA allows "good faith estimates of actual historical use." (*Save Our Peninsula*, 87 Cal.App.4th at 143 (stating, in a baseline context, "water figures [in

the EIR] shall reflect actual water use on the property, where possible, and methodologies for determining baseline shall be supported by evidence of actual water use on the property or, where no documentation is available, by good faith estimates of actual historical use.").) Draft EIR Section 5.14.2.1.2 discusses the historical water usage data based on acreages of crops under cultivation provided by the previous property owner. The estimated historical water use to irrigate alfalfa on the Project site between approximately the late 1960s through the early 1990s was approximately 776 AFY. The estimated historical water use to irrigate onions as recently as 2004 was 392 AFY.

Response ORG-3-44:

As discussed in Draft EIR Section 5.14.2.1.2, the groundwater use as of the date the NOP was filed for the Project in April 2009 was approximately 1 AFY. The groundwater was used from the farm residence well for domestic purposes at the farmhouse. The Applicant and the previous property owner had a rental agreement for the Property in 2009, and the previous property owner occupied the farm residence in April 2009. As discussed in Responses ORG-3-41 and ORG-3-42, the historic water usage is not the physical environmental condition or baseline, but is relevant to the Adjudication process and has implications on the Project site's allocation in the Adjudication. As discussed in Response ORG-3-45, the Draft EIR includes a description of the physical environmental conditions in the vicinity of the Project site, as they existed at the time the NOP was published, from both a local and regional perspective. (CEQA Guidelines §15125(a).)

Response ORG-3-45:

The Draft EIR includes a description of the physical environmental conditions in the vicinity of the Project site, as they existed at the time the NOP was published, from both a local and regional perspective. (CEQA Guidelines §15125(a).) As discussed in Draft EIR Section 5.14.2.1.1, groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin since the 1920s, which has resulted in declining water levels and land subsidence primarily in the eastern portion of the Antelope Valley Groundwater Basin. Draft EIR Section 5.14.2.1.1 states that currently, the demand for water in the Antelope Valley exceeds the available supplies. The average annual native recharge plus local return flows is currently estimated as approximately 82,300 AFY. Coupled with return flows from imported water, the total sustainable yield of the Antelope Valley Groundwater Basin is estimated to be approximately 110,000 AFY. Current groundwater extraction rates are estimated to be approximately 160,000 AFY. Since groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin, the Basin may be in overdraft.

As discussed in Draft EIR Section 5.14.2.1.2, the groundwater use as of the date the NOP was filed for the Project in April 2009 was approximately 1 AFY. Draft EIR Section 5.14.2.1 and Appendix J discuss groundwater in the vicinity of the Project site. A well investigation was performed within the Project area portion of the Antelope Valley, which included a review of well data within the Project area dating back to 1960 and groundwater contour data. Based on the well investigation, the groundwater levels at the Project site appear to have been stable or increasing since 1961. The well investigation test performed on-site demonstrates that the Project's required groundwater use would result in minimal impact to surrounding wells. (See Draft EIR Appendix J, Figure A6.) Draft EIR Section 5.14.3.2.1 determined there is an adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project's water use based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin.

Response ORG-3-46:

The Draft EIR's project description contains information necessary for evaluation and review of the Project's environmental impact. (CEQA Guidelines § 15124.) Draft EIR Section 5.14.2.1.1 discusses groundwater pumping activities at and in the vicinity of the Project site. The Project site overlays the western portion of the Antelope Valley Groundwater Basin. A well investigation performed by URS within the Project area included a review of well data within the Project area dating back to 1960, which indicated that water levels have risen and/or stabilized in most wells in the vicinity of the Project site (URS 2009) since the 1960s. URS also reviewed groundwater contour data from Durbin (1978) and RWMG (2007). Section 5.14.3.2.1 analyzes that well data and other relevant groundwater resource information to reach the reasonable conclusion based on substantial evidence that no significant impact is expected on surrounding groundwater resources from the Project's proposed pumping during construction and operation.

As discussed in Draft EIR Section 5.14.2.1.2 and Appendix J, as part of the groundwater investigation for the Project site, water levels and well records were obtained and evaluated for all available wells upgradient and downgradient for the an area about 100 square miles surrounding the Project site. Average well yields, wells depths, and water level records for that data are presented in Draft EIR Appendix J. In addition, the Draft EIR includes the water level record (for the past 60 years) for the USGS monitoring well 8N14W-18N1 located approximately 0.5 mile northeast and downgradient from the Project site. Draft EIR Appendix J (Figure 5) presents a clear visual record of the results of water use and groundwater conditions in the Project area.

Response ORG-3-47:

The LACDRP respectfully disagrees with the comment that the Draft EIR's analysis of baseline conditions in the Antelope Valley Groundwater Basin is gravely flawed. Draft EIR Section 5.14 relies upon several references to describe the physical environmental condition including:

- California Department of Water Resources (DWR). 2004. California's Ground Bulletin 118: South Lahontan Hydrologic Region, Antelope Valley Groundwater Basin. February 27, 2004.
- California Integrated Water Management Board (CIWMB). 2009. Jurisdiction Profile for Los Angeles County (Unincorporated). 2009.
- Durbin, T. J. 1978. Calibration of a Mathematical Model of the Antelope Valley Ground-Water Basin, California. Geological Survey Water-Supply Paper 2046.
- Kern County Planning Department (KCPD). 2008. Willow Springs Specific Plan. Adopted March 16, 1992. Amended April 1, 2008.
    - 2007. Kern County General Plan. Adopted June 15, 2004. Amended March 13, 2007.
    - 2006. Antelope Valley Water Bank Project (SCH# 2005091117), Final Environmental Impact Report. April 2006.
- Larsen, J. 2010. Larsen Ranch (previous property owner). Personal communication with URS Corporation (P. Menk). March 6, 2010.
- Los Angeles County Department of Public Works (LACDPW). 2010. Letter from Dennis Hunter to Sorin Alexanian dated June 10, 2010 and attached Technical Memorandum (Water Requirements and Groundwater Supply AV Solar Ranch One) dated June 1, 2010 prepared by Joseph C. Scalmanini.
- Regional Water Management Group (RWMG) for the Antelope Valley Integrated Regional Water Management Plan. 2007. Antelope Valley Integrated Water Management Plan. 2007.
- URS. 2009. Groundwater Characteristics at the AV Solar Ranch One Site in Southwestern Antelope Valley, Los Angeles County, California. November.
- U.S. Department of the Interior, U.S. Geological Survey (USGS). 2003. Simulation of Ground-Water Flow and Land Subsidence in the Antelope Valley Ground-Water Basin, California (Water Resources Investigations Report 03-4016). 2003.
- 1993. Draft Study Plan for the Geohydrologic Evaluation of Antelope Valley, and Development and Implementation of Ground-Water Management Models. 1993.

The memorandum from Dennis Hunter with Los Angeles County Department of Public Works to Sorin Alexanian with LACDRP dated June 10, 2010, attached a Technical Memorandum (Water Requirements and Groundwater Supply AV Solar Ranch One) dated June 1, 2010, prepared by the County's groundwater expert Joseph C. Scalmanini. Collectively, the memorandum from Dennis Hunter and the attached Technical Memorandum prepared by Joseph C. Scalmanini are cited in the Draft EIR as LACDPW 2010. LACDPW 2010 is found at Draft EIR Appendix J2. As discussed in Draft EIR Section 5.14.2.1.1 and Appendix J2, currently, the demand for water in the Antelope Valley exceeds the available supplies. The average annual native recharge plus local return flows is currently estimated as approximately 82,300 AFY. Coupled with return flows from imported water, the total sustainable yield of the Antelope Valley Groundwater Basin is estimated to be approximately 110,000 AFY. Current groundwater extraction rates are estimated to be approximately 160,000 AFY.

Response ORG-3-48:

Draft EIR Section 5.14.2.1.1 includes a description of the physical environmental conditions at the Antelope Valley Groundwater Basin to inform the public and decision makers. Draft EIR Section 5.14.2.1.1 cites to the U.S. Department of the Interior, U.S. Geological Survey, Simulation of Ground-Water Flow and Land Subsidence in the Antelope Valley Ground-Water Basin, California (Water Resources Investigations Report 03-4016) (2003), included as attachment G to Comment Letter ORG-3, to inform that groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin since the 1920s, which has resulted in declining water levels and land subsidence primarily in the eastern portion of the Antelope Valley Groundwater Basin. Draft EIR Section 5.14.2.1.1 states that currently, the demand for water in the Antelope Valley exceeds the available supplies. The average annual native recharge plus local return flows is currently estimated as approximately 82,300 AFY. Coupled with return flows from imported water, the total sustainable yield of the Antelope Valley Groundwater Basin is estimated to be approximately 110,000 AFY. Current groundwater extraction rates are estimated to be approximately 160,000 AFY. Since groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin, the Basin may be in overdraft. In an Order scheduling the Third Phase of the Trial in the Adjudication, the Court stated that it will hear evidence as to whether the Basin is in overdraft.

Response ORG-3-49:

The comment states that the Draft EIR fails to disclose baseline soil conditions as described in a prior Phase I Environmental Site Assessment (ESA) prepared by a consultant in 2007. On the contrary, Draft EIR Section 5.15.3.2.3 identifies the potential for contaminated soils due to past uses on the site, including pesticides as a result of agricultural activities. The 2007

Phase I ESA recommended soil sampling within the 80 acres south of the ranch area. The Draft EIR identifies Mitigation Measure 5.15-1 (Additional Assessment, and Possibly Remediation of Potentially Contaminated Soils on the Project Site), which requires sampling (i.e., Phase II ESA) over the entire Project site (approximately 2,100 acres), which encompasses the stated 80 acres south of the ranch residence as well as the remaining Project site area.

