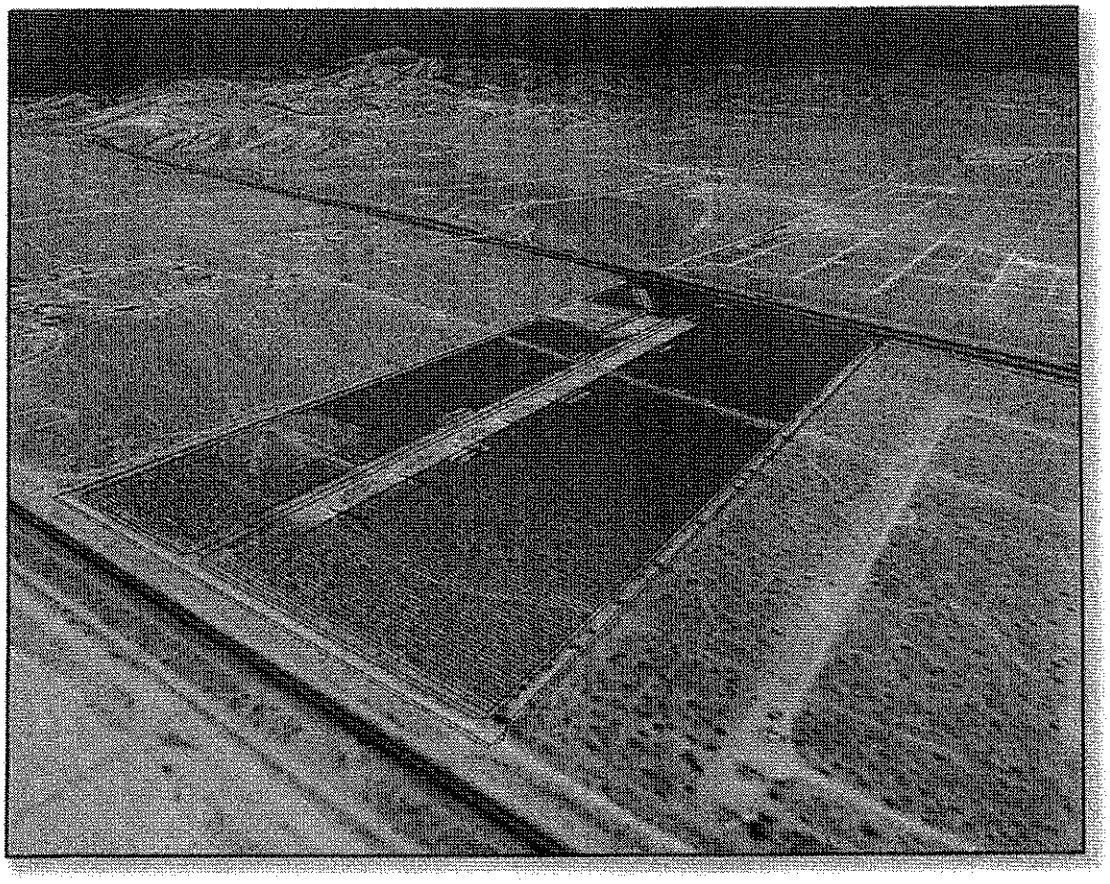
FINAL

INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

MOUNTAIN VIEW SOLAR PROJECT



June 2010

LEAD AGENCY
CITY OF PALM SPRINGS
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

APPLICANT
AES SOLAR POWER, LLC

PREPARED BY
GLOBAL ENVIRONMENTAL PERMITTING

FINAL

INITIAL STUDY

MITIGATED NEGATIVE DECLARATION

MOUNTAIN VIEW SOLAR PROJECT

Prepared for:

CITY OF PALM SPRINGS
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Prepared by:

GLOBAL ENVIRONMENTAL PERMITTING, LLC.
11440 West Bernardo Court Suite 300
San Diego, CA 92127

Project Applicant:

AES SOLAR POWER, LLC.
4300 Wilson Blvd
Arlington, VA 22203

June 2010

PREFACE

PURPOSE

This document is the Final Mitigated Negative Declaration (MND) prepared for the proposed Mountain View Solar Project in the City of Palm Springs, California. An Initial Study (IS) supporting a proposed MND was prepared for the Project in accordance with the requirements of the California Environmental Quality Act (CEQA). The City of Palm Springs is acting as lead agency as defined by CEQA for environmental review of this project.

This Final MND has been prepared pursuant to requirements of CEQA, Public Resources Code, Section 21000 et al, and the *State CEQA Guidelines*, California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et al.

PROCESS

The City of Palm Springs took the following steps to ensure that all interested parties had an opportunity to comment on the proposed MND and IS, pursuant to the *State CEQA Guidelines* Section 15072:

- The Draft MND for the Mountain View Solar Project was circulated for a 30-day public review period beginning on April 27, 2010, and ending on May 27, 2010.
- A Notice of Intent (NOI) to Adopt a MND and IS were sent to all interested agencies, persons, and individuals.
- The proposed MND and IS were available for review both at the City library and at the Planning Department counter located at 3200 East Tahquitz Way, Palm Springs, CA 92262.
- The NOI was published at the local newspaper, Desert Sun, on April 28th, 2010.

This Final Initial Study/Mitigated Negative Declaration (IS/MND), when combined with the Public Review Draft of the IS/MND, constitutes the complete environmental review document for the Mountain View Solar Project. The Final IS/MND will be considered by the Planning Commission before it makes its decision on the project.

This Final IS/MND contains a summary of the environmental effects of the project and a list of comments received during the public review period, the City of Palm Springs' responses to the comments, and the

Mitigation, Monitoring and Reporting Program (MMRP) to be approved by the Planning Commission. Comments received on the IS/MND were minor. There are no significant revisions to the Initial Study or other changes or corrections to the document. Any text inserted into the Final IS/MND is underlined and **bold**, and any deleted text is shown in ~~strikeout~~.

COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS

California Environmental Quality Act (CEQA) Guidelines Section 15074(b) requires that the decision-making body of the Lead Agency consider the proposed mitigated negative declaration together with any comments received during the public review prior to approving a project.

The City of Palm Springs received a total of three (3) comment letters from agencies regarding the Initial Study/Mitigated Negative Declaration for the Mountain View Solar Project. The comment letters are reproduced in this section, and the agencies that submitted the comments are listed below.

1. The Cabazon Band of Mission Indians (with respect to the Cultural Resources Technical Study portion)
2. South Coast Air Quality Management District
3. Riverside County Flood Control and Water Conservation District

On the following pages, each of the comment letters received is followed by the Lead Agency's response to the comments. Each commenter is assigned a code number above. The lead agency's responses are shown following each comment letter.

January 12, 2010

Stephen O'Neil
Project Archaeologist
Ultra Systems
16431 Scientific Way
Irvine, CA 92618-7443

Re.: Cultural Resources Study for AES Mountain View Solar Project

Dear Mr. O'Neil:

Thank you for contacting the Cabazon Band of Mission Indians regarding the above referenced project.

The project is located outside of Cabazon Reservation lands. The Tribe has no specific archival information on the above referenced site indicating cultural resources within or near the property or that it may be a Native American sacred/religious site. The Cabazon Band recommends that there be a qualified archaeologist on site during ground disturbing activities and grading because of possible unknown cultural sites in the project area.

We look forward to continued collaboration in the preservation of cultural resources or areas of traditional cultural importance.

Sincerely,

Judy Stapp
Director of Cultural Affairs

84-245 INDIO SPRINGS PARKWAY • INDIO, CALIFORNIA 92203-3499 • (760) 342-2593 FAX (760) 347-7880

COMMENT #1

RESPONSE #1:

Mitigation Monitoring and Reporting Program (MMRP) Cultural Resources section requires a qualified archaeologist to be present on site during ground disturbing activities and grading.

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-MAILED: MAY 4, 2010

May 4, 2010

Mr. Ken Lyon
Associate Planner
City of Palm Springs
3200 East Tahquitz Way
Palm Springs, CA 92262

Mitigated Negative Declaration (MND) for the Mountain View Solar Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

AQMD staff notes that the Draft MND does not discuss AQMD Rule 403 regarding fugitive dust. Compliance with this rule during construction of this project should be cited in the Final MND. Questions regarding rule compliance can be referred to engineering and compliance staff at (866) 861-3878.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. The AQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Ian MacMillan, Program Supervisor – Inter-Governmental Review, at (909) 396-3244 if you have any questions regarding these comments.

Sincerely,

Ian V. MacMillan

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

IM
RVC100429-05
Control Number

COMMENT #2

RESPONSE #2:

As indicated in the air quality technical report prepared for the proposed project, the project would be required to prepare a Fugitive Dust Control Plan and would be subject to the rules and regulations promulgated by the South Coast Air Quality Management District (SCAQMD) as well as those of other jurisdictions. In particular, although not specifically cited in the report, the proposed project would be subject to the terms and conditions of SCAQMD Rule 403 "Fugitive Dust," SCAQMD Rule 403.1 "Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources," and their accompanying implementation handbooks. For example, Rule 403.1 includes especially stringent provisions for implementation when wind speeds exceed 25 miles per hour. Compliance with these rules would be required for both the construction and operation phases of the project.

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

May 20, 2010

Mr. Ken Lyon, Associate Planner
City of Palm Springs
3200 East Tahquitz Way
Palm Springs, CA 92262

Dear Mr. Lyon:

Re: Notice of Intent to Adopt a Mitigated Negative Declaration for Mountain View Solar Project

This letter is written in response to the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Mountain View Solar Project. The proposed project consists of the construction, operation and maintenance of an approximately 13 megawatt (MW) photovoltaic (PV) solar energy collection system on an approximately 77-acre site. The proposed project will be co-located on the site of an existing wind energy facility. The proposed project is located in the city of Palm Springs, Riverside County.

The District has the following comment/concern that should be clarified in the Initial Study (IS):

> Page 2-15 of the IS indicates that the proposed project will require the District to approve the Water Quality Management Plan (WQMP). It should be noted that the City, not the District, is responsible for approving, implementing and monitoring the WQMP.

Thank you for the opportunity to review the MND. Any further questions concerning this letter may be referred to Kahlil Amin at 951.955.5418 or me at 951.955.1233.

Very truly yours,

TERESA TUNG
Engineering Project Manager

ec: Riverside County Planning
Attn: Kathleen Browne
Mekbib Degaga

KAA:mcv
P8\131164

RECEIVED
MAY 26 2010
PLANNING SERVICES
DEPARTMENT

COMMENT #3

RESPONSE #3:

Correction made on Page 2-15 of the Draft IS.

MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP)

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the *California Environmental Quality Act (CEQA) Guidelines*. The MMRP established the framework Mountain View Solar Project will use to implement the mitigation measures adopted in connection with Project approval, and the monitoring/reporting of such implementation. "Monitoring" is generally an ongoing or periodic process of project oversight. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person.

