

From: mliberat@blm.gov on behalf of [CrimsonSolar, BLM CA](#)
Sent: Monday, May 7, 2018 3:44 PM
To: [Cristina Gispert](#); [Crimson Solar Project](#)
Subject: Fwd: [EXTERNAL] RE Crimson Solar Project NOP Scoping Comments
Attachments: 2018 04 23 RE Crimson Solar Project NOP Comments.pdf

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From: **Nicholas Whipps** <nwhipps@wittwerparkin.com>
Date: Mon, Apr 23, 2018 at 12:16 PM
Subject: [EXTERNAL] RE Crimson Solar Project NOP Scoping Comments
To: "magdalena.rodriguez@wildlife.ca.gov" <magdalena.rodriguez@wildlife.ca.gov>, "blm_ca_crimsonsolar@blm.gov" <blm_ca_crimsonsolar@blm.gov>
Cc: "Ken_Corey@fws.gov" <Ken_Corey@fws.gov>

Dear Ms. Rodriguez and Ms. Liberatore:

Attached, please find comments regarding the RE Crimson Solar Project NOP and NOI, submitted on behalf of the **Southwest Regional Council of Carpenters**.

Very truly yours,

NICHOLAS WHIPPS

wittwer / parkin

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April 23, 2018

VIA EMAIL

Magdalena Rodriguez, Project Manager
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Miriam Liberatore, Project Manager
RE Crimson Solar, Bureau of Land Management
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Medford, OR 97504
blm_ca_crimsonsolar@blm.gov

Re: RE Crimson Solar Project NOP Scoping Comments

Dear Ms. Rodriguez and Ms. Liberatore:

This law firm represents the **Southwest Regional Council of Carpenters** (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in addressing the environmental impacts of development projects such as the Crimson Solar Project (Project). The California Department of Fish and Wildlife (DFW) released a Notice of Preparation (NOP) and the U.S. Bureau of Land Management released a Notice of Intent (NOI) signaling these agencies' intent to prepare a Joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The agencies held their final scoping meeting on April 12, 2018.

The Project includes development of roughly 2,700 acres of undeveloped land within the BLM-administered Riverside East Solar Energy Zone into a 350-megawatt solar farm. The solar farm, itself, is estimated to include approximately 2 million panels, undisclosed miles of security fencing, up to four substations of about 30,000 square feet each, an "optional" storage system of up to 3,000 electrical enclosures measuring approximately 40 feet by 8 feet by 8.5 feet high and installed on concrete foundations. The applicant proposes access from Power Line Road; however, the proposed access route may change, depending on whether the applicant is able to obtain a private right-of-way. Proposed approvals include a Lake and Streambed Agreement and

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Incidental Take Permit from DFW; a Right-of-Way and Amendments to the California Desert Conservation Area Plan from BLM; and, presumably, a Biological Opinion from the U.S. Fish and Wildlife Service.

These comments reflect preliminary concerns based on DFW's Notice of Preparation and BLM's Notice of Intent (NOI) and will focus on potential impacts to biological resources and the preliminary information in the agencies' notices. Southwest Carpenters look forward to reviewing the EIR/EIS and its full discussion of impacts, alternatives, and mitigation.

Project Description

BLM and DFW have provided conflicting descriptions of the base acreage of the Project. Whereas BLM estimates the Project will be sited on 2,700 acres of undeveloped land, DFW has stated the Project will consist of development on 2,500 acres. Moreover, the Project site map provided in DFW's NOP seems to delineate approximately 2,250 acres. In the EIR/EIS, please provide an accurate, stable description of the Project acreage.

In addition, the NOP and NOI fail to define several aspects of the Project. For instance, the NOP states that the Project may consist of "up to" four substations and include an "optional" storage system. The NOP further indicates the Project applicant has yet to negotiate means of entry into the Project site, so entry may potentially occur at multiple locations. The NOI states the Project may require amendments to the California Desert Conservation Area Plan but provides no further clarification as to what these amendments may entail, or whether they will be required at all. In the EIR/EIS, please provide complete information as to the specifics of the Project. If Project features remain uncertain, the agencies should proceed by evaluating the worst-case scenario of the potential environmental impacts of the Project.

Biological Resources

The Project site shares an approximate 3.5-mile-long border with desert tortoise critical habitat. The NOP and NOI do not provide sufficient information regarding the proposed access to the Project site, but it appears that access via Power Line Road will traverse this critical habitat. Moreover, there is a high likelihood that desert tortoise habitat and individuals are present within the thousands of acres that comprise the Project site. The agencies should proceed under the assumption that the Project will cause significant impacts to and result in the take of desert tortoise habitat and individuals.

BLM has not indicated whether it intends to initiate formal Section 7 consultation with the U.S. Fish and Wildlife Service. However, BLM should request the preparation of a

Biological Assessment and Biological Opinion, as the Project has the potential to jeopardize the continued existence of an endangered or threatened species. 16 U.S.C. § 1536.

Potential impacts to desert species from the construction of solar farms is well documented. Impacts include, but are not limited to, the following:

- avian impacts related to migratory birds colliding with solar PV panels due to the “lake effect”;
- increase in canine distemper due to passive relocation from solar sites (if San Joaquin kit fox is present);
- loss of habitat;
- take of desert tortoises and other protected species;
- loss of movement corridors;
- habitat fragmentation;
- fringe effects;
- changes in surface hydrology;
- impacts to soils and other resources from loss of Cryptobiotic crusts and desert pavement
- increased dust and subsequent use of dust suppressants;
- construction of and increased traffic on roads;
- upstream impacts related to Project construction and development of solar panels;
- increased noise;
- temperature changes, and creation of microclimates;
- electromagnetic field generation;
- pollution from spills;
- water consumption;
- increased fire risks; and
- light pollution;

A solar farm project of this magnitude should be expected to cause all the above impacts. The Project should be required to provide substantial mitigation, and to adopt an environmentally superior alternative, to reduce or avoid these impacts to the maximum extent possible.

Conclusion

Southwest Carpenters thanks DFW and BLM for the opportunity to comment on the NOP and NOI and look forward to commenting on the agencies’ subsequent environmental review documents when these documents are released for public review. Moving forward, please send

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all future notices relating to the Project to Nicholas Whipps at nwhipps@wittwerparkin.com.
Thank you for your consideration of these comments.

Very truly yours,
WITTWER PARKIN LLP

A handwritten signature in blue ink, appearing to read 'N. Whipps', is positioned below the typed name.

Nicholas Whipps

cc: Key Corey, Assistant Field Supervisor, Palm Springs Fish and Wildlife Office
(Ken_Corey@fws.gov)