The comment states that the Draft EIR fails to state when onion farming commenced on the Project site. The Draft EIR identifies the best-known timeframe for agricultural production on the site (i.e., from at least the 1950s, farmed continuously until 1995, and had the last irrigated farming activity in 2004 for a crop of onions), and identifies the known historic crops, which for the purposes of this Draft EIR, is sufficient to analyze potential impacts and identify mitigation measures to result in less than significant impacts. The comment also states that the Draft EIR fails to disclose the types of pesticides that could have potentially been used on the site for onion cultivation, and refers to the commenter's sub-contractor comment letter (ORG-3A), which, lists four possible pesticides and cites a uniform resource locator (URL) to the Pesticide Action Network webpage listing more than 50 top pesticides used on onions in California in 2008. Listing four (or more than 50) potential pesticides that may or may not have been used on the site would not add meaningful data to the Draft EIR impact analysis, as the Draft EIR already identifies historic pesticide use as a potential contamination source, and identifies appropriate mitigation to result in less than significant impacts. Therefore, the Draft EIR presents sufficient information identifying existing baseline soil conditions at the Project site.

Response ORG-3-50:

The comment erroneously states that no documentation on how the post-construction KOP simulations were created were provided in the Draft EIR. The Draft EIR presents a detailed description of the simulation preparation in Section 5.10.3.4.2, which includes: a description of the equipment used (Fuji GX 617 panoramic camera providing a 2.25-inch by 6-inch film transparency, Nikon 12-megapixel digital camera with a 35-mm lens image, hand-held GPS unit, and various computer software [terrain model, computer-aided design, rendering software, etc.]); the steps and procedures followed to generate the simulations; and the methodology and purpose of the procedures. Draft EIR Section 5.10.3.4.2 also described methods employed to produce visual accuracy (for instance, use of a terrain model to align the Project computer model to the photographs, use of computer aided design (CAD) for life-sized modeling, use of global positioning systems [with coordinates depicted on Draft EIR Figure 5.10-1B] to accurately georeference facility equipment locations, color mapping and texturing of all modeled elements to simulate actual facility materials, simulating the lighting conditions at the time the photographs were taken. etc.). In summary, the Draft EIR provides

documentation on the simulation preparation that provides an adequate level of detail to address the accuracy and suitability of the simulations.

Response ORG-3-51:

Draft EIR Section 5.10 (Visual Qualities) presents two KOPs from SR-138: KOP 1, perspective facing west (see Draft EIR Figures 5.10-4 and 5.10-5); and KOP 2, perspective facing north at 170th Street West (see Draft EIR Figures 5.10-6 and 5.10-7). KOP 1 (looking west) was selected because the predominant public viewing perspective from SR-138 along that segment would be from a motorist traveling along SR-138. No public turnouts or resting locations are located along SR-138 at the Project site area where viewers are able to stop and gaze northward or southward into the privately-owned property. KOP 2 shows the view looking northward near the intersection of SR-138 and 170th Street West, and represents a feasible perspective of a motorist traveling north at the intersection, where major components of the Project are shown, including the solar array fields, operations and maintenance building, water tank area, and 34.5-kV and 230-kV transmission lines. As a result, KOP 1 and KOP 2 presented in the Draft EIR are considered adequate in representing the feasible views of the facility from the available public viewing locations.

Response ORG-3-52:

The comment implies that the Draft EIR should include a KOP at the Fairmont/Antelope Buttes area owned by the Santa Monica Mountains Conservancy. The Draft EIR analysis considered the Conservancy-owned public lands and the current status of the property without designated public trails. There is currently no public access to the Conservancy property. Accordingly, it cannot be assumed that there is a public viewing location; hence, this location was not selected for a KOP. As a result, KOP 3, which was selected based on its relative close proximity to the Project site from an existing trail at the Antelope Valley California Poppy Reserve with visible view (i.e., not topographically screened) of the Project site area, would be considered an appropriate public viewing location from near the Fairmont/Antelope Buttes area.

Response ORG-3-53:

As addressed in Response to Comments ORG-3-50, ORG-3-51, and ORG-3-52, the Draft EIR has adequately documented preparation of the KOP simulations, appropriately selected KOPs along SR-138, and has adequately selected KOP 3 as a representative a public viewing location from the Fairmont/Antelope Buttes area. As a result, the County disagrees with the unsupported claim asserted in this comment.

Response ORG-3-54:

The assessment of potential Project impacts related to C. immitis fungi (i.e., Valley Fever) presented in the Draft EIR Section 5.6 is not predicated on an assumption that there is no risk of public exposure based on past or current exposure of the local populace. The excerpt taken and cited by the commenter from Draft EIR Section 5.6.2.5 (Valley Fever in California and the Project Area) is part of the environmental baseline section and is relevant and accurate – i.e., the local populace in the Antelope Valley, including the Project area, is exposed to significant levels of dust that likely contains the C. immitis fungi. This is relevant background information, however, the impact finding is based primarily on the Project related risk which is mitigated to less than significant levels via implementation of substantial mitigating dust control and worker protection measures. Project construction activities with dust generation potential would be controlled in accordance with AVAQMD and Draft EIR mitigation requirements. With implementation of mitigation measures focused on reducing fugitive dust emissions (i.e., MM 5.6-1, 5.6-2, 5.6-3) and worker exposure (MM 5.6-11, Off-road Equipment Operator Worker Protection), the risk associated with dust exposure and possible Valley Fever exposure would be substantially reduced in accordance with established risk minimization measures and would be considered less than significant.

Response ORG-3-55:

As discussed in Draft EIR Section 5.6 (Air Quality), operation of the proposed Project would result in minimal emissions, including fugitive dust during the operational phase. All operational phase emissions, including fugitive dust, would be less than AVAQMD annual thresholds as demonstrated in Draft EIR Table 5.6-17 (Estimated Daily Maximum Operational Emissions of Criteria Pollutants. Estimated operational phase emissions of PM_{10} are estimated to be 18.1 pounds per day whereas the applicable AVAQMD standard is 82 pounds per day.

Response ORG-3-56:

As discussed in Response ORG-3-21, the proposed Project transmission line does not include an access road along the transmission line.

Response ORG-3-57:

The measures specified in Draft EIR Section 5.6.5 are adequate to substantially reduce and mitigate Project-related dust generation and the risk of Valley Fever in accordance with established risk minimization measures and potential impacts are considered to be less than significant. Please refer to Responses ORG-3-14, ORG-3-33, and ORG-3-54.

Response ORG-3-58:

Please refer to Responses ORG-3-14, ORG-3-33, and ORG-3-54. Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan) presented in Draft EIR Section 5.6.5 (Air Quality, Mitigation Measures) specifies appropriate, practical measures to substantially reduce fugitive dust emissions and associated Valley Fever exposure risk. In addition, Mitigation Measure 5.6-11 (Off-road Equipment Operator Worker Protection) in Draft EIR Section 5.6.5 specifies measures to protect construction workers involved with earth moving activities. With implementation of these established risk minimization mitigation measures, potential impacts are considered to be less than significant. No further analysis is warranted.

Response ORG-3-59:

Please refer to Responses ORG-3-14, ORG-3-33, ORG-3-54, and ORG-3-58 relative to fugitive dust comments. Please refer to Responses ORG-3-26 and ORG-3-27 relative to Project related cut and fill quantities. Emissions from installation of the cutoff wall which is proposed along both sides of the 100-foot setback for Drainage A are included in the construction air emission calculations presented in Draft EIR Appendix D and Section 5.6 (Air Quality). Installation of the subsurface cutoff wall would be performed with a vibratory pile driver and would not involve any soil excavation. The vibratory pile driving equipment activities would involve subsurface soil disturbance that would be subject to watering at the surface to control dust emissions, which would result in minimal dust emissions. All Project-related on-site construction activities would be subject to the fugitive dust control measures required under Mitigation Measure 5.6-2 (Develop and Implement Fugitive Dust Emission Control Plan), including compliance with AVAQMD Rule 403 requirements. With mitigation, AVAQMD emission thresholds for criteria pollutants, including PM_{10}, would not be exceeded during the construction and/or operational phases and fugitive dust emission impacts would be less than significant.

Response ORG-3-60:

Please refer to Responses ORG-3-14, ORG-3-33, ORG-3-54, and ORG-3-58.

Response ORG-3-61:

No trapping for the Mohave ground squirrel was done because the site is outside the species' known range, according to the most current information. The Laabs (2004) Mohave ground squirrel account cited in the Biota Report (Draft EIR Appendix E) is supported by information published by Leitner (2008) on the current and historic distribution of this species. Assembling a comprehensive database of occurrences of the Mohave ground squirrel, Leitner showed its historic range as ending more than 10 miles east of the site.

Trapping grids east of SR-14 yielded no occurrences of this species between 1998 and 2007, according to Leitner. Similarly, the California Natural Diversity Database, maintained by CDFG, includes no records for this species within 13 miles of the site. The Mohave ground squirrel data used in the Draft EIR is based on consistent, verified, and recent scientific data. As a result, consideration of Mohave ground squirrel in the Draft EIR is based on sound justification, and Project impacts are adequately addressed.

Response ORG-3-62:

Although the desert tortoise is known to occur in the Antelope Valley east of SR-14 and, from recent (2009) surveys, areas more than 15 miles to the northeast of the site, habitat on the site was judged to be unsuitable for desert tortoise. USFWS concurred that desert tortoises were unlikely to occur on the site, and that protocol surveys for this species were unnecessary (see Ray Bransfield's [USFWS] email response in Draft EIR Appendix A.3 Agency Coordination regarding Notice of Preparation Response.) For further details regarding communications with USFWS, please refer to Response ORG-3B-7.