The following pages contain Table I, Summary of Impacts and Mitigation Measures, which presents the potential environmental effects of the project and the mitigation measures proposed to reduce those effects to less than significant. The table is drawn from the Public Review Draft IS/MND that was circulated for public review. The table has been revised as necessary to respond to any comments submitted by agencies and the public. Changes to the table, if any, are shown in underline (additions) and ~~strikeout~~ (deletions). The potential environmental impacts of the proposed project are summarized in the first column of the Table I. The level of significance of the impact is indicated in the second column, mitigation measures proposed to minimize the impacts are shown in the third column, and the significance of the impact, after mitigation measures are applied, is shown in the fourth column.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
1. AESTHETIC			
Overall Aesthetic Effects of Project Construction and Operation	LS	None required	N/A
Project Effects on Light and Glare	LS	None required	N/A
2. AGRICULTURE			
Impacts on Agriculture and/or Williamson Act Contracts	LS	None required	N/A
3. AIR QUALITY			
Construction Fugitive Dust Emissions	PS	1. Apply soil stabilizers to inactive areas as soon as possible and practical. 2. Water exposed surfaces three times daily. 3. Reduce speed on unpaved areas to 15 mph. 4. Manage haul road dust by watering two times daily. 5. All equipment engines shall be maintained in good condition, in proper tune (per manufacturer's specifications), and in compliance with all State and Federal requirement. 6. The project will be required to prepare a Fugitive Dust Control Plan (Plan) for approval by the City of Palm Springs prior to initiating construction activities. 7. Re-establish low growing native vegetation (that will not interfere with the solar panels) under and between the panels to obtain a vegetative cover equivalent to the existing condition; or apply long-term chemical stabilizers under and between the panels on an as needed basis to control long-term emissions of fugitive dust during high wind events.	LS

S = Significant, CS = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant

Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		8. Comply with all City of Palm Springs Engineering Division conditions of CUP approval that address mitigation of air quality impacts.	
4. BIOLOGICAL RESOURCES Potential impacts to candidate, sensitive, special status species. Potential impacts to migratory bird species	PS PS	1. Projects that are outside of CVMSHCP conservation areas are subject to the mitigation fee. Potential impacts to candidate, sensitive, special status species or their habitat would be mitigated by paying the mitigation fee. 2. Potential impacts to migratory bird species covered by the Migratory Bird Treaty Act (MBTA) would be mitigated by limiting disturbance related activities such as brushing and grading to a period outside the migratory bird breeding season before February 1 and after August 31 (U.S.C. 1998).	LS LS
5. CULTURAL RESOURCES Project impacts on Archaeological and Historical Resources	PS	1. During any ground-disturbing activity in native soils or sediments or during construction of the proposed project, a qualified archaeologist monitor shall be present. The monitoring archaeologist shall: • Be empowered to temporarily divert grading equipment in the event of discovery and allow for sufficient time to evaluate and potentially remove the find; • Evaluate and coordinate the recovery of any archaeological resources uncovered; • Ensure that any work or land disruptions in the off-site archaeological areas are avoided 2. During any ground-disturbing activity in native soils or sediments or during construction of the proposed project, if any paleontological resources are discovered, the applicant shall halt activity within the vicinity of the find and immediately notify the San Bernardino County Museum of Natural History. 3. During construction of the project, if any human remains are	LS

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Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		discovered, the applicant's contractor shall contact the County Coroner and the state of California's Native American Heritage Commission for determination of an appropriate course of action. If human remains of Native American Origin are discovered during project construction, the applicant shall comply with state laws relating to the disposition of Native American burials. If any human remains are discovered or recognized in any location, the applicant shall halt all further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Riverside County Coroner has been informed. **4. Comply with all City of Palm Springs Engineering Division conditions of CUP approval that address mitigation of cultural resource impacts.**	
6. GEOLOGY AND SOILS Exposure of new development to Geologic Hazards and Soil Constraints	PS	1. The California Geological Survey lists the City of Palm Springs and the Riverside County as areas affected by the Alquist-Priolo Earthquake Fault Zone with the San Andreas southern fault segment, the closest active fault to the site, which may pose a risk of surface fault rupture to future structures. A site-specific fault study is recommended before the project site is subdivided or structure permitted. 2. Strong seismic ground shaking is considered a seismic hazard for the site. The solar array and associated buildings should be designed to accommodate ground shaking in accordance with existing building codes.	LS
7. HAZARDS AND HAZARDOUS MATERIALS Exposure of Construction Workers to Environmental Contamination and Use of Hazardous Materials During Construction and Operation	PS	1. Any potential impacts that could occur should be addressed by the contractor's specifications, transportation plan, health and safety plan, standard Stormwater Best Management Practices (BMPs), Storm Water Pollution Prevention Plan (SWPPP), spill prevention plan, etc., prepared by the applicant. These plans, at a minimum, must be consistent with relevant and applicable regulatory guidelines enforced by the United States Department of Transportation and other applicable agencies.	LS

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Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
8. HYDROLOGY AND WATER QUALITY Project impacts on Surface Waters and Water Quality, Exposure to Flooding	PS	1. Temporary erosion control measures such as silt fences, gravel bags, and straw waddles would be employed around the perimeter of the site and around disturbed areas. 2. Any areas disturbed by grading would be revegetated to restore these areas to their natural vegetation. 3. All disturbed areas would have BMPs in place during the rainy season. **4. Comply with all City of Palm Springs Engineering Division conditions of CUP approval that address mitigation of hydrology and water quality impacts.**	LS
9. LAND USE AND PLANNING Project impacts on Land Use	LS	None required	N/A
10. MINERAL RESOURCES Project impacts on Mineral Resources	LS	None required	N/A
11. NOISE Noise Associated with Operation of Proposed Project and Construction Noise	PS	1. During construction noise impacts could be lowered by limiting hours of construction and maintaining construction equipment in good working order based on the Palm Springs Municipal Code Chapter 11.74 Noise Ordinance. Typically, it requires that sound created by construction within the City is exempt from the applications of the Municipal Code during the hours of 7:00 a.m. to 7:00 p.m., Monday–Friday, and 8:00 a.m.–5:00 p.m., Saturday (on Sundays and holidays construction is prohibited). However, exemptions are allowed for temporary construction except on Sundays and federal holidays. There may be a need to work outside of the local ordinance standards in order to take advantage of low electrical draw periods during the nighttime hours. The applicant would comply with variance procedures established by local authorities, if a variance is required.	LS
12. POPULATION AND HOUSING Project impacts on population and housing	LS	None required	N/A
13. PUBLIC SERVICES	PS	1. All structures built beyond the five-minute response area are required by the City's Community Fire Protection Plan and	LS

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Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Project impacts on Police, Fire, and other public services		Municipal Code to install automatic fire sprinklers and other built-in fire protection equipment, as deemed appropriate by the Fire Department. Measures would be taken such as the use of non-combustible building materials (e.g. steel, concrete, or block) subject to Palm Springs Fire Department approval.	
14. RECREATION Project impacts on Recreation	LS	None required	N/A
15. TRANSPORTATION/TRAFFIC Project impacts on Existing Roads	PS	1. A construction traffic routing plan shall be developed and submitted for approval that demonstrates, to the extent feasible, avoidance of routes with adjacent noise sensitive receptors (i.e., route construction traffic to/from Garnet Avenue). **2. Comply with all City of Palm Springs Engineering Division conditions of CUP approval that address mitigation of construction traffic impacts.**	LS
16. UTILITIES Project Demands for Utility Services	LS	None required	N/A
17. MANDATORY FINDING OF SIGNIFICANCE	LS	None required	N/A

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COPIES OF PUBLIC REVIEW LEGAL NOTICE AND TRANSMITTAL DOCUMENTS

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

AES Solar Power, LLC

Mountain View Solar Project

LEAD AGENCY: City of Palm Springs
3200 East Tahquitz Way
Palm Springs, California 92262

CONTACT PERSON: Ken Lyon, Associate Planner (760) 323-8245

PROJECT TITLE: Case 5.1236 CUP
An application by AES Solar Power, LLC. for a Conditional Use Permit (CUP) for installation and operation of a 13 megawatt solar energy conversion system (SECS) for a 77-acre property at 2001 West Garnet Avenue, Zone E-I, Section 16/T3S/R4E & Section 21/T3S/R4E.

PROJECT DESCRIPTION: AES Solar Power, LLC (Applicant) is proposing to construct, operate and maintain an approximately 13 MW solar power facility. The proposed project would be co-located on the site of 10 existing wind energy conversion turbines. The photovoltaic solar energy conversion systems would cover approximately 26 acres of the approximately 77 acre site. The project includes ancillary equipment such as inverters, transformers, batteries and a control room to be located in several masonry and prefabricated structures distributed across the site.

FINDINGS/DETERMINATION: The City has reviewed and considered the proposed project and has determined that the project will not have significant adverse impacts. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project.

PUBLIC REVIEW PERIOD: A 30-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 am on April 27 and end on May 27, at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address: Ken.Lyon@palmsprings-ca.gov. Copies of the Mitigated Negative Declaration and Initial Study are available for review at the above address and at the City library.

PUBLIC MEETING: This matter has been tentatively set for public hearing for the Planning Commission meeting on Wednesday June 9, 2010.

No 1723

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

AES Solar Power, LLC
Mountain View Solar Project

LEAD AGENCY : City of Palm Springs 3200 East Tahquitz Way Palm Springs, California 92262

CONTACT PERSON : Ken Lyon, Associate Planner (760) 323-8245

PROJECT TITLE: Case 5.1236 CUP

An application by AES Solar Power, LLC for a Conditional Use Permit (CUP) for installation and operation of a 13 megawatt solar energy conversion system (SECS) for a 77-acre property at 2001 West Garnet Avenue, Zone E-1, Section 16/T3S/R4E & Section 21/T3S/R4E.

PROJECT DESCRIPTION : AES Solar Power, LLC (Applicant) is proposing to construct, operate and maintain an approximately 13 MW solar power facility. The proposed project would be co-located on the site of 10 existing wind energy conversion turbines. The photovoltaic solar energy conversion systems would cover approximately 25 acres of the approximately 77 acre site. The project includes ancillary equipment such as inverters, transformers, batteries and a control room to be located in several masonry and prefabricated structures distributed across the site.

FINDINGS/DETERMINATION: The City has reviewed and considered the proposed project and has determined that the project will not have significant adverse impacts. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project.

PUBLIC REVIEW PERIOD : A 30-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 am on April 28, 2010 and end on May 27, 2010 at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address: Ken.Lyon@palmsprings-ca.gov. Copies of the Mitigated Negative Declaration and Initial Study are available for review at the above address and at the City library.

PUBLIC MEETING : This matter has been tentatively set for public hearing for the Planning Commission meeting on Wednesday June 9, 2010.

Published: 4/28/10

lly Significant, LS = Less than Significant

NOI AND THE DRAFT IS/MND DISTRIBUTION LIST

College of the Desert
Environmental Review
43500 Monterey Avenue
Palm Desert, CA 92260

Ms. Lin Juniper
Regional Manager
Southern California Edison
Environmental Review
36100 Cathedral Canyon Drive
Cathedral City, CA 92234

Mr. Keith Downs Executive Director
Riverside County Environmental Review
Airport Land Use Commission
5555 Arlington Avenue
Riverside, CA 92504

Palm Springs Unified School District
Environmental Review
980 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Southern California Edison
Environmental Affairs
P.O. Box 800
Rosemad, CA 91770

Desert Water Agency
Environmental Review
1200 south Gene Autry Trail
Palm Springs, CA 92264

Mt. San Jacinto Winter Park Authority
Environmental Review
One Tramway Road
Palm Springs, CA 92262

Mr. Steve Smith
Environmental Review
South Coast Air Quality Management
21865 East Copley Drive
Diamond Bar, CA 91765-4182

Riverside County Assessor's Office
Environmental Review
82675 Highway 111
Indio, CA 92201

Riverside County Flood Control and Water Conservation District/Regulatory
1995 Market Street
Riverside, CA 92501

Mr. Ron Goldman
Planning Director
Riverside County Planning Dept.
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Supervisor John Benoit
County of Riverside, 4th District
73-710 Fred Waring Dr., Suite 222
Palm Desert, CA 92260

Ms. Katie Barrows
Director of Environmental Services
CVAG
73710 Fred Waring Drive
Palm Springs, CA 92260

Mr. Tom Davis
Agua Caliente Cahuilla Indians
Tribal Planning Director
5401 Dinah Shore Drive
Palm Springs, CA 92264

Palm Springs Chamber of Commerce
190 W. Amado Road
Palm Springs, CA 92262

Ms. Joan Taylor
The Sierra Club
1800 South Sunrise Way
Palm Springs, CA 92264

Mr. Pete Dangermond
Riverside Land Conservancy
4075 Mission Inn Avenue
Palm Springs, CA 92501