Response ORG-3-63:

Biological surveys suggest that the Greater roadrunner was absent from the orchard and from the adjacent residential compound in 2009. A bird survey of the orchard and ornamental trees was conducted on June 10, 2009. According to Kiff and Irwin (1987), 92 greater roadrunner egg sets collected in southern California were taken between early March and mid-July. The period in which nestlings are present, when bird nests are easier to find, is slightly later. Therefore, mid-June is a good time for detecting nests of this species. In addition, no roadrunners were seen in this area during breeding bird surveys (April 23 to June 10), when biologists walked the eastern edge of the orchard and performed point count surveys at the orchard edge and in full view of the residential area. The distinctive cooing of this species, audible up to 250 meters (800 feet; Hughes 1996), was never heard on-site. Therefore, even if the orchard or ornamental trees surrounding the on-site structures are suitable nesting habitat, surveys suggested this species did not breed at this location in 2009. The only observation of this large, relatively conspicuous species on the site was from the northeastern corner of the site, near suitable nesting habitat in Joshua tree woodland. Mitigation Measure 5.7-2, Off-Site Mitigation for Loss of Habitat (as modified; see Section 2.0, Revisions to the Draft EIR in this Final EIR), states that "Lands containing Joshua tree woodland habitat are desirable locations for off-site mitigation, due to the continuing loss and degradation of this resource." The proposed Project site development area avoids Joshua tree woodland areas, including the juvenile Joshua tree recruitment area avoidance area (and setback) on the Project site. The inclusion of Joshua tree woodland within off-site mitigation lands would provide more suitable habitat, and likely more extensive, nesting habitat than might be removed by development of the Project.

Response ORG-3-64:

A 100-foot buffer surrounding Drainage A was determined to be appropriate based on the nature of the site, the ephemeral flow regime within the drainage and the proposed surrounding uses. Because the site is topographically simple, and lacks well-defined drainage patterns, the opportunity for upstream activities to affect the stream is low. Also, because the proposed land use within the Project site is largely passive, and would not involve substantial levels of activity once constructed, chances for impacts to occur would be further minimized. It should be noted that Alternative 2 incorporates and analyzes a 1,500-foot setback from Drainage C (see Draft EIR Figure 6-1, Alternate Layout with Increased Setbacks). The Draft EIR specifically analyzes and addresses potential impacts due to hazardous materials use and storage during construction and operation in Section 5.15.3.2.1. The analysis identifies required implementation of a facility hazardous materials and hazardous waste management program for both construction and operation phases, proper transport of hazardous materials, fueling and maintenance procedures, and emergency response plan and procedures (refer to Draft EIR Section 5.15.3.2.1). Additionally, the Draft EIR addresses and mitigates the potential for dumping of other contaminants into on-site drainages with implementation of Mitigation Measure 5.3-1 (Erosion Control and Stormwater Management Measures), Mitigation Measure 5.5-1 (On-Site Wastewater Treatment System Feasibility Report), Mitigation Measure 5.7-5 (Biological Monitor), and Mitigation Measure 5.7-6 (Worker Environmental Awareness Program). Further, due to the low-gradient nature of the Project site, the potential for any spilled materials to traverse the 100-foot buffer and make their way into on-site drainage channels is remote. Also, because the drainage does not exhibit surface flows during most of the year, there would likely be opportunities for any spilled substance to be cleaned up prior to rain events.

Response ORG-3-65:

The Initial Study (Draft EIR Appendix A, Attachment 2) indicates that the Project site is in an area of "inadequate public supply," but does not indicate that the Project's impacts to water supplies are potentially significant. "Inadequate public supply" was checked because the public water purveyors do not currently provide water service to or in the near vicinity of the Project site. (See Draft EIR Section 5.14.2.1.1.) The Draft EIR includes extensive analysis regarding the project's potential impacts to water supplies and, based on that analysis, concludes that there would be a less than significant impact. As discussed in Responses ORG-3-42, ORG-3-45, and ORG-3-46, the Draft EIR includes extensive evaluation and analysis of historical water level and pumping data for the Project area, which was performed to determine that the Project's proposed groundwater use would not have a significant impact on groundwater resources.

Response ORG-3-66:

Refer to Response ORG-3-45. Available data indicate that the Antelope Valley Groundwater Basin may be in overdraft. However, as discussed in Response ORG-3-36, based on available data analyzed in the Draft EIR, water levels within the Project area have generally risen since the 1960s and appear to have stabilized. As discussed in Draft EIR Section 5.14.2.1.2, the historical water use on the Project site between approximately the late 1960s to early 1990s was approximately 776 AFY. As recently as 2004, the water use on the Project site was approximately 392 AFY. The historical well records from the USGS monitoring well do not evidence impacts of Project site groundwater pumping on surrounding wells. The proposed Project's estimated construction water use of 150 AFY (over a period of approximately 38 months) equates to less than 20 percent of the high historical groundwater us at the Project site. The Project's long-term operational water use of 12 AFY equates to less than 2 percent of the upper level of historical groundwater use at the Project site. Therefore, the Project's proposed groundwater use is anticipated to have a less than significant impact on nearby and surrounding wells and no mitigation is required.

The Draft EIR addresses the impacts of likely future water sources if groundwater ceases to be sufficient. Draft EIR Section 5.14.3.2.1 acknowledges the degree of uncertainty involved and "discusses the reasonably foreseeable alternatives." (See *Vineyard Area Citizens for Responsible Growth,* 40 Cal.4th at 432, 434) ("where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and the environmental consequences of these contingencies.").) These alternatives include seeking transferable groundwater rights from a landowner and/or public water supplier or payment of an assessment to the Watermaster. Since such water would be within the total sustainable yield for groundwater pumping established for the Basin in the Adjudication, no significant impact would occur. The Draft EIR also discloses the significant foreseeable environmental effects of purchasing and trucking fresh and/or reclaimed water from sources in the general Palmdale/Lancaster area including wholesalers, retailers, or recycled water suppliers. Based on the air and traffic analysis conducted for the Project, the Draft EIR concludes that the level of truck traffic to truck water would not present a significant impact.

Response ORG-3-67:

Refer to Responses ORG-3-46, ORG-3-65, and ORG-66. Based on available data analyzed in the Draft EIR, water levels within the Project area have generally risen since the 1960s and appear stable. The proposed Project's estimated construction water use of 150 AFY (over a period of approximately 38 months) equates to less than 20 percent of the high historical groundwater us at the Project site. The Project's long-term operational water use of 12 AFY

equates to less than 2 percent of the upper level of historical groundwater use at the Project site. Therefore, the Project's proposed groundwater use is anticipated to have less than a significant impact on nearby and surrounding wells. As the Draft EIR included information about the potential environmental impacts of the Project on surrounding wells and determined that the Project will have less than a significant impact, LACDRP is not required to recirculate the Draft EIR prior to certification. (See CEQA Guidelines section 15088.5.)

Response ORG-3-68:

As discussed in the Draft EIR, implementation of the proposed Project would result in a potentially significant impact to on-site habitats for the majority of the site. This impact would be mitigated through the avoidance and enhancement of approximately 100 acres of on-site habitat, as well as through the acquisition and preservation of approximately 450 acres of off-site habitat in perpetuity. Within these areas, Mitigation Measures 5.7-1 and 5.7-2 (as modified; see Section 2.0, Revisions to the Draft EIR in this Final EIR) would require that coverage by invasive weeds be limited and maintained. In addition, requirements that herbicide use would require approval by LACDRP and would be applied by qualified personnel (Mitigation Measure 5.7-1) would limit unintentional effects of inappropriate herbicide use.

As mentioned in Draft EIR Section 5.7.3.2.5, discussing impacts to Blainville's horned lizards, burrowing owls, and other special-status bird species, the Project would result in new perching opportunities for common ravens within the site boundaries. However, existing vegetation that would be removed due to project development (ornamental trees, native and ornamental shrubs) already provides ample perching opportunities for this species, which is common on the site and in the Antelope Valley in general. Existing power poles along SR-138 and 170th Street West also provide perches and nesting sites for this species. Raven perching around the site perimeter, in particular, would have the potential to impact native wildlife, as these areas would be closest to the undisturbed natural habitats surrounding the site. However, slack wire to be incorporated on these fences would deter raven perching. The Project would not provide new drinking sites from landscape irrigation, as drip irrigation would be employed in the landscaped areas (all along SR-138), and no standing water would result. The off-site transmission line would use a design that would not encourage nesting by ravens. Wooden, on-site transmission lines may provide some nesting opportunities for ravens, but these would be located within the site and away from the undisturbed and more sensitive habitats at the site perimeter.

Response ORG-3-69:

Refer to Response ORG-3-40 for a discussion of CEQA Guidelines section 15125(a), which requires that an EIR include a description of the physical environmental conditions. As

discussed in Responses ORG-3-44, ORG-3-45, ORG-3-46, ORG-3-47, ORG-3-65, ORG-3-66, and ORG-3-67, Draft EIR Section 5.14 includes a description of the physical environmental conditions at the Project site and the Project vicinity at the time environmental review commenced.

CEQA Guidelines section 15064.7 authorizes the County to develop thresholds of significance. "A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." (CEQA Guidelines § 16064.7(a).) The Antelope Valley Groundwater Basin is in Adjudication, which is expected to determine all groundwater pumping rights in the Basin. As discussed in Draft EIR Section 5.14.3.2.1, LACDRP developed a refined threshold of significance for projects in the Antelope Valley Groundwater Basin that rely upon groundwater, and require a determination of whether the Project's groundwater usage would be consistent with the amount of groundwater estimated to be allocated to the Project site as its share of the safe yield for the Antelope Valley Groundwater Basin. As discussed in Draft EIR Section 5.14.3.2.1, to be conservative, the Draft EIR analysis assumes that the Antelope Valley Groundwater Basin's native safe yield is 82,300 AFY, which is based on substantial evidence from the County's groundwater expert. (See Draft EIR Appendix J2.)

As discussed in Draft EIR Sections 5.14.2.1.1 and 5.14.3.2.1, the high historical water usage for the Project site is approximately 776 AFY during a period that may be contemplated by the Adjudication. The proposed Project's construction water usage of 150 AFY (over a period of approximately 38 months) equates to less than 20 percent of the high historical groundwater usage at the Project site. The Project's long-term operational need of 12 AFY equates to less than 2 percent of the upper level of historical groundwater usage at the Project site. Based on the historic groundwater usage at the Project site, it is anticipated that while an allocation of groundwater in the Adjudication may be significantly less than the upper level of historical groundwater usage of 776 AFY for the Project site, it is reasonably likely that the Project site's allocation would meet the Project's operational water requirements of 12 AFY. As an overlying owner with historic usage, the Applicant may assert defenses to claims of prescription and may secure a correlative right to groundwater as an overlyer in an amount sufficient to supply the Project. Therefore, because the Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site, and would not likely exceed the Project's correlative share of the native safe yield, the Draft EIR determined that the Project would not result in a significant impact related to water supply. Refer to Response ORG-3-70 for more information.

Response ORG-3-70:

LACDRP disagrees with the comment that it confuses its requirement to determine whether the Applicant is legally entitled to use groundwater with its requirement to analyze significant impacts under CEQA.

As discussed in Draft EIR Section 5.14.3.2.1, currently, as the Project overlies the Basin, the Applicant has an overlying right to use groundwater from the Basin for the proposed Project. Draft EIR Section 5.14.3.2.1 determined that there is an adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project's water use, and such use will not exceed the Project's correlative share of the native safe yield, based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin.

As discussed in Responses ORG-3-41 and ORG-3-69, Draft EIR Section 5.14.3.2.1 also considers whether the Project's water use would be consistent with the amount of water estimated to be allocated to the Project site as its share of the native safe yield for the Antelope Valley Groundwater Basin to be determined by the Court in the Adjudication. As discussed in Draft EIR Section 5.14.3.2.1, based on the historical groundwater usage at the Project site, it is reasonably likely that the Project site's allocation in the Adjudication would meet the Project's minimal water demand. The Draft EIR concludes that because the Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site, the Project would not result in a significant impact related to water supply.

Given the potential uncertainty inherent in the Adjudication, the Draft EIR section 5.14.3.2.1 also discussed reasonably foreseeable alternative water sources. (See *Vineyard*, 40 Cal.4th at 432, 434) ("where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and the environmental consequences of these contingencies.").) These alternatives include seeking transferable groundwater rights from a landowner and/or public water supplier or payment of an assessment to the Watermaster. Since such water would be within the total sustainable yield for groundwater pumping established for the Basin in the Adjudication, no significant impact would occur. The Draft EIR also discloses the significant foreseeable environmental effects of purchasing and trucking fresh and/or reclaimed water from sources in the general Palmdale/Lancaster area including wholesalers, retailers, or recycled water suppliers. Based on the air and traffic analysis conducted for the Project, the Draft EIR concludes that the level of truck traffic to truck water would not present a significant impact.

Response ORG-3-71:

As discussed in Response ORG-3-48, because the groundwater extractions have exceeded the estimated natural recharge of the Antelope Valley Groundwater Basin, the Basin may be in overdraft. As discussed in Draft EIR Section 5.14.3.2.1 and Appendix J2, the Antelope Valley Groundwater Basin's native safe yield is 82,300 AFY. Whether a project has a significant effect on the environment may vary with the setting. (CEQA Guidelines §15064(b).) Under the *Kings County/Los Angeles Unified* approach, the relevant question under CEQA is whether "'any additional amount' of effect should be considered significant in the context of the existing cumulative effect. This does not mean, however, that *any* additional effect …. *Necessarily* creates a significant … impact; the 'one [additional] molecule rule' is not the law." (*CBE v. California Resources Agency*, 103 Cal.App.4th 98, 210 (2002) (emphasis in original).)

As discussed in Draft EIR Section 5.14.3.2.1, the Project's water demand comprises only 0.18 percent of the Antelope Valley Groundwater Basin's safe yield during construction, and 0.01 percent during operation. Moreover, Draft EIR Appendix J2 describes the Project's minimal water demand on a unitized basis. In the Antelope Valley Groundwater Basin, the unit water requirements for both agricultural and municipal land uses are within an overall range of about three to seven acre feet per acre per year (AF/A/YR). On a unitized basis, the Project's water demand would equate to about 0.07 AF/A/YR during construction and less than 0.01 AF/A/YR during operations (0.006 AF/A/YR). Appendix J2 concludes that the water requirements on the nearly 2,100 acre Project site are exceptionally small. As noted above, the one molecule rule is not the law. However, the percentage of proposed water use as compared to safe yield and assessment of Project water demand on a unitized basis are not the only factors considered to reach the conclusion that no significant impact to groundwater resources would occur. The small percentage of the Antelope Valley Groundwater Basin's safe yield, coupled with the historical groundwater contour data, well records in the Project area, and the well investigation/pump test performed on an on-site groundwater well indicate that there is an adequate groundwater supply in the Project area within the western portion of the Antelope Valley Groundwater Basin, and provide substantial evidence that the Project's use of groundwater taken from the Project site does not result in a significant impact.

As discussed in Responses ORG-3-45 and ORG-3-70, Draft EIR Section 5.14.3.2.1 determined that the Project site is in an area with an adequate groundwater supply. As discussed in Responses ORG-3-46, ORG-3-65, ORG-3-66, and ORG-3-67, based on available data analyzed in the Draft EIR, water levels within the Project area have generally risen since the 1960s and appear to be stable. Moreover, the proposed Project's estimated construction water use of 150 AFY (over a period of approximately 38 months) equates to less than 20 percent of the high historical groundwater us at the Project site. The Project's long-term operational water use of 12 AFY equates to less than 2 percent of the upper level

of historical groundwater use at the Project site. Therefore, based on substantial evidence, the Project's proposed groundwater use is anticipated to have less than a significant impact on nearby and surrounding wells. This determination is based upon substantial evidence in Draft EIR Section 5.14.2.1.1 about the existing environmental setting.

Moreover, there has been no land subsidence at the Project site or within the 60 square miles surrounding the Project site (USGS 2008, Figure 8). As discussed in Draft EIR Appendix J, conditions that could cause land subsidence (see USGS 2003) from groundwater withdrawal such as thick compressible clay layers and significant water level declines below the clay are not conditions that exist at the proposed Project site. Land subsidence in the Antelope Valley Groundwater Basin has primarily occurred in the eastern portion of the Antelope Valley Groundwater Basin in areas of thick lacustrine deposits and compressible clay layers, creating a two-layer aquifer system that has experienced land subsidence. Land subsidence is not evidenced until approximately 7 miles east of the Project site, and the area of greatest land subsidence in the deeper aquifer, directly below Lancaster, is located approximately 20 miles east of the Project site. USGS monitoring well 8N/14W-18N1 is located between the Project site and the area of measured land subsidence. This monitoring well has measured rising and stable water levels since the late 1960s, a condition contrary to land subsidence. Accordingly, land subsidence is not considered to be a potential Project effect.

As the Draft EIR included adequate analysis of the Project's impacts on the Antelope Valley Groundwater Basin and determined that the Project will have less than a significant impact, LACDRP is not required to recirculate the Draft EIR prior to certification. (See CEQA Guidelines section 15088.5.)

Response ORG-3-72:

This comment introduces subsequent comments claiming that the Draft EIR mitigation measures including those pertaining to Valley Fever, herbicide use, Joshua tree woodland, and special status species are ineffective. On the contrary, as specifically addressed in Responses ORG-3-73 through ORG-3-77, the Draft EIR mitigation measures are effective and appropriate in mitigating potential Project impacts in accordance with CEQA Guidelines Section 15370. The Draft EIR presents appropriate mitigation measures for all identified potentially significant impacts and all impacts are reduced to levels of insignificance with implementation of the mitigation measures specified in the Draft EIR, by environmental resource topic, in accordance with CEQA Guidelines Section 15126.4.

Response ORG-3-73:

The comment makes reference to "federal regulatory guidelines," citing the Office of Health and Safety, U.S. Department of Energy, Safety Advisory: Valley Fever. The Department of Energy (DOE) safety advisory is in regard to facility occupational and environmental

medicine program advisory information applicable to DOE facilities, and is not federal regulatory guidelines. Nonetheless, the Draft EIR identifies Mitigation Measures 5.6-2 (Development and Implement Fugitive Dust Emission Control Plan), 5.6-3 (Dust Plume Response Requirement), and 5.6-11 (Off-Road Equipment Operator Worker Protection) that are consistent with and identified in the DOE safety advisory recommendations, and are noted as being key to mitigating Valley Fever exposure in a more recent DOE health advisory.[1] As a result, the Draft EIR proposes adequate mitigation to substantially reduce potential effects of Valley Fever to less than significant levels.

Response ORG-3-74:

As pointed out by the commentor, Draft EIR Water Quality Section 5.5.3.2.4 explicitly states that no herbicides would be used within 100 feet of Drainages A and C, or within the development setbacks from Drainages B and D. Thus, where firebreaks are proposed within these areas, vegetation clearing would be accomplished through mechanical means, rather than through the use of herbicides. As described in Response ORG-3-64, the potential for herbicides to drift into drainages would be low, due to the buffers afforded and the topographically flat, arid nature of the site.

Response ORG-3-75:

The comment asserts that entire Project site was Joshua tree woodland prior to being converted to agriculture, and that the entire Project site should be treated as Joshua tree woodland in the process of recovering. As described in the Appendix E to the Draft EIR, vegetation communities within the Project site and transmission line route were mapped in accordance with currently accepted methods. In accordance with CEQA Guidelines Section 15125(a), the description of vegetation communities was based on the vegetation present at the time the environmental review commenced, rather than at some earlier time. Joshua tree woodlands were found to occur at certain locations along the proposed transmission line route (see Figure 5.7-8 in the Draft EIR), but are absent from the Project site.