Mr. Bill Havert
Coachella Valley Mountain Conservancy
73-710 Fred Waring Drive, Suite 205
Palm Desert, CA 92260

US Fish & Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92000-4219

State of California
Department of Fish & Game – Region 6
Eastern Sierra & Inland Desert
3602 Inland Empire Blvd. Suite C-220
Ontario, CA 91764

State of California
Department of Fish & Game
1416 Ninth Street
Sacramento, CA 95814

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

City of Palm Springs
Engineering & Public Works Department

City of Palm Springs
Fire Department

Palm Springs Library

City of Palm Springs
Planning Counter

City of Palm Springs
City Clerk

City of Palm Springs Planning Commissioners

than Significant

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Appendices

Appendix A. Air Quality Assessment

Appendix B. Biological Resources Evaluation

Appendix C. Cultural Resources Study

Appendix D. Environmental Data Report

Abbreviations and Acronyms

ABBREVIATION	ACRONYM
ADT	Average Daily Traffic
AQMP	Air Quality Management Plan
BMPs	Best Management Practices
Cal/EPA	California Environmental Protection Agency
Cal/OSHA	Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CARB	California Air Resource Board
CBC	California Building Code
CCR	California Code of Regulations
CDC	California Department of Conservation
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CMP	Congestion Management Program
CUPA	Certified Unified Program Agency
CVMSHCP	Coachella Valley Multiple Species Habitat Conservation Plan
CVWD	Coachella Valley Water District
CWA	Clean Water Act
DAMPs	Drainage Area Management Plans
DTSC	Department of Toxic Substances
EDR	Environmental Database Resources, Inc
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRMs	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
IS	Initial Study
ISO	Insurance Services Office
LOS	Level of Service

MND	Mitigated Negative Declaration
MRZs	Mineral Resource Zones
MSHCP	Multiple Species Habitat Conservation Plan
MW	Mega Watt
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFPA	National Fire Protection Association
NFIP	National Flood Insurance Program
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
O&M	Operations and Maintenance
OSHA	Occupational Safety and Health Administration
PSFD	Palm Springs Fire Department
PSPD	Palm Springs Police Department
RCALUCP	County Airport Land Use Compatibility Plan
RWQCB	Regional Water Quality Control Boards
SCAG	Southern California Association of Governments
SMP	Stormwater Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	California State Water Resources Control Board
TMDL	Total Maximum Daily Load
USEPA	Environmental Protection Agency
WQMP	Water Quality Management Plan

Chapter 1 Introduction and Summary

Introduction

The purpose of this Initial Study (IS) is to identify the potential environmental impacts associated with the proposed Mountain View Solar Project (Project) on 76.9 acres in the City of Palm Springs. The City of Palm Springs is the California Environmental Quality Act (CEQA) Lead Agency and has completed this Initial Study/Mitigated Negative Declaration (IS/MND) to provide agencies and the public with information about the proposed project's potential impacts, both beneficial and adverse, on the local and regional environment.

Intended Uses of This Document

This IS/MND is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. In accordance with CEQA Guidelines (Section 15064[a]), an environmental impact report (EIR) must be prepared if there is substantial evidence, such as the results of the Initial Study, that a project may have a significant impact on the environment. A negative declaration (ND) or mitigated negative declaration (MND) may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions to the project, or mitigation measures agreed to by the applicant, mitigate the potentially significant impacts to a less-than-significant level (CEQA Guidelines Section 15063[f]).

This IS/MND has been prepared in compliance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000, et seq.) and the State Guidelines for Implementation of the California Environmental Quality Act of 1970 (California Code of Regulations, Title 14, Section 15000, et seq.), and as amended in 1998. This report also complies with the rules, regulations, and procedures for implementation of the California Environmental Quality Act adopted by the City of Palm Springs, California. It was prepared by *Global Environmental Permitting*, an environmental consulting firm under contract to the applicant on behalf of the City of Palm Springs. This IS/MND was prepared under the direction of the City of Palm Springs staff and represents their independent judgment. The City of Palm Springs has primary responsibility for approval or denial of the proposed Project. This document is organized into the following chapters:

Chapter 1 - Introduction. Provides basic project information, CEQA lead agency information, and document organization.

Chapter 2 - Project Description. Describes the purpose of the document, project location, project description, environmental setting, and project objectives.

Chapter 3 - Environmental Checklist. Provides CEQA mandated environmental checklist that identifies the level of impact associated with each environmental resource area. It also provides a narrative discussion of each environmental issue question contained in the environmental checklist.

Chapter 4 - Mitigation Measures. Identifies mitigation measures for potentially significant impacts to reduce impact levels to less than significant.

Chapter 5 - References Cited. Provides a list of references used in the preparation of this document.

Chapter 6 - Agencies and Persons Contacted. Provides a list of agency staff contacted during the report preparation.

Chapter 7 - List of Preparers. Includes the individuals that were involved with the preparation of this IS/MND.

Summary

Pursuant to the City of Palm Springs guidelines to implement CEQA, a preliminary environmental checklist was prepared by *Global Environmental Permitting* on November 15, 2009 as part of an Initial Study for this project. Environmental issues as identified by the Initial Study, and consistent with the California Environmental Quality Act, are analyzed in this MND. This Initial Study has identified potentially significant impacts and mitigation measures, which, when incorporated into the project, will be reduced to less than significant levels. The Initial Study Checklist concluded that, with mitigation measures, this project would not have a significant effect on the environment. Therefore, this Initial Study supports the finding that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project under Section 15070 of the CEQA Guidelines.

Findings

1. Based on the whole record (including the Initial Study and any supporting documentation) and the mitigation measures incorporated into the project, the City of Palm Spring has determined that there is no substantial evidence that the project will have a significant effect on the environment.

2. The Mitigated Negative Declaration, with its supporting documentation, reflects the independent judgment and analysis of the lead agency, which is the City of Palm Springs.

Chapter 2 Project Description

Overview

AES Solar Power, LLC. (Applicant) is currently considering a solar power project on an approximately 76.9 acre site located within the City of Palm Springs in Riverside County, California. AES Solar's approximately 13 MW photovoltaic (PV) solar energy collection system project will provide supplemental electricity to the region. The proposed project will be co-located on the site of an existing wind energy facility. The existing wind energy facility was approved under CUP No. 5.0779.

The applicant will design, build, operate and maintain the solar power project. The existing setting and proposed improvement descriptions were derived from review of the proposed solar panel array plan, dated January 12, 2010. All documented resources have been attached to this Mitigated Negative Declaration as appendices.

Project Location and Environmental Setting

The proposed project area is located within the City of Palm Springs in Riverside County, California. See Figures 1 (Regional Location Map) and 2 (Vicinity Location Map) below. The assessor parcel numbers (APN) are identified as 668-412-001-4 and 669-040-006-7. Parcel APN 668-412-001-4 is located adjacent to and south of the Caltrans Interstate 10 right-of-way approximately 1 mile east of the State Route 62 exit. Parcel APN 669-040-006-7 is located adjacent to and south of parcel APN 668-412-001-4. Locally, the site is west of Indian Canyon Drive and south of Interstate 10 (Figure 1). Both parcels are privately owned by the applicant. The property is depicted on the California USGS 7.5-minutes topographic map and is legally described as: That portion of the West Half of the West Half of Section 16, Township 3 South, Range 4 East, San Bernardino Meridian, in the City of Palm Springs, County of Riverside, State of California, according to the Official Plat thereof, lying South of Highway 99 and That portion of the North Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 21, Township 3 South, Range 4 East, San Bernardino Meridian, according to the Official Plat thereof, lying North of the Southern Pacific Railroad Right of Way.

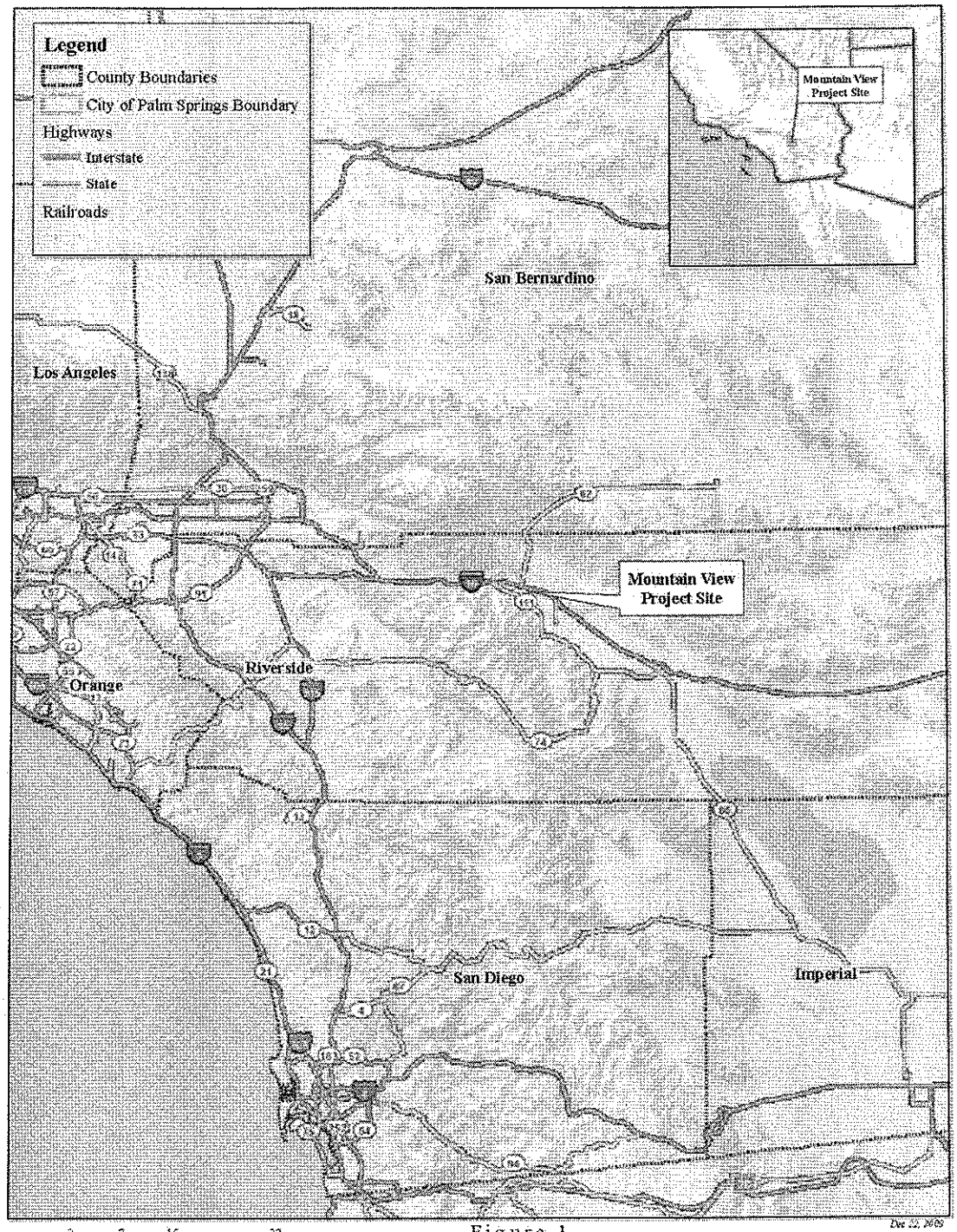


Figure 1.
Mountain View Solar Project
Regional Location Map.