Response ORG-3-76:

The comment asserts that the Project's mitigation ratios should be based on the loss of 2,100 acres of Joshua tree woodland, rather than on the few acres where Joshua trees have re-established. As described in Response ORG-3-75, the vegetation mapping conducted for the Draft EIR was consistent with the requirements of the State CEQA Guidelines with regard to timing of the baseline conditions. As stated in Draft EIR Section 5.7 (Biological Resources), Joshua tree woodland vegetation is absent from the Project site, but occurs along a portion of

[1] DOE. 2007. Valley Fever Cases Reported at Lawrence Livermore National Laboratory. Issue Number 2007-02, Article 2. February 28.

the transmission line route. Construction of the proposed transmission line would impact less than 0.1 acre of mapped Joshua tree woodland, and the transmission line would be sited to avoid all Joshua trees. As stated in the Draft EIR, this impact would be less than significant, and would not require mitigation.

Response ORG-3-77:

The comment asserts that 450 acres is not sufficient acreage to mitigate for the loss of 2,100 acres of natural habitat that supports many special-status species. The comment is somewhat inaccurate in citing the proposed impact and mitigation acreages; as stated in Draft EIR Section 5.7 (Biological Resources), Table 5.7-6A, the total acreage impacted (including both the Project site and the transmission line route) would total 1,955 acres, and the total acreage set aside for preservation and enhancement would total 550.6 acres (100.6 acres within the Project site and an additional 450 acres at an off-site location within the Antelope Valley). This acreage would adequately mitigate the Project's impacts on natural habitats for the following reasons:

- **The habitats present within the Project site are mostly common, and are representative of vegetation communities throughout the Antelope Valley floor.** Substantial acreage of rabbitbrush scrub and annual grassland vegetation occur in the valley, and some loss of these communities can be allowed to occur without substantially affecting the environment.
- **None of the special-status species that would be impacted by the proposed Project are listed under the ESA or CESA.** While some of the species affected are identified as California Species of Special Concern, and some are identified as sensitive only at the local level, species with these designations are by definition more secure (i.e., at lesser risk) than species that have been listed as threatened or endangered. A lower mitigation ratio for these species is appropriate.
- **Wildlife impacts would be limited to losses of foraging habitat in most cases.** Most of the sensitive species that utilize the Project site are birds, and many of these species do not nest within the site due to lack of suitable habitat. As described in Draft EIR Section 5.7, the Project site contains very few trees, a required component of nesting habitat for many species. Further, the take of adult birds, eggs, or nestlings is prohibited by federal and state law, and the Project would be required to avoid all take of this nature. Foraging habitat is generally more abundant than suitable nesting habitat for bird species, and loss of this type of habitat is generally less important to the species on an acre-for-acre basis.
- **The existing on-site habitats are recovering from substantial impacts sustained in the past, and do not exhibit the functions and characteristics of pristine native habitats.** As described in the Draft EIR, the Project site has been used historically for agricultural production, and signs of this use are evident and affect the ecological

function of the site. The absence of trees, most notably Joshua trees, limits suitability of the site for some species. Existing agricultural access roads, berms, and similar features exist within the site, and are generally colonized by a greater percentage of non-native species compared to the remainder of the site. In some areas, mono-cultures of fiddleneck have all but eliminated botanical diversity. Though these areas may be usable by wildlife for foraging purposes, they are far from ideal or pristine, making a lower mitigation ratio appropriate.

- **The proposed Project would not completely eliminate all potential for wildlife to use the site.** Unlike most residential, commercial, and industrial projects, which irreversibly grade and pave the lands proposed for development, the proposed Project would allow native soil to remain in place, and would allow the Project site to be vegetated during Project operation. Thus, while wildlife habitat suitability would be reduced by construction and operation of the Project, it is probable that the site would continue to provide some level of habitat function, particularly for foraging purposes.
- **The proposed mitigation lands would be enhanced and managed in perpetuity to ensure that habitat quality remains high.** As described in Draft EIR Mitigation Measure 5.7-1 (as modified; see Section 2.0, Revisions to the Draft EIR in this Final EIR), a Habitat Enhancement and Vegetation Management Plan would be prepared specifying habitat types, success criteria, and limitations that must be achieved by the on-site mitigation lands. Within the off-site mitigation areas, Mitigation Measure 5.7-2 (as modified, see Section 2.0, Revisions to the Draft EIR in this Final EIR) provides restrictions on invasive species cover and requires the Applicant to fund restoration, enhancement, and maintenance of the lands until they become self-sustaining and meet performance standards.

Response ORG-3-78:

As discussed in Response ORG-3-9, a WSA is not required for the Project and, accordingly, a WSA was neither prepared nor included in the Draft EIR. The Draft EIR presents a detailed analysis of groundwater resources and potential Project effects in Section 5.14, Appendix J, and Appendix J2.

Response ORG-3-79:

In accordance with Section 15121(a) of the CEQA Guidelines, the Draft EIR is an informational document which informs public agency decision makers and the public generally of: 1) the significant environmental effect of the Project; 2) identify possible ways to minimize the significant effects; and 3) describe reasonable alternatives to the Project. This Draft EIR was prepared in accordance with Section 15151 of the CEQA Guidelines, which states that:

> An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

As discussed in Responses ORG-3-1 through ORG-3-79, the Draft EIR includes sufficient information and analysis regarding the Project's potentially significant impacts to air quality, biological resources, groundwater resources, soil contamination, and visual resources at the Project site. Moreover, there is no significant new information requiring recirculation. (See CEQA Guidelines Section 15088.5.)

Attachment A (ORG-3A):

Response ORG-3A-1:

Commenter introduces the comment letter pertaining to Project and commenter's review of the Draft EIR, and states that subsequent comments pertain to environmental safety, visual quality, and utility services. This comment does not state a specific concern or question regarding the adequacy of the analysis contained in the Draft EIR. Therefore, a response is not required pursuant to CEQA. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Response ORG-3A-2:

This comment introduces subsequent comments, and explains several purposes of Phase I Environmental Site Assessments. The comment also presents selected excerpts from the Draft EIR upon which subsequent comments are based. The excerpted Draft EIR text appearing in the comment contains notable omissions, where the Draft EIR Section 5.15.3.2.3 also identifies that the Phase I ESAs performed for the facility site indicate the potential exists for contaminated soils due to past uses on the site, including pesticides as a result of agricultural activities. As a result of the historical agricultural activities and associated pesticide use, and other uses on the site that could result in hazardous materials contamination (as identified in Draft EIR Section 5.15.3.2.3), the Draft EIR identifies Mitigation Measure 5.15-1 (Additional Assessment, and Possibly Remediation of Potentially Contaminated Soils on the Project Site), which is applicable to the entire Project site. Additionally, Draft EIR Section 5.15, Mitigation Measure 5.15-3 (Impacts from Abandoned Oil Well) includes measures that would reduce potential impacts associated with the abandoned oil well to levels below significance.

Response ORG-3A-3:

The comment states that the Draft EIR fails to disclose the environmental conditions described in the Phase I ESAs. On the contrary, the Draft EIR Section 5.15.3.2.3 identifies the potential for contaminated soils due to past uses on the site, including pesticides as a result of agricultural uses, and Section 5.15.5 identifies mitigation, including sampling and possible remediation to address the potential soil contamination. Refer to Response ORG-3-49 for more information.

Response ORG-3A-4:

Refer to response ORG-3-49.

Response ORG-3A-5:

The comment states that the 2008 Phase I ESA recommended a Phase II ESA to be performed on the property. The comment also states that the Phase II, which involves collection of samples, was recommended to address the stained soil near four aboveground fuel tanks, hazardous materials and potential waste disposal at the ranch property, and an on-site abandoned oil well. The Draft EIR identifies Mitigation Measure 5.15-1 (Additional Assessment, and Possibly Remediation of Potentially Contaminated Soils on the Project Site), which requires that a Phase II ESA be performed, and that assessed contaminated soils are remediated in accordance to remediation goals and cleanup criteria (i.e., performance standards, as allowable under CEQA Guidelines Section 15126.4) approved by the CUPA. The mitigation measure addresses the entire Project site, and not only the areas stated in the comment. Additionally, Draft EIR Section 5.15, Mitigation Measure 5.15-3 (Impacts from Abandoned Oil Well) includes measures to ensure proper well abandonment in accordance with DOGGR standards that would reduce potential impacts associated with the abandoned oil well to levels below significance.

Response ORG-3A-6:

Refer to Responses ORG-3-69 and ORG-3-70. Currently, as the Project overlies the Antelope Valley Groundwater Basin, the Applicant has an overlying right to use groundwater from the Basin for the proposed Project. The Draft EIR concludes that there is adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project's water use based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin. The Antelope Valley Groundwater Basin is in Adjudication. As an overlying owner with historic usage, the Applicant may assert defenses to claims of prescription and may secure a correlative right to

groundwater as an overlyer in an amount sufficient to supply the Project. The Project's water usage would be a significant reduction from the amount of groundwater reasonably estimated to be allocated to the Project site, and would not likely exceed the Project's correlative share of the native safe yield. Consistent with CEQA's informational purposes and the need to address the long-term reliability of the proposed water supply, Draft EIR Section 5.14.3.2.1 also considers whether the Project's water use would be a significant reduction from the amount of water estimated to be allocated to the Project site as its share of the safe yield for the Antelope Valley Groundwater Basin to be determined by the Court in the Adjudication. The Draft EIR concludes that because the Project's groundwater usage would be consistent with the amount of groundwater reasonably estimated to be allocated to the Project site, the Project would not result in a significant impact related to water supply. Consistent with CEQA, Draft EIR Section 5.14.3.2.1 further acknowledges the degree of uncertainty involved and "discusses the reasonably foreseeable alternatives." (See *Vineyard Area Citizens for Responsible Growth*, 40 Cal.4th at 432, 434) ("where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and the environmental consequences of these contingencies.").) These alternatives include seeking transferable groundwater rights from a landowner and/or public water supplier or payment of an assessment to the Watermaster. Since such water would be within the total sustainable yield for groundwater pumping established for the Basin in the Adjudication, no significant impact would occur. The Draft EIR also discloses the significant foreseeable environmental effects of purchasing and trucking fresh and/or reclaimed water from sources in the general Palmdale/Lancaster area including wholesalers, retailers, or recycled water suppliers. Based on the air and traffic analysis conducted for the Project, the Draft EIR concludes that the level of truck traffic to truck water would not present a significant impact.