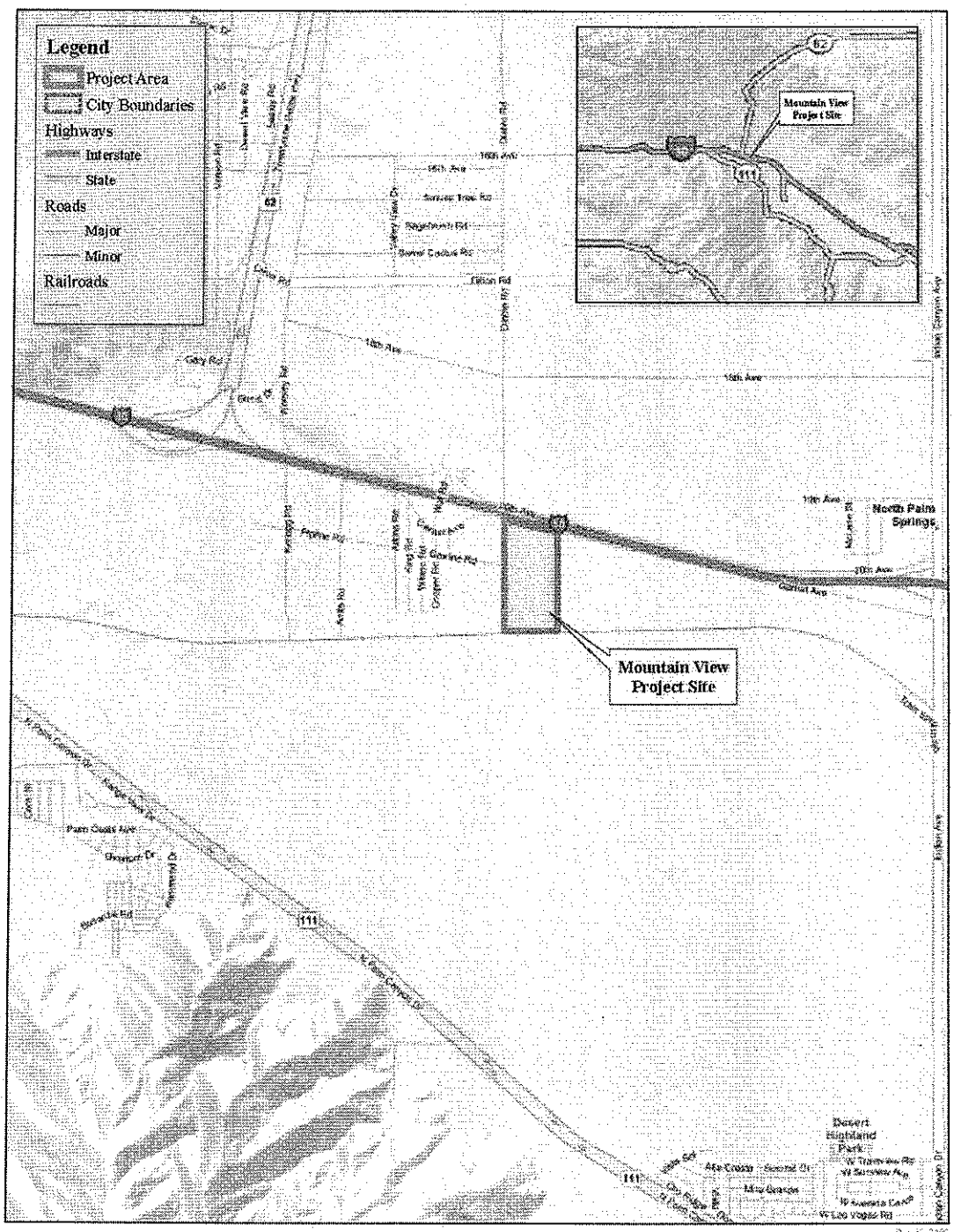
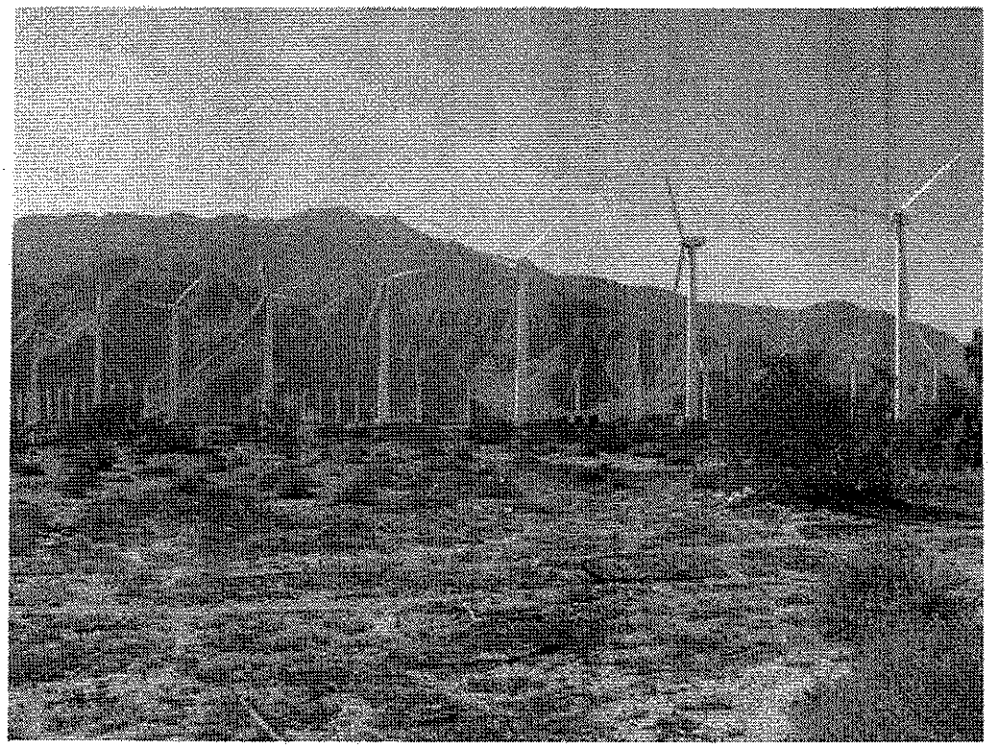


Figure 2.
Mountain View Solar Project Vicinity Map.

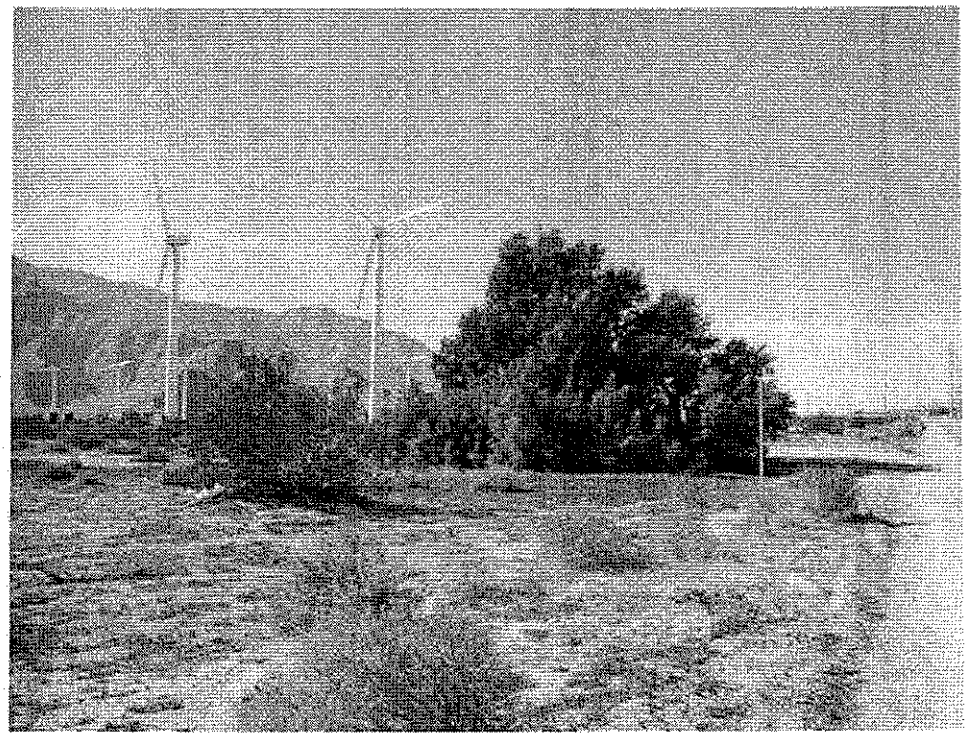
Existing Conditions and Surrounding Land Uses

Based on a site visit conducted by the Global Environmental Permitting staff on December 3rd, 2009, existing structures on the site include a row of ten wind turbine towers with transformer cabinet, two electrical substations, a meteorological tower, and a utility/storage yard surrounded by a chain link fence. All existing structures except the utility/storage yard will be retained. Site Photo 1 shows the view from northeast corner of site toward southwest. Access to the site will be from Garnet Avenue (Site Photo 2 below). The internal roadway system (shown in Site Photos 3 and 4 below) will generally follow the existing roadway system with minor adjustments in alignment and the addition of gravel surfacing.

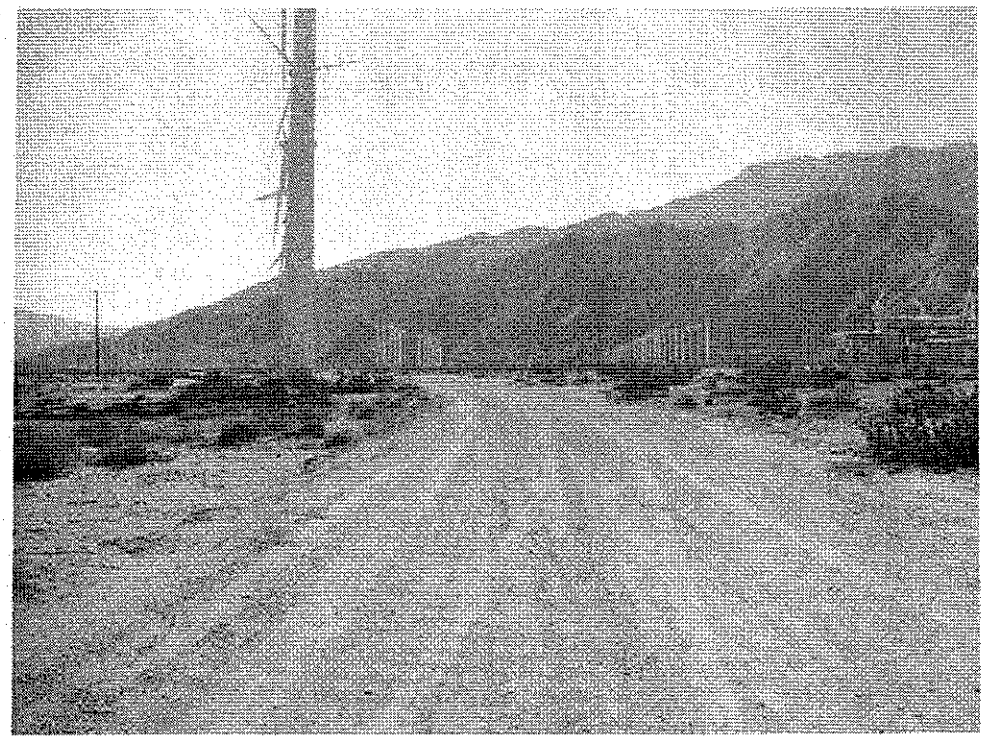
A 33-foot wide easement containing two 30-inch pressure gas mains runs across the central portion of the site. The gas mains are owned and maintained by the Southern California Gas Company. No solar collectors will be built within the easement. The project site has no water or sewer service. Complete restroom and shower facilities are located at the AES office and National Wind Energy Data & Training Center located at 19435 Ruppert Street on the north side of I-10 approximately 1.5 miles to the east (2.6 miles driving distance).



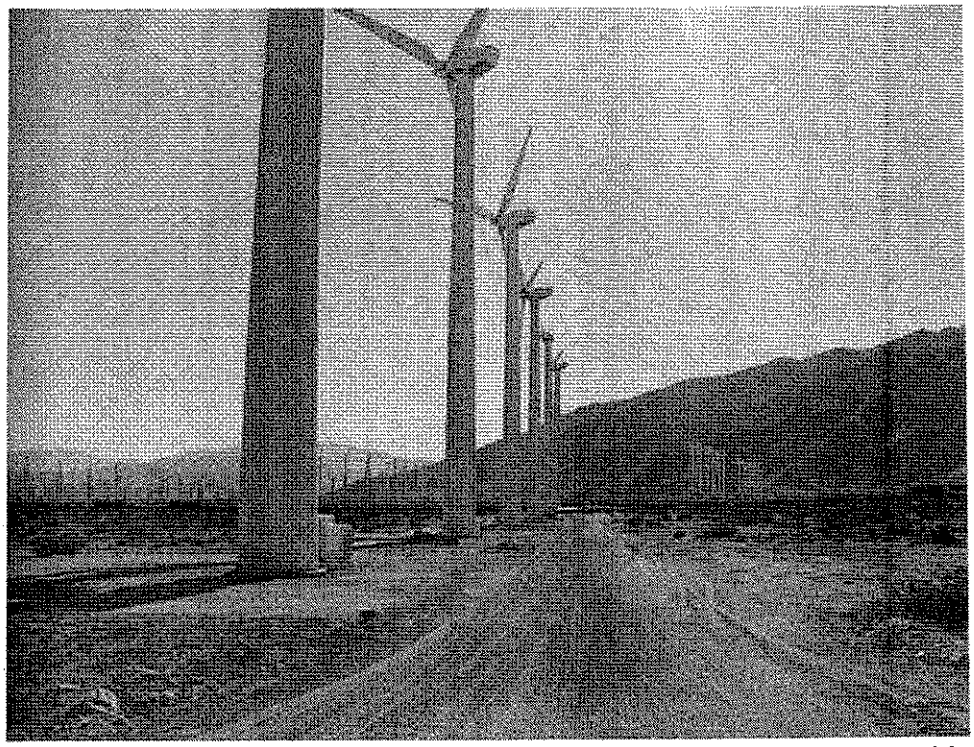
Site Photo-1 View from Northeast Corner of Site toward Southwest



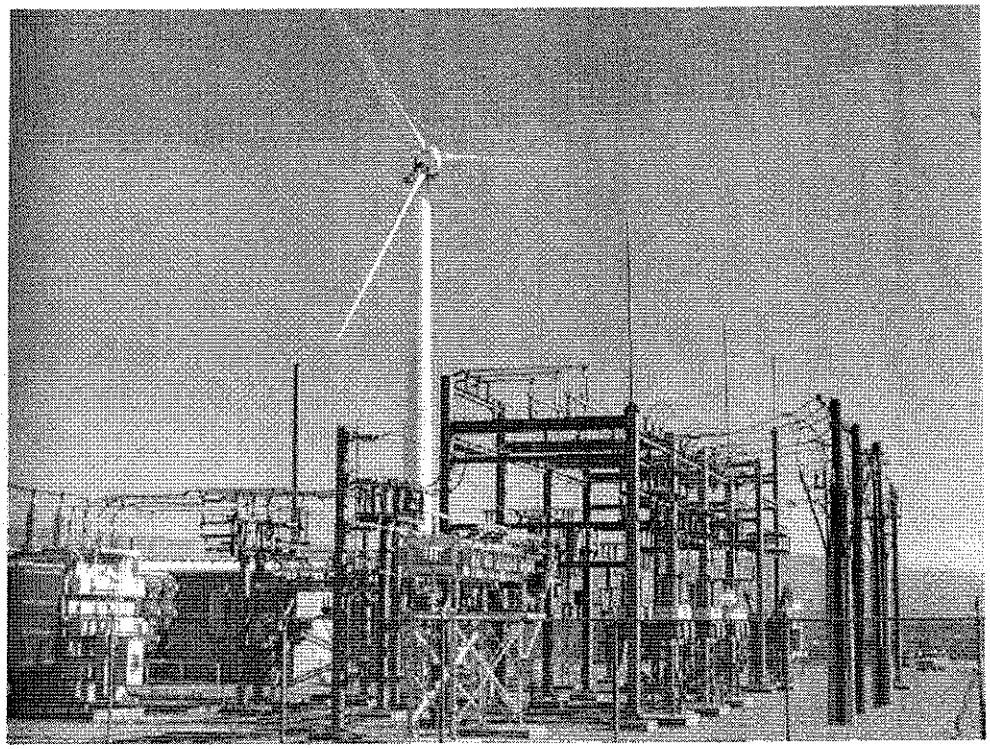
Site Photo-2 View of Garnet Avenue Frontage from Northeast Corner of Site toward West



Site Photo-3 View of Existing Main Entry Road from Garnet Avenue toward South



Site Photo4 View of Wind Towers and Central Service Road from Interior of Site toward South



Site Photo-5 View of Existing Substation from Southwest

An isolated neighborhood of scattered residences on large lots (West Garnet) is located approximately 0.3 miles to the west on County land within the City's sphere-of-influence. The current City boundary runs along the west side of the project boundary.

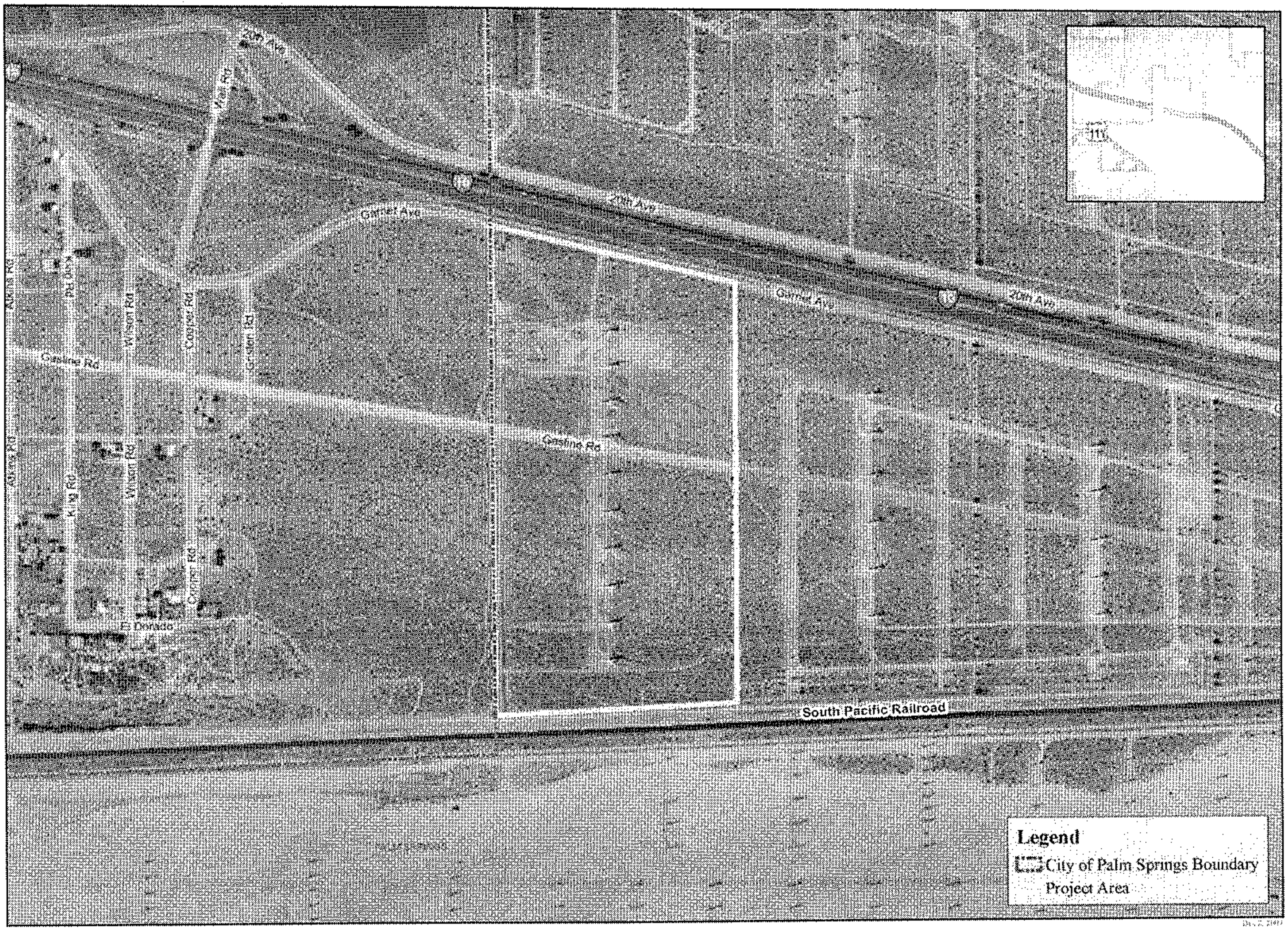
Project Description

The proposed project is an approximately 13 MW photovoltaic solar energy farm to be co-located on the site of an existing wind energy facility. For clarification, a megawatt hour (MWh) is described as an electrical rate of flow over a period of time. A megawatt (MW) is a quantity of electricity. AES Solar (Applicant) is proposing to construct, operate and maintain an approximately 13 MW solar power facility. Figure 3 shows the project site's aerial image. Figure 4 shows the Project's Site Plan Layout.

Project Components:

The proposed project consists of several components to be constructed or installed in the following general sequence:

- Site clearing and grubbing of existing vegetation
- Site grading
- Installation of foundations for PV panel support structures/buildings/cabinets
- Installation of support structures for PV panels
- Installation of PV panels
- Installation of underground electric power lines
- Construction of perimeter and internal gravel roads
- Installation of a prefabricated main control building
- Installation of prefabricated transformer, inverter and switchgear enclosures
- Installation of perimeter fencing (chain link with razor wire, 8-ft high) and access gates
- Installation of security monitoring system
- Installation of landscaping along Garnet Avenue frontage



0 300 600 1,200 Feet
0 100 200 400 Meters

Figure 3.
Mountain View Solar Project Boundary Aerial Project Map.