Response ORG-3A-7:

Comment noted. As discussed on Response ORG-3A-6, consistent with CEQA, Draft EIR Section 5.14.3.2.1 acknowledges the degree of uncertainty involved and "discusses the reasonably foreseeable alternatives." (See *Vineyard Area Citizens for Responsible Growth*, 40 Cal.4th at 434.) These alternatives include obtaining groundwater through payment of an assessment to the Watermaster.

Response ORG-3A-8:

Refer to Responses ORG-3-45, ORG-3-48, and ORG-3-77. USGS 2003 documents land subsidence in Antelope Valley. It discusses that despite extensive agricultural pumpage from 1930-1992 in the Project area, there has been no land subsidence in the 60 square mile area surrounding the Project site. (see USGS 2003, Figure 8). The 292 square miles of Antelope

Valley that has had more than 1 foot of subsidence is located about 7 miles to the east of the Project area. The water-level hydrograph for the USGS monitoring well site (Draft EIR Appendix J, Figure 5) located about 0.5 mile northeast of the Project site shows that water levels have generally risen in the Project area since the 1960s and appear to have stabilized since 1988 in the area surrounding the Project site. This water level rise occurred despite the fact that water levels have declined as much as 400 feet and exhibited more than 6 feet of subsidence in the area underlain by lacustrine deposits located more than 7 miles east of the monitoring well and the Project site. See Responses ORG-3-71 for more information.

Response ORG-3A-9:

As discussed in Response ORG-3-40, CEQA Guidelines section 15125(a) provides that "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published…."). As discussed in Draft EIR Section 5.14.2.1.2, the groundwater use as of the date of the NOP is approximately 1 AFY. Based on a review of well records in the Project area, as well as groundwater contour data from Durbin (1978) and RWMG (2007), groundwater levels at the Project site appear to have remained steady from 1915 to 1961 and have been stable or increasing since 1961. As discussed on Draft EIR Section 5.14.3.2.1, based on that information the Draft EIR concludes that there is not a significant impact under CEQA because there is adequate groundwater supply in the Project area within the western portion of the Basin to meet the Project's water use, and such use will not exceed the Project's correlative share of the native safe yield, based on historic groundwater contour data, well records in the Project area, and a well investigation/pump test performed on an on-site groundwater well. In addition, according to the Antelope Valley Integrated Regional Water Management Plan, groundwater is considered a reliable water source in the Antelope Valley Groundwater Basin. In addition, as discussed in Draft EIR Section 5.14.3.2.1, the Project's water demand comprises only 0.18 percent of the Antelope Valley Groundwater Basin's safe yield during construction, and 0.01 percent during operation.

Response ORG-3A-10:

Refer to Responses ORG-3-45, ORG-3-48, ORG-3-77, and ORG-3A-8 for discussion of land subsidence concerns for the Antelope Valley Groundwater Basin. There has been no land subsidence at the Project site or within the 60 square miles surrounding the Project site (USGS 2003, Figure 8). As discussed in Draft EIR Appendix J, conditions that could cause land subsidence (see USGS 2003) from groundwater withdrawal such as thick compressible clay layers and significant water level declines below the clay are not conditions that exist at the proposed Project site. Land subsidence in the Antelope Valley Groundwater Basin has primarily occurred in the eastern portion of the Antelope Valley Groundwater Basin in areas of thick lacustrine deposits and compressible clay layers, creating a two-layer aquifer system

that has experienced land subsidence. Land subsidence is not evidenced until approximately 7 miles east of the Project site, and the area of greatest land subsidence in the deeper aquifer, directly below Lancaster, is located approximately 20 miles east of the Project site. USGS monitoring well 8N/14W-18N1 is located between the Project site and the area of measured land subsidence. This monitoring well has measured rising and stable water levels since the late 1960s, a condition contrary to land subsidence. Accordingly, land subsidence is not considered to be a potential Project effect.

Response ORG-3A-11:

This comment is not relevant to the adequacy of the Draft EIR; thus, no response is required.

Response ORG-3A-12:

The comment erroneously states that no documentation on how the post-construction KOP simulations were created were provided in the Draft EIR. The Draft EIR presents a detailed description of the simulation preparation in Section 5.10.3.4.2, which includes: a description of the equipment used (Fuji GX 617 panoramic camera providing a 2.25-inch by 6-inch film transparency, Nikon 12-megapixel digital camera with a 35-mm lens image, hand-held GPS unit, and various computer software [terrain model, computer-aided design, rendering software, etc.]); the steps and procedures followed to generate the simulations; and the methodology and purpose of the procedures. Section 5.10.3.4.2 of the Draft EIR also described methods employed to produce visual accuracy (for instance, use of a terrain model to align the Project computer model to the photographs, use of computer aided design (CAD) for life-sized modeling, use of global positioning systems [with coordinates depicted on Draft EIR Figure 5.10-1B] to accurately georeference facility equipment locations, color mapping and texturing of all modeled elements to simulate actual facility materials, simulating the lighting conditions at the time the photographs were taken. etc.). In summary, the Draft EIR provides documentation on the simulation preparation that provides an adequate level of detail to address the accuracy and suitability of the simulations.

Response ORG-3A-13:

Draft EIR Section 5.10 (Visual Qualities) presents two KOPs from SR-138: KOP 1, perspective facing west; and KOP 2, perspective facing north at 170th Street West. KOP 1 (looking west) was selected because the predominant public viewing perspective from SR-138 along that segment would be from a motorist traveling along SR-138. No public turnouts or resting locations are located along SR-138 at the Project site area where viewers are able to stop and gaze northward or southward into the privately-owned property. KOP 2 shows the view looking northward near the intersection of SR-138 and 170th Street West, and represents a feasible perspective of a motorist traveling north at the intersection, where major components of the Project are shown, including the solar array fields, operations and

maintenance building, water tank area, and 34.5 kV and 230 kV transmission lines. As a result, KOP 1 and KOP 2 presented in the Draft EIR are considered adequate in representing the feasible views of the facility from the available public viewing locations.

Response ORG-3A-14:

Refer to response ORG-3-52.

Response ORG-3A-15:

The commenter has attached a résumé, which does not relate to the adequacy of the Draft EIR. No response is required.

Attachment B (ORG-3B):

Response ORG-3B-1:

The comment is introductory in nature, and does not address the content or adequacy of the Draft EIR. No response is required.

Response ORG-3B-2:

Refer to response ORG-3-34.

Response ORG-3B-3:

Baseline data for the transmission lines are discussed throughout Draft EIR Section 5.7.3 (Project Impacts), in subsections titled "Off-site Transmission Line." As discussed in Draft EIR Sections 5.7.2.2.1 through 5.7.2.2.5, studies were conducted for the transmission line route, including portions of the route in Kern County, in January through June, 2009. Additional biological surveys of the expanded study area of the transmission line route in Kern County were conducted in January 2010. Biological studies discussed in Sections 5.7.2.2.1 through 5.7.2.2.5 addressed vegetation communities, jurisdictional waters and streams, plants, and wildlife. These sections provide additional information relating specifically to special-status species and wildlife movement. Biological studies for the proposed Whirlwind Substation were performed by Southern California Edison, as discussed in Section 5.7.2 of the Draft EIR. For baseline biological conditions at the Whirlwind Substation project area, where access was restricted, the Draft EIR refers to the Biological Resources Specialist Report for the TRTP EIR/EIS (Aspen 2009). The proposed locations of access pathways are shown on Figures 4.3-4A and 4.3-4B, as well as 5.7-8A and 5.7-8B, of the Draft EIR. These pathways are described in Section 4.4.6.7.6 of the Draft EIR. As mentioned in Section 5.7.16 of the Draft EIR, these pathways would only occur in non-natural habitats, under baseline conditions.

As described in Draft EIR Appendix E, biological field surveys of the transmission line route were conducted on February 3; March 26; April 8, 22, 23, and 30; May 1 and 8; and June 9, and 10, 2009. The surveys conducted were similar in scope and intensity to those undertaken within the Project site, and included vegetation mapping, general wildlife surveys, focused floristic surveys, protocol surveys for the burrowing owl, Joshua tree mapping, nesting bird surveys, and jurisdictional drainages (Draft EIR Appendix E, Table 4-1). In addition, biological surveys of the expanded study area surrounding the proposed transmission line route in Kern County were conducted in January 2010.

No surveys were performed within the Whirlwind Substation site, as that facility is not a component of the proposed Project. The Whirlwind Substation is part of the SCE Tehachapi Renewables Transmission Project (TRTP), and has been previously evaluated under CEQA through an EIR prepared by the California Public Utilities Commission. For baseline biological conditions in the vicinity of the Whirlwind Substation, where access was restricted, the Draft EIR refers to the Biological Resources Specialist Report from the TRTP EIR/EIS.