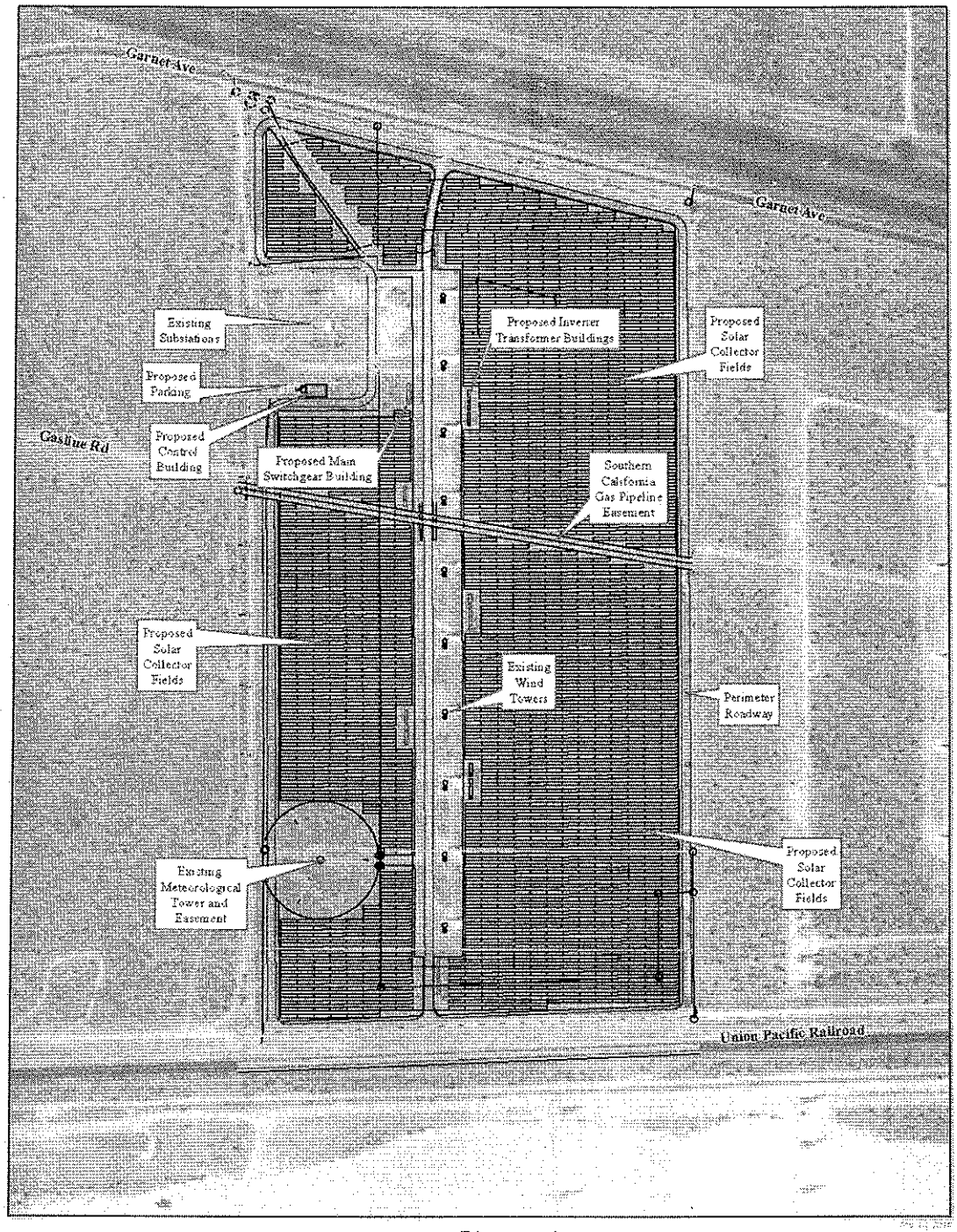


Figure 4.
Mountain View Solar Project
PV Solar Layout

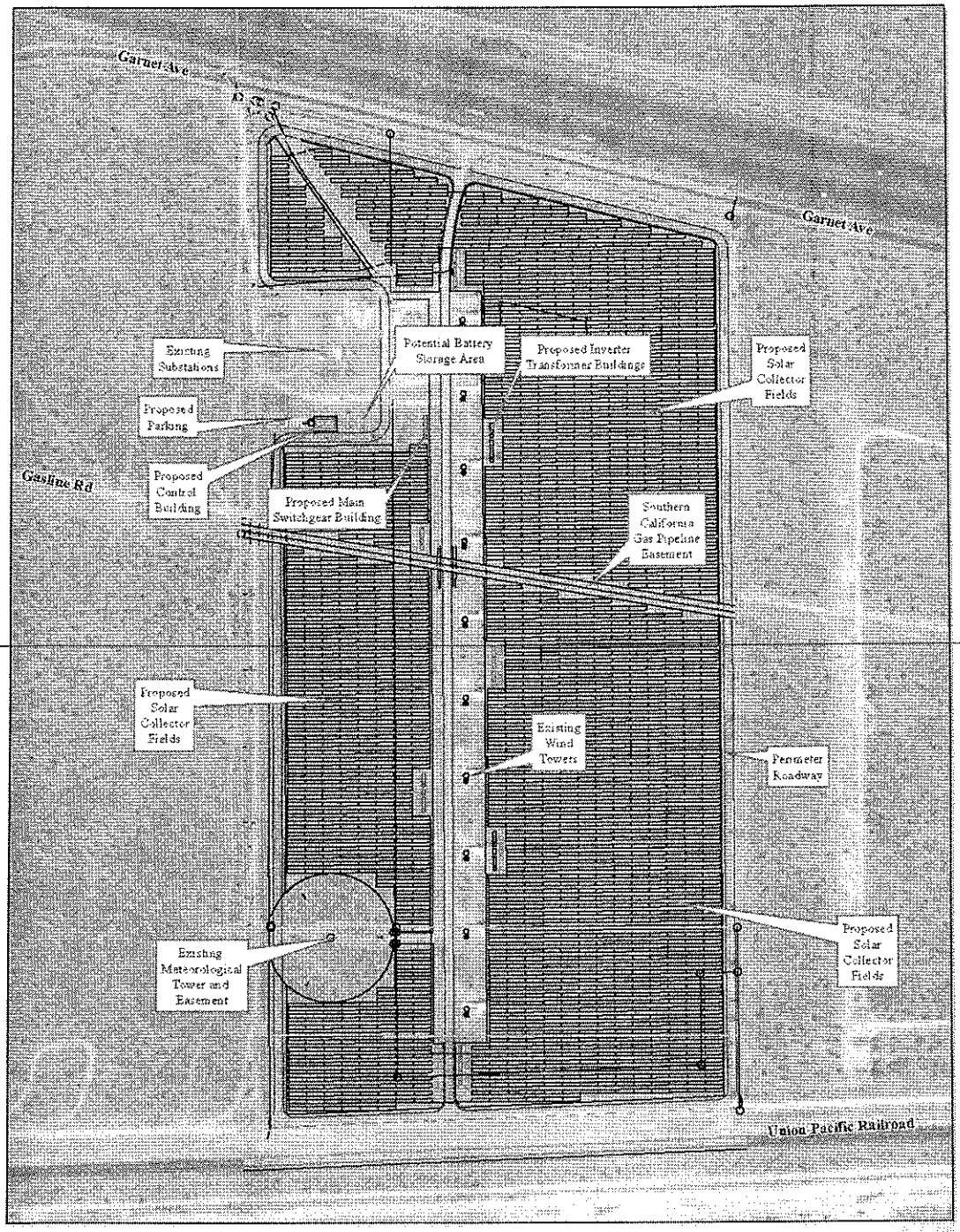


Figure 4.
Mountain View Solar Project
PV Solar Layout

Existing structures on the site include a row of ten wind turbine towers with transformer cabinets, two electrical substations, and a utility/storage yard surrounded by a chain link fence. All existing structures except the utility/storage yard will be retained. A 279 square foot control building is proposed to be constructed on the south side of the substation area. The control building will be accessed intermittently as needed by work crews. Detailed information regarding site coverage is provided in Table 1 below.

Table 1 – Project Site Coverage

(After ROW Dedication[1])

Description	Area (SF)	Area (AC)	% of Site
Building			
New Buildings (not including PV panels)[2]	5,363	0.12	0.2%
New PV Panels[3]	1,025,216	23.54	31.0%
Existing Substation Fenced Areas	46,771	1.07	1.4%
Subtotal	**1,077,350**	**24.73**	**32.5%**
Paving			
New Gravel Roads[4]	250,931	5.76	7.6%
Subtotal	**250,931**	**5.76**	**7.6%**
Landscaping/Open			
New Landscape Area	16,332	0.37	0.5%
Existing Dirt Road (to remain)	55,000	1.26	1.7%
Open Area (including collector pathways)[5]	1,912,598	43.91	57.7%
Subtotal	**1,983,930**	**45.54**	**59.9%**
Total	**3,312,211**	**76.04**	**100.0%**

Notes:

1. Project site excludes 38,114 SF for Garnet Avenue ROW dedication).
2. Includes 279 SF control building.
3. Area is for surface of PV panels which are raised above ground level. The only impervious surface will be the PV panel foundation system which is typically a rammed pole less than 1-foot in diameter. The PV panel foundation system may also consist of concrete footings for pole support structures which would cover approximately 5500 SF of ground surface area.
4. All gravel roads are pervious surfaces.
5. Area for collector pathways is 1,229,500 SF.

Access to the project site will be from Garnet Avenue (Figure 2). The main entrance access connects to a central roadway needed to service the existing wind towers. The central roadway also provides access to the existing substations (Site Photo 5) on the northwest side of the site and the meteorological tower located on the southwest portion of the site. A perimeter road with a loop around the substation area will connect with the main entry road and provide maintenance access for all of the solar collectors. An existing dirt roadway located within an easement on the west side of the property will remain. Internal roadway widths will be approximately 24 feet. All internal roads will have an aggregated base gravel surface. A 28-foot wide strip along the north property line will be dedicated to the City of Palm Springs to allow for the future widening of Garnet Avenue.

Solar PV Panel Features and Solar Collector Arrays

The solar collectors will utilize thin film polycrystalline PV panels in south facing fixed arrays tilted at approximately 27 degrees. The panels are black with metallic colored frames. The panels are non-mirrored glass and will not produce any significant reflected glare. The total height of the collectors and support structures will be approximately nine feet. The support structures will provide a ground clearance of about four feet (1.2 meters) to allow the passage of blow sand below the collector array. The additional clearance will prevent scouring damage to the collector surface while minimizing disturbance to the natural sand transport which is part of the local desert ecology.

The solar collector arrays will be located in east-west rows separated by approximately 10-foot wide unimproved maintenance pathways. The open rows will allow rainwater to reach the ground surface and percolate into the soil. The pole support structures for the collector arrays would be open to light and air, allowing the ground to show through at certain viewing angles.

Energy Collection System

The energy produced by the PV panels in Direct Current (DC) will be collected by the inverters and transformed into Low Voltage (LV) Alternating Current (AC) power. Then the power transformers will step up the voltage to Medium Voltage (MV). The transformers will be connected in a ring configuration that connects in single MV switchgear that collects all of the energy from the plant. The MV switchgear is connected to the High Voltage (HV) substation.

Grading

Site grading will consist of approximately 44,000 cubic yards of cut and 46,100 cubic yards of fill for a net import of 2,100 cubic yards of material. The existing vegetation on the project site will be cleared and grubbed prior to site grading activities. Once cleared, a majority of the project site will be graded to provide suitable surfaces for the placement of solar panel arrays and internal service roads. Site grading will closely match existing grade and may involve minor excavation for the solar panel pole supports.

Security and Monitoring

The project includes the installation of perimeter fencing (chain link with razor wire; eight feet high with an access gate on West Garnet Avenue). The project perimeter will have an infrared barrier with cameras. Complete control and monitoring of the plant locally and remotely will be provided 24 hours, 7 days a week by the applicant. Outdoor lighting for the project will be minimal and consist of lighting outside buildings to allow safe access and egress of personnel, along the project fencing, and at the main plant entrance (gate and parking). The lighting system will be designed so that, at night, the main gate lights are only switched on by a signal coming from the main photocell. Fence lighting is part of the security system

and would normally be switched off and used only as a deterrent against intrusions. Any lighting associated with the operational lifetime of the project would be for security purposes and thus would not be a major light source affecting nighttime views.

Workforce and Truck Trips during Construction

The numbers of construction workers mainly depends on the time schedule. The proposed project is estimated to utilize a maximum of 100 people during construction.

During the six to nine month construction phase, approximately 34 truck trips to the project site will occur each day. Table 2 shows approximate number of construction and installation personnel for the project.

Traffic

According to the City of Palm Springs Fire Department's requirements, roadways are required to be all-weather surfaced. The project's standard aggregate base gravel road would be considered all weather. Roads will be able to support a 73,000 lb Fire Truck. No employees would be stationed at the site. The only traffic to the site would be to maintain the installed collectors (see Operations and Maintenance below).

Water and Sewer

The site has no water or sewer service and the operation buildings would only periodically be occupied by service technicians for brief periods to monitor equipment within the system. . Water for cleaning the solar collectors would be brought in by truck. Work crews would use portable toilets located on site, if necessary. Complete restroom and shower facilities are located at the AES office and National Wind Energy Data & Training Center located at 19435 Ruppert Street on the north side of I-10 approximately 1.5 miles to the east. The landscaping would be adapted to desert conditions and would not require an irrigation system. It is anticipated that during the plant establishment period (12 months after construction completion) the new landscaping would be watered by means of watering trucks. As mentioned above, the site has no access to either potable or recycled water. No hazardous chemicals would be used or stored on site. Cleaning of panels would be by water only.

Table 2 – Construction and Installation Personnel

Mountain View Solar Project Construction and Installation Phase	Personnel and Trip Generation
Solar Installation	12 men 3 trucks
Civil Personnel	10 men 3 trucks

PV Support Pole Driver Personnel	4 men 2 trucks
PV Mechanical Installation Personnel	8 men 2 trucks
PV Electrical Personnel	10 men 3 trucks
Project Management Personnel	5 men 4 trucks
Environmental Monitors	2 men 2 trucks
Startup and Testing Personnel	8 men 3 trucks
Total Estimated for Solar Installation	59 men 22 trucks
Material Delivery	8 per day
Worker Bus Trips	2 per day
Civil Worker Trips	8 per day
Electrical Worker Trips	8 per day
Mechanical Worker Trips	8 per day
Total Estimated Trips per Day	34 per day

Construction Equipment

Construction equipment that would be used for the proposed project includes backfillers, bulldozers, draglines and front loaders, earthmoving and compacting equipments such as, compactors, scrapers, and graders. Equipment would be staged in the vicinity of the project site. Construction activities would typically take place within the hours of 7 a.m. and 7 p.m. Monday through Friday.

Construction Schedule

Time for completion is typically 6 to 9 months. Construction of the proposed PV Solar Project is projected to commence in the third quarter of 2011.

Operations and Maintenance (O&M)

Operations and Maintenance (O&M) staff is anticipated to be approximately three people that are located remotely in an off-site O&M facility located approximately 1.5 miles from the PV Solar site. The site would be monitored off-site and O&M staff is available 24 hours, 7 days a week. O&M staff would typically visit the site intermittently throughout the week and every two to three months to clean the solar collectors. The main control building will be ADA accessible. Other auxiliary buildings/cabinets would not need to be ADA accessible.

Site Access

The project would be fenced to help prevent access by the public. Gates would be installed at the roads entering the site. Limiting access to the site is necessary both to ensure the safety of the public and to protect the equipment from potential theft and vandalism. The main entrance gate on Garnet Avenue will be equipped with a Tomar or Opticon dual head system to activate the gates during a fire emergency.

Fire Control

The PV panels and ancillary equipment result in a negligible increase in fire potential; however, a fire prevention plan would be prepared with applicable City of Palm Springs Fire Department's regulations. In a meeting with the City of Palm Springs Fire Department on December 9, 2009, staff advised that structures outside of the Fire Department's five-minute response area are required to use a sprinkler system. However, there is no water in the area and the buildings will not be inhabited by permanent staff. As an alternative to sprinklers, the project will utilize non-combustible building materials such as steel, concrete, or block, and "Clean Agent" fire suppression systems.

Inspections

During construction, the site would be under continual surveillance by the supervising construction staff. Special inspections and monitoring would be conducted in conformance with the environmental protection measure included in the project design and adopted at the time of project approval. During normal operations, the facilities would be subject to continuous security and inspections by O&M staff.

Required Permits and Approvals

As part of implementation of the proposed project, the following agencies' approvals and permits are currently anticipated to be necessary:

Agency	Permit/Approval Required
California Department of Fish and Game (CDFG)	Incidental Take Permit, if a state listed species affected
Regional Water Quality Control Board (RWQCB)	Stormwater Pollution Prevention Plan (Section 402 of the Clean Water Act)
~~Riverside County Flood Control District~~ **City of Palm Springs**	~~Water Quality Management Plan~~ **Water Quality Management Plan**
City of Palm Springs	Conditional Use Permit Major Architectural Permit Application Building Permit/Grading Permit Minor Variance/Transportation Permit

Public Involvement

In accordance with Section 15073 of the CEQA *Guidelines*, this document is being circulated to local, state, and federal agencies, and to interested organizations and individuals that may wish to comment on the proposed project. During the 30 day comment period, written comments may be submitted to the following address:

City of Palm Springs
Attn: Edward Robertson, Principal Planner
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Chapter 3 Environmental Checklist

1. **Project Title:** Mountain View Solar Project

2. **Lead Agency Name and Address:** City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

3. **Lead Agency Contact Person and Phone Number:** Edward O. Robertson
Principal Planner
Phone: 760-323-8245
Ken Lyon, Associate Planner
Phone: 760-323-8245

4. **Project Location:** The proposed project is located within the City of Palm Springs in Riverside County, California. The parcel APN 668-412-001-4 is located adjacent to and south of the Caltrans Interstate 10 right-of-way approximately 1 mile east of the State Route 62 exit. The parcel APN 669-040-006-7 is located adjacent to and south of the parcel APN 668-412-001-4. Locally, the site is west of Indian Canyon Drive and south of Interstate 10 (Figure 1). Both parcels are privately owned by the applicant. The property is depicted on the California USGS 7.5-minutes topographic map and legally described as within SW ¼ & SE ¼ (north to interstate 10) of Section 16, Township 3S, Range 4E and NW ¼ & NW ¼ (south to Southern Pacific Railroad) of Section 21, Township 3S, Range 4E.

5. **Project Sponsor's Name and Address:** AES SOLAR POWER, LLC.
4300 Wilson Blvd
Arlington, VA 22203

6. **General Plan Designation:** The City of Palm Springs General Plan designation is Industrial with Wind Energy Overlay.

7. **Zoning:** The City of Palm Springs Zoning Ordinance designation is Energy-Industrial. (E-1)

8. **Description of Project:** AES Solar US (Applicant) is currently considering a solar power project on an approximately 76.9 acre-site located within the City of Palm Springs in Riverside County, California. AES Solar's approximately 13 MW photovoltaic (PV) solar energy collection system project will provide supplemental electricity to the region. The applicant will design, build, and operate and maintain the solar power project.

9. **Surrounding Land Uses and Setting:**

The project site is located adjacent to and south of the Caltrans Interstate 10 right-of-way, approximately 1 mile east of the State Route 62 exit. Locally, the site is west of Indian Canyon Drive and south of Interstate 10. The project is situated within the Upper Coachella Valley area, situated near the eastern end of San Gorgonio Pass in Riverside County. The project area is surrounded by the Little San Bernardino Mountains to the north, the San Gorgonio Pass extending to the west, open desert to the east, and the San Jacinto Mountains to the southwest. Surrounding land uses include wind farms to the east and west of the project site, the I-10 right-of-way to the north and the Union Pacific Railroad right-of-way to the south. Additional wind farms are located north of I-10 and south of the railroad. A small tract of very-low density residential units is located approximately 0.3 miles to the east of the project site in the County of Riverside.

10. **Other Public Agencies Whose Approval is Required:** See "Required Permits and Approvals" in Chapter 2.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Hazards & Hazardous Materials	☒ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☒ Noise	☐ Population/Housing
☒ Public Services	☐ Recreation	☒ Transportation/Traffic
☐ Utilities/Service Systems	☐ Mandatory Findings of Significance	

Determination (to be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An

ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature 4/22/10 Date

Ken Lyon, Associate Planner
Printed Name

Signature 4/26/10 Date

Craig A. Ewing, AICP; Planning Director for Edward Robertson, Principal Planner
Printed Name

I. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Environmental Setting

The project is located within the Upper Coachella Valley area, situated near the eastern end of San Gorgonio Pass. The project site affords panoramic views of the hills and mountain ranges which surround the Coachella Valley and views of a large portion of the valley itself. The project area is surrounded by the Little San Bernardino Mountains to the north, the San Gorgonio Pass extending to the west, open valley desert to the east, and the Jacinto Mountains to the southwest. In particular, Mt. San Jacinto forms a dramatic visual backdrop for the project site. The site is located on a relatively level portion of the desert floor between I-10 to the north and the Union Pacific railroad right-of-way. The primary visual feature of the project site is its connection to the vast open area of the valley floor.

The visual setting also includes man-made elements consisting of scattered residential communities, freeway, commercial buildings, overhead power lines, substations, and approximately 3,500 wind turbine generators. The subject property contains ten 237 foot wind turbines, a meteorological tower, two Edison electrical substations, an open storage yard, perimeter chain link fencing and approximately 13,000 lineal feet of dirt service roads. Additional built features located in close proximity to the project site include: Interstate 10 freeway near the northern boundary of the site, North Indian Canyon Drive located east of the site, highway serving commercial buildings and parking lots at the I-10/Indian Canyon Drive

interchange, the Union Pacific Railroad line along the southern boundary of the site and a small tract of residential units approximately 0.3 to the west in the County of Riverside.

Regulatory Setting

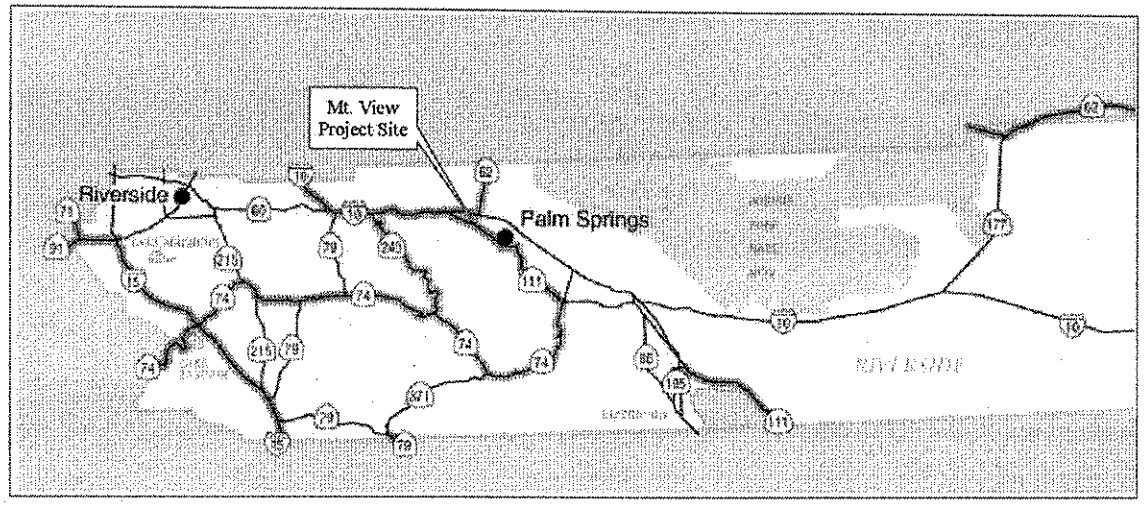
State Regulations

Assembly Bill 2473, approved in 2004, states that, "it is the intent of the Legislature that local governments not adopt ordinances that create unreasonable barriers to the installation of solar energy systems including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems." This amendment to the Solar Rights Act (Civil code section 714; Health and Safety Code section 17959.1; Government code section 65850.5) is widely interpreted as prohibiting local governments from restricting the installation of a solar energy system based on aesthetics.

Local Regulations

The City of Palm Springs General Plan contains several relevant policies that address the protection of scenic resources. Language in the Scenic Resources and Corridors sections of the Community Design Element states that: "All major thoroughfares and freeways are designated as scenic corridors. Views along these roadways should be preserved and enhanced whenever feasible." Citywide scenic corridors and enhanced landscape streets are identified in Figure 9-4 of the General Plan (see Figure 5 in this document). Additional General Plan policies include the following:

- Policy CD25.3: "Require that all land uses and future development proposals respect and protect the scenic values of the desert and mountain terrain."
- Policy CD26.4: "Require specialized design review for development along scenic corridors including, but not limited to, building height restrictions, setback requirements, and site orientation guidelines."
- Policy LU12.4: "Ensure that new development along the freeway corridor is compatible with the City's policies related to scenic resources."
- Policy LU12.6: "Require that loading and outdoor storage areas for commercial and industrial uses be screened from public streets and freeway views."



Legend

U.S. | Interstate | State | County Road

- Officially Designated State Scenic Highways
- Officially Designated County Scenic Highways
- Officially Designated State Scenic Highway and National Scenic Byway
- Officially Designated State Scenic Highway and All American Road
- Eligible State Scenic Highways — Not Officially Designated
- Unconstructed State Highways Eligible for Scenic Designation
- Historic Parkways
- Connecting Federal Highways
- Connecting Federal Highway & National Scenic Byway
- State Highway System

Source: Caltrans

Figure 5. Caltrans State Scenic Highways - Riverside County.

Environmental Impact and Mitigation Measures

a. Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. Scenic vistas are singular vantage points that offer unobstructed views of valued viewsheds, including areas designated as official scenic vistas along major highways or City designated visual resources. The primary scenic vista is from westbound I-10 towards the southwest which provides a panoramic view of the Coachella Valley floor in the foreground and the San Jacinto Mountains in the background. Secondary scenic vistas are available from Indian Canyon Drive (approximately 1.8 miles to the east and SR 111 (at a point approximately 1.6 miles to the southwest). All of these roadways are designated scenic corridors in the Palm Springs General Plan. Indian Canyon Drive and SR 111 are designated gateways to the City of Palm Springs.

The installation of the PV panels mounted on pole support structures would result in a change to the visual environment. The dark colors and regular rows of the solar panels would contrast with the natural form, line, color, and texture of the surrounding landscape. Visual evidence of a solar field cannot easily be avoided, reduced, or concealed, owing to its size and exposed location. However, the primary and secondary vistas described above are already altered by an extensive concentration of wind energy turbines, including ten 237-foot turbine towers located on the project site.

From the primary vista on I-10, the proposed solar collectors which have a height of approximately nine feet would be visible in the foreground and near mid-ground areas but are not high enough to impact the background view of the San Jacinto Mountains. The secondary vista from Indian Canyon Drive towards the west would be constrained to a narrow corridor between the Union Pacific Railroad and commercial development near the I-10 interchange. From this vantage point the solar collector field would be visible in the mid-ground area only and would not impact nearby foreground views along Indian Canyon Drive or background views of the San Jacinto Mountains. The secondary vista from SR 111 is primarily of the valley floor to the northeast and the background Little San Bernardino Mountains. From this vantage point the solar collector field would be visible as a dark field in the mid-ground area just below I-10 and would not impact background mountain views. Because of the existing visual impact of the wind turbine towers and the low profile of the solar collectors which preserves the entire background view, the proposed project would not have a significant adverse effect on a scenic vista and no mitigation measures would be required.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. State scenic highways refer to those highways that are officially designated. A scenic highway is officially designated when a local jurisdiction adopts a scenic corridor protection program, applies to the California Department of Transportation (Caltrans) for scenic highway approval, and receives notification from Caltrans that the highway has been designated as an official Scenic Highway. Based on information available from the Caltrans website (California Scenic Highway Mapping System, 2009) none of the state highways in the vicinity of the project site have been officially designated (See Figure 6). State Route 111 between I-10 and SR 74 is eligible for listing but has not been officially designated. This status is recognized by Policy CR1.10 of the Circulation Element of the Palm Springs General Plan: *"Evaluate the State Scenic Highway program for possible nomination of Highway 111 from I-10 to Tram Way..."* Given the current status, the proposed project would not have any significant adverse effect on a scenic resource with a State scenic highway.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. Visual character is the objective composition of the visible landscape within a viewshed. It is based on the organization of the pattern elements: line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers. The existing visual character and quality of the project site and surrounding area can be characterized as open, low-intensity, industrial energy uses. The current visual environment is characterized by a major concentration of wind turbines with views of the San Jacinto Mountains in the background. These turbine arrays have established a dominant visual pattern in the area. Open ground, electrical substations and numerous service roads are visible below the turbine towers. A small number of single family residences are located approximately 0.3 miles to the west of the project site.

The proposed project would result in a visually apparent change to the present landscape. However, the solar collector rows would have a low, horizontal, profile with a clean repetitive design that is based on their function - to harvest sunlight and convert it to electricity. The solar panels would be mounted on pole support structures which are open to light and air and allow the ground to show through at certain viewing angles. The solar panel support structures, most clearly visible from Garnet Avenue and I-10, would be partially screened by landscaping.

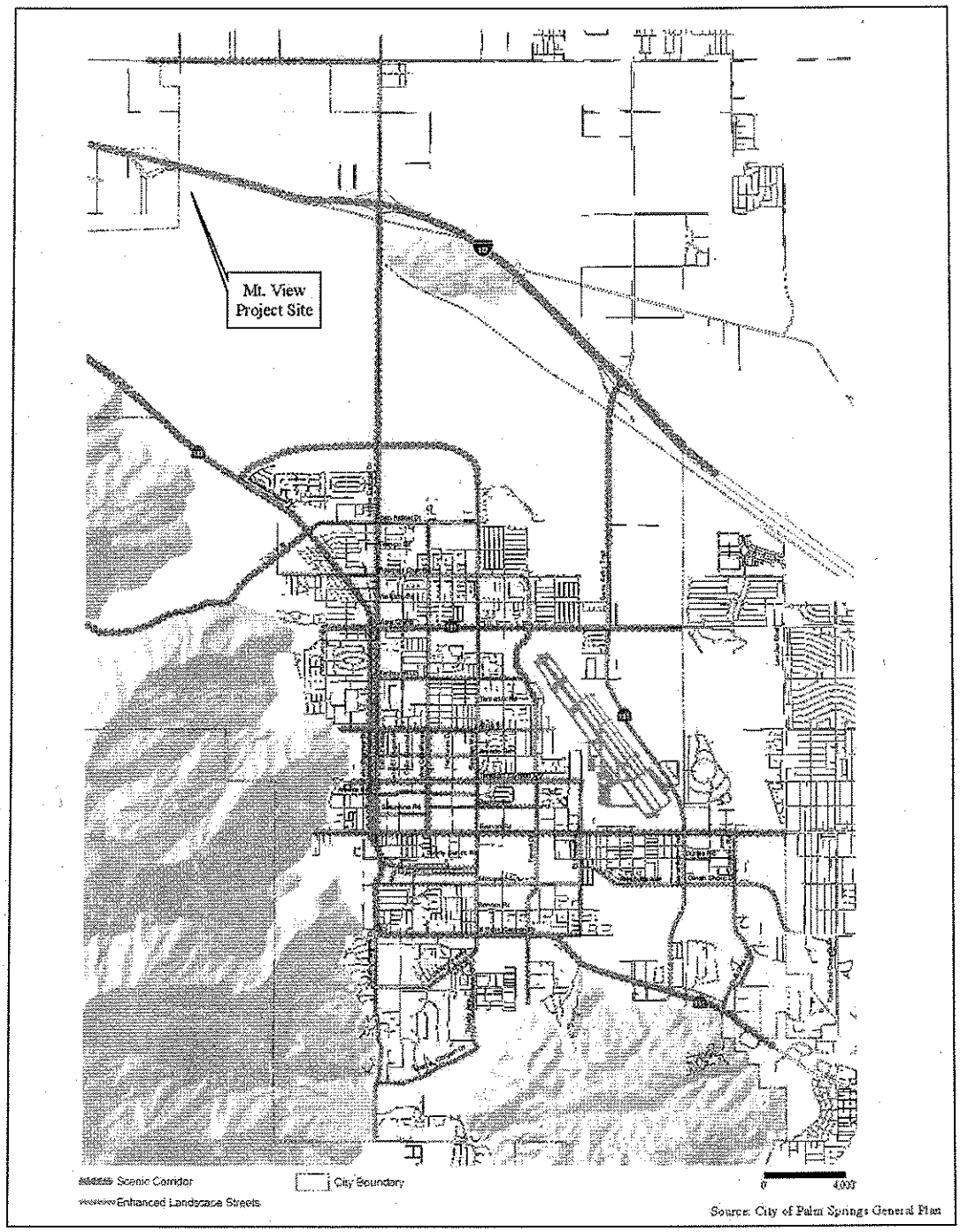


Figure 6.
Citywide Scenic View Corridors.

Due to their limited height of approximately nine feet, the solar collectors would not impact background views. The project would also be compatible with the established energy industrial character of the surrounding areas. Potential visual impacts during construction would be temporary (six-nine months). Therefore the proposed project would not result in any significant adverse impact on visual character or quality, on-site or in the surrounding area, and no mitigation measures would be required.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. The proposed project will use polycrystalline PV modules which are black in color and designed to absorb sunlight. The modules will be tilted approximately 27 degrees facing south. The non-mirrored glass panel surfaces would not result in any significant reflective glare. Outdoor lighting for the project will be minimal and consist of lighting outside the control building to allow safe access and egress of personnel, along the project fencing, and at the main plant entrance (gate and parking). The lighting system will be designed so that, at night, the main gate lights are only switched on by a signal coming from the main photocell. Fence lighting is part of the security system and would normally be switched off and used only as a deterrent against intrusions. Any lighting associated with the operational lifetime of the project would be for security purposes and thus would not be a major light source affecting nighttime views. Lighting would be directed inward toward the project site and, where warranted, along access roads. Therefore the project will not result in any new source of substantial light or glare that would adversely affect on the day or nighttime views in the area. No impacts are anticipated and no mitigation measures are required. Outdoor lighting will also be required to conform to the City's outdoor lighting ordinance (PSZC Section 93.21.00) which will further mitigate any potential impacts of night lighting to less than significant levels.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Environmental Setting

Farmland of Local Importance is identified by a local advisory committee and is either currently producing crops, has the capability of production, or is used for the production of confined livestock (California Department of Conservation 'CDC' Farmland Mapping and Monitoring Program 'FMMP' Guidelines). The area is not currently producing crops or used for the production of confined livestock. Analysis of Farmland of Local Importance is not required under CEQA significance criteria and is included in this section for informational purposes only. No major, statewide important, unique, or local important farmlands or agricultural preserves are located on proposed project site or on surrounding properties (Riverside County Assessor County Clerk Recorder Office, Property Information, 2009).

Regulatory Setting

Federal and State Regulations

Federal and State regulations applicable to agricultural resources include the Farmland Protection Policy Act, the California Land Conservation (Williamson) Act, and the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP). The CDOC Farmland Mapping and Monitoring Program identifies and designates lands according to categories defined in the Farmland Protection Policy Act (7 U.S.C. 4201, et seq.). The California Legislature passed the Williamson Act, in 1965, to preserve agricultural and open-space lands by discouraging premature and unnecessary conversion to urban uses. The CDC oversees agricultural lands protected by the Williamson Act. According to the law, a landowner enters into a contract, agreeing to protect the land's open space or agricultural uses in order to receive reduced property taxes. Nearly 16.9 million of the state's 45 million acres of farm and ranch land are currently protected under the Williamson Act. The vehicle for these agreements is a rolling term 10-year contract (i.e., unless either party files a "notice of nonrenewal" the contract is automatically renewed annually for an additional year). No Williamson Act parcels are crossed by the 13 MW photovoltaic solar energy farm project.

Environmental Impact and Mitigation Measures

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. Construction activities for all components and the operation of the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. The 13 MW photovoltaic solar energy farm would not cause potential conflicts with land zoned for agricultural use or land subject to Williamson Act contracts. The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. Therefore no impacts are anticipated and no mitigation measures are required.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The City of Palm Springs zoning designation for the project site is Energy-Industrial which is intended to provide areas for alternative energy development and limited industrial uses in those areas which by virtue of strong prevailing winds are ideally suited for large-scale development of wind energy

(City of Palm Springs, General Plan 2007). The 13 MW photovoltaic solar energy farm project site is not located within or adjacent to an agricultural preserve established pursuant to the Williamson Act and is not located within 300 feet of an agriculturally zoned property. In addition, there are no existing agricultural operations or designated agricultural resources located on-site or on surrounding properties, thus no impacts are anticipated and no mitigation measures are required.

c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact. The project is proposed to be developed in an existing wind farm location; therefore it could not result in conversion of