As described in Section 4.4 of the Draft EIR, the proposed transmission line route would be installed partially within the right-of-way of 170th Street West, and partially on private lands in Kern County. Where transmission line poles would be constructed outside the existing road right-of-way, access would be obtained via a series of proposed construction pathways that would link the construction zones to 170th Street West (Draft EIR Section 4.4.6.7.6). The proposed locations of access pathways are shown on Figure 4.3-4 and 5.7-8 in the Draft EIR. These pathways are described in Section 4.4.6.7.6 of the Draft EIR. As mentioned in Section 5.7.3.2.1 of the Draft EIR, these pathways would only occur in non-natural habitats. Because of the route's close proximity to this existing roadway, no additional construction/ maintenance access road along the transmission line is proposed.

Response ORG-3B-4:

The comment asserts that because the biological surveys for the Project site were directed towards birds and plants, these surveys do not constitute substantial evidence regarding the presence of terrestrial vertebrae. As stated in Draft EIR Appendix E, general surveys for wildlife were incorporated into the other surveys conducted within the Project site. This practice was associated primarily with the focused botanical surveys and protocol burrowing owl surveys of the site, because these surveys required intensive, repeated, pedestrian transects of the entire site. While it is true that Phase II surveys for the burrowing owl are technically "bird surveys," these surveys do not involve "looking upwards at birds" as the commentor suggests. During the burrowing owl transect surveys, survey effort is directed at the ground in an attempt to identify small mammal burrows or other features that may be suitable for use by burrowing owls, as well as other owl signs such as pellets and white wash.

Likewise, focused botanical surveys also require careful examination of the ground in an effort to detect and identify low-growing plant species. The substantial number of full-coverage, pedestrian transect surveys conducted during the spring of 2009 were adequate to compile baseline information regarding biological resources within the site, including terrestrial vertebrates.

Response ORG-3B-5:

The comment is general in nature, and serves to introduce issues related to special-status species that are addressed in greater detail by comments that follow. Thus, no specific response to this comment can be provided. For responses addressing the Mohave ground squirrel, desert tortoise, Blainville's horned lizard, special-status plants, and burrowing owl, please refer to Responses ORG-3B-6, ORG-3B-7, ORG-3B-8, ORG-3B-9, and ORG-3B-12, respectively.

Response ORG-3B-6:

No trapping for the Mohave ground squirrel was done because the site is outside the species' known range, according to the most current information. The Laabs (2004) Mohave ground squirrel account cited in the Biota Report (Draft EIR Appendix E) is supported by information published by Leitner (2008) on the current and historic distribution of this species. Assembling a comprehensive database of occurrences of the Mohave ground squirrel, Leitner showed its historic range as ending more than 10 miles east of the site. Trapping grids east of SR-138 yielded no occurrences of this species between 1998 and 2007, according to Leitner. Similarly, the California Natural Diversity Database, maintained by CDFG, includes no records for this species within 13 miles of the site.

Response ORG-3B-7:

The June 16 and July 9, 2009 communications from USFWS do not constitute a reversal of this agency's opinion on the likelihood of desert tortoise occurring on-site, and the latter communication does not express the opinion that tortoises might occur at the AVSR1 site. The June 16, 2009 letter from Carl T. Benz, Assistant Field Supervisor for the Ventura Office of USFWS (see Draft EIR Appendix A.2. Notice of Preparation Response Letters), tentatively recommends that "areas that would be affected by construction and operation of the solar plant and transmission line" be surveyed for desert tortoise. However, the letter goes on to say that "if a Federal agency has discretionary regulatory authority over the proposed action, it would be required to consult with the Service under authorities of Section 7(a)(2) of the Endangered Species Act; if, as a result of the consultation, the Service determines the proposed action is not likely to jeopardize the continued existence of the desert tortoise, the project proponent would be exempted from the prohibition against take contained in section 9 of the Endangered Species Act. If desert tortoises occur in the project area and may be

taken during project activities, the project proponent should contact the Service to determine the appropriate course of action." Therefore, the NOP response of USFWS left open the possibility that tortoise surveys would not be necessary. URS biologist Crissy Slaughter followed up on this question with USFWS biologist Ray Bransfield. Ms. Slaughter had seven years of desert tortoise survey experience prior to working on the Project site, including experience as a USFWS-approved tortoise handler and as a field supervisor for tortoise surveys of a 14-square-mile site in Johnson Valley, California. Based on a habitat description by Ms. Slaughter, and descriptions of the extensive biological surveys that had been done on the site (including Phase II burrowing owl surveys, which involved straight-line transect surveys of the entire site, focused on searching for owl burrows and owls), Mr. Bransfield determined that tortoises were unlikely to occur in the area, and that tortoise surveys would not be necessary. (See Mr. Bransfield's email response in Appendix A.3 Agency Coordination regarding Notice of Preparation Response.) Therefore, the Applicant's decision not to perform desert tortoise surveys was made in consultation with USFWS, according to procedures outlined in that agency's original response to the NOP. USFWS agreed that no impacts would occur to desert tortoises. Bransfield's recommendation that an "avoidance strategy" be implemented was based only on "the unlikely event" that tortoises might occur in "relatively small patches of native habitat" along the transmission line route.

Despite the very low probability for the desert tortoise to be affected by the Project, Mitigation Measure 5.7-13 has been added in the Draft EIR to require pre-construction surveys for this species (see Section 2.0, Revisions to the Draft EIR in this Final EIR).

Response ORG-3B-8:

Federal and state resource agencies have not published a formal survey protocol for the Blainville's horned lizard. As described in Draft EIR Section 5.7.2.1.4, general wildlife surveys conducted for the proposed Project detected only a single Blainville's horned lizard within the Project site. The site is located to the north of this species' published geographic range, and the observed individual was located in the southeastern corner of the site, closest to the species' known range. Based on this information, the Draft EIR concluded that the detected individual was most likely dispersing, and that this species is probably very uncommon on-site, especially north of SR-138 (Draft EIR Appendix E, Section 4.10.1.1.1). Thus, the 550 acres of prescribed mitigation acreage (100 acres within the Project site and an additional 450 acres off-site) did not assume presence of only a single lizard, but rather accounted for the possibility that this species is an uncommon but present resident of the southern portion of the site. In addition to the mitigation lands set aside through Mitigation Measures 5.7-1 and 5.7-2 (as modified; see Section 2.0, Revisions to the Draft EIR in this Final EIR), impacts to this species would also be reduced through the capture and relocation efforts required by Mitigation Measure 5.7-7 (as modified; see Section 2.0, Revisions to the Draft EIR in this Final EIR).

Response ORG-3B-9:

While less than average rainfall may lessen the chance of finding some species, the 2000 edition of CDFG's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities, cited by the commentor, does not require that botanical surveys be conducted in years of average to above average rainfall, and in fact does not mention precipitation levels in any context. As surveys met all CDFG criteria, there is no reason to believe they should be invalidated. Some suitable habitat was found for several rare and special-status plants on the site, including the majority of those mentioned in the comment. However, none of these species was found on the site.

Response ORG-3B-10:

Figure 5.10-5 is a simulated view of the site from SR-138 after implementation of project landscaping, not a representation of actual native Mojave habitat adjacent to the site. However, as noted throughout Draft EIR Section 5.7, native habitats are present and will remain in the project vicinity after development. The comment contends that roads are not barriers to dispersal between these areas, "as attested to [in] frequent observations of all categories of wildlife on highways." Draft EIR Section 5.7.3.2.6 and the Biota Report (Section 5.6) acknowledge that wildlife moves within and through the site. With respect to roadways, the Biota Report states only that the movement of terrestrial wildlife is "somewhat constrained" by roadways. An extensive study by South Coast Wildlands (2008) did not identify the project site as within a large-scale habitat linkage, as larger wildlife prefer to travel along the margins of the valley, not across the valley floor. The Project would not pose a barrier to movement of medium-size and small terrestrial wildlife, as wildlife permeable fencing would still permit these species to move freely through the site. The Project may pose a partial barrier to plant dispersal; however, preservation of on-site habitat surrounding Drainages A and C and the provision of a minimum of 450 acres of off-site mitigation in Mitigation Measure 5.7-2 (as modified; see Section 2.0, Revisions to the Draft EIR in this Final EIR) would benefit native plant dispersal in the region.

Response ORG-3B-11:

Refer to Response ORG-3-63.

Response ORG-3B-12:

Refer to Response ORG-3-39.

Response ORG-3B-13:

Although some of the biological field survey personnel possessed college degrees in subjects not explicitly pertaining to desert biota (two of the field biologists possessed aquatic biology degrees, and one possessed an advanced degree in history), the resumes of the personnel, included in Appendix E to the Draft EIR, clearly demonstrate substantial previous experience and knowledge of desert flora and fauna. Each of the surveyors in question had a minimum of eight years' full-time, post-graduate professional experience in biology.

As described in Section 5.7 and Appendix E to the Draft EIR, the desert tortoise and Mohave ground squirrel are highly unlikely to occur within the Project site due to documented geographic ranges for these species and lack of suitable habitat on-site. For additional responses addressing the desert tortoise and Mohave ground squirrel, please refer to Responses ORG-3B-7 and ORG-3B-6, respectively.

No focused surveys for common wildlife, such as pocket mice and white-tailed mice, were performed, as the likely on-site representatives from these groups lack sensitivity designations. The special-status plant and wildlife surveys were performed by qualified professionals in accordance with accepted protocols, and represent an accurate assessment of baseline conditions with regard to sensitive biological resources.

Although the vast majority of species detected within the Project site and along the proposed transmission line route were identified to the species level, there were a few instances in which this was not possible, either because the species were detected by sign only, or because the detected individuals were birds observed at too great a distance or in view too briefly to make a species-level identification. As described on page 4-69 of the Biota Report in Appendix E to the Draft EIR, the presence of kangaroo rats on-site was determined by the presence of the distinctive tracks left by these species. The hummingbird and flycatcher were observed from a distance and for only a short period during bird surveys, and could not be identified to the species level. Based on a query of the CNDDB, presented in Appendix G to the Biota Report, no sensitive species of kangaroo rat, hummingbird, or flycatcher have been documented in the Project vicinity.

Response ORG-3B-14:

The comment asserts that the Draft EIR fails to adequately evaluate the Project's effects on state jurisdictional waters, because the use of a 100-foot buffer is not justified and because construction impacts, such as inadvertent dumping of toxic materials, were not evaluated. A 100-foot buffer surrounding Drainage A was determined to be appropriate based on the nature of the site, the ephemeral flow regime within the drainage and the proposed surrounding uses. Because the site is topographically simple, and lacks well-defined drainage patterns, the opportunity for upstream activities to affect the stream is low. Also, because the

proposed land use within the Project site is largely passive, and would not involve substantial levels of activity once constructed, chances for impacts to occur would be further minimized. Workers or equipment would be highly unlikely to attempt to "shortcut" through the site's drainages, because the drainages feature incised channels with steep banks. The Draft EIR specifically analyzes and addresses potential impacts due to hazardous materials use and storage during construction and operation in Section 5.15.3.2.1. The analysis identifies required implementation of a facility hazardous materials and hazardous waste management program for both construction and operation phases, proper transport of hazardous materials, fueling and maintenance procedures, and emergency response plan and procedures (refer to Draft EIR Section 5.15.3.2.1). Additionally, the Draft EIR addresses and mitigates the potential for dumping of other contaminants into on-site drainages with implementation of Mitigation Measure 5.3-1 (Erosion Control and Stormwater Management Measures), Mitigation Measure 5.5-1 (On-Site Wastewater Treatment System Feasibility Report), Mitigation Measure 5.7-5 (Biological Monitor), and Mitigation Measure 5.7-6 (Worker Environmental Awareness Program). Further, due to the low-gradient nature of the Project site, the potential for any spilled materials to traverse the 100-foot buffer and make their way into on-site drainage channels is remote. Also, because the drainage does not exhibit surface flows during most of the year, there would likely be opportunities for any spilled substance to be cleaned up prior to rain events.

Response ORG-3B-15:

As mentioned in Draft EIR Section 5.7.3.2.5, discussing impacts to Blainville's horned lizards, burrowing owls, and other special-status bird species, the Project would result in new perching opportunities for common ravens within the site boundaries. However, existing vegetation that would be removed due to project development (ornamental trees, native and ornamental shrubs) already provides ample perching opportunities for this species, which is common on the site and in the Antelope Valley in general. Power poles along SR-138 also provide perches and nesting sites for this species. Raven perching around the site perimeter, in particular, would have the potential to impact native wildlife, as these areas would be closest to the undisturbed natural habitats surrounding the site. However, slack wire to be incorporated on these fences would deter raven perching. The project would not provide new drinking sites from landscape irrigation, as drip irrigation would be employed in the landscaped areas (all along SR-138), and no standing water would result. The off-site transmission line would use a design that would not encourage nesting by ravens. Wooden, on-site transmission lines may provide some nesting opportunities for ravens, but these would be located within the site and away from the undisturbed and more sensitive habitats at the site perimeter.

Response ORG-3B-16:

As discussed in the Draft EIR, implementation of the proposed Project would result in a significant impact to on-site habitats in the majority of the site. This impact would be mitigated through the avoidance and enhancement of approximately 100 acres of on-site habitat, as well as through the acquisition and preservation of approximately 450 acres of off-site habitat in perpetuity. Within these areas, Mitigation Measures 5.7-1 and 5.7-2 (as modified; see Section 2.0, Revisions to the Draft EIR in this Final EIR) would require that coverage by invasive weeds be limited and maintained. In addition, requirements that herbicide use would require approval by LACDRP and would be applied by qualified personnel (Mitigation Measure 5.7-1) would limit unintentional effects of inappropriate herbicide use.

Response ORG-3B-17:

The comment asserts that mitigation proposed in the Draft EIR fails to reduce and avoid impacts to jurisdictional drainages, and recommends that a buffer of 300 feet from the centerline of all ephemeral drainages be implemented. A 100-foot buffer surrounding Drainage A was determined to be appropriate based on the nature of the site, the ephemeral flow regime within the drainage and the proposed surrounding uses. Because the site is topographically simple, and lacks well-defined drainage patterns, the opportunity for upstream activities to affect the stream is low. Also, because the proposed land use within the Project site is largely passive, and would not involve substantial levels of activity once constructed, chances for impacts to occur would be further minimized. Construction-related impacts, such as the potential for inadvertent dumping into on-site drainages, would be reduced by some of the measures identified in the Draft EIR, such as implementation of a Worker Environmental Awareness Program (Mitigation Measure 5.7-6) and the requirement to have a biologist on-site (Mitigation Measure 5.7-5).

Response ORG-3B-18:

The comment asserts that the single biological monitor required by Mitigation Measure 5.7-5 would be insufficient, and that two to three monitors should be provided. As illustrated in the construction schedule on Figure 4-13 in Draft EIR Section 4.0, construction within the entire site would not occur simultaneously. Rather, the various discrete site segments would be developed over time, with only a fraction of the site under construction at any given time. This schedule would reduce the workload of the biological monitor substantially, such that a single monitor may be capable of performing the duties set forth in Mitigation Measure 5.7-5. Measure 5.7-5 uses the term Biological Monitor as a job responsibility and does not limit the position to one person. Because the Applicant would be bound by the requirement to

have a biological monitor(s) present during all initial grading, multiple qualified monitors would be utilized, as necessary, depending on the pace of construction activities.

Response ORG-3B-19:

As required by Draft EIR Mitigation Measure 5.7-5, the biological monitor would be retained by the Applicant, but the biologist selected would require approval by the County.

With respect to the need for a Drainage Maintenance Plan, it is expected that the materials covered in the Worker Environmental Awareness Program required by Draft EIR Mitigation Measure 5.7-6 would include avoidance of drainage channels among the mitigation requirements discussed, and that this training, combined with the presence of an on-site biological monitor, would be sufficient to discourage unauthorized entry into drainage areas.

Response ORG-3B-20:

Refer to Response ORG-3-76.

Response ORG-3B-21:

Refer to Response ORG-3-77.

Response ORG-3B-22:

As required by Draft EIR Mitigation Measure 5.10-4, the landscaping plan for the 10-foot-wide strip of Project screening vegetation proposed along SR-138 would require approval from the County, and would be certified by a registered landscape architect. Although the measure does not specify which species would be planted, the measure does specify that Joshua trees and/or other species of the genus *Yucca* be used, requires that the species employed be native, and requires compliance with the County's Drought-Tolerant Landscaping Ordinance. Because this measure is intended to mitigate visual impacts, the precise species composition is not yet known, and will be determined based on the need to shield specific Project elements from view and create a pleasing visual experience from SR-138. The measure's requirement to landscape the areas with native species and to control weeds would prevent biological impacts from being generated by this measure.

Response ORG-3B-23:

The comment contains closing remarks, and does not address the content or adequacy of the Draft EIR. No response is required.

Response ORG-3B-24:

The comment contains the commentor's curriculum vitae, and does not address the content or adequacy of the Draft EIR. No response is required.

Response ORG-3B-25:

The comment contains a poor reproduction of a map intended to demonstrate the geographic limits of the Mohave ground squirrel's year-round range, and contains no accompanying text. As no comment on the content or adequacy of the Draft EIR is made by this exhibit, no response is required; however, Response ORG-3B-6 pertains to this species.

Response ORG-3C:

Attachment C is an article titled: "How Much Water Does Alfalfa Really Need" (Hanon et al. undated). This attachment is a reference and no response is required.

Response ORG-3D:

Attachment D is a report titled: "Paradise Regained – Solutions for Restoring Yosemite's Hetch Hetchy Valley" (Rosenkrans et al. 2004). This attachment is a reference and no response is required.

Response ORG-3E:

Attachment E is the minutes of the Significant Ecological Area Technical Advisory Committee (SEATAC) meeting of May 11, 2009. This attachment is a reference and no response is required.

Response ORG-3F:

Attachment F is an article titled: Pistachios (Irrigation Management for Pistachio Trees under Drought Conditions)(The Regents of the University of California 2008). This attachment is a reference and no response is required.

Response ORG-3G:

Attachment G is a report titled: Simulation of Ground-water Flow and Land Subsidence, Antelope Valley Ground-water Basin, California (USGS 2003). This attachment is a reference and no response is required.

Response ORG-3H:

Attachment H is an email from Imsand, Shirley to SPHarris dated January 13, 2009. This attachment is a reference and no response is required.

Response ORG-3I:

Attachment I is the U.S. Department of Energy, Office of Health, Safety and Security-Safety Advisory regarding Valley Fever (coccidiodomycosis) dated January 2007. This attachment is a reference and no response is required.

Response ORG-3J:

Attachment J is a Material Safety Data Sheet (MSDS) for ROUNDUP ORIGINAL Herbicide, dated 1998. This attachment is a reference and no response is required.

References:

California Burrowing Owl Consortium (CBOC). 1993. Burrowing owl survey protocol and mitigation guidelines.

Hughes, Janice M. 1996. Greater Roadrunner (Geococcyx californianus). In The Birds of North America Online, A. Poole, ed. Ithaca: Cornell Lab of Ornithology. Available at http://bna.birds.cornell.edu/bna/species/244.

Kiff, L.F., and D. Irwin. 1987. The breeding seasons of Los Angeles County birds. Western Tanager 53(7):4-5.

Leitner, Philip. 2008. Current Status of the Mohave Ground Squirrel. Transactions of the Western Section of the Wildlife Society 44:11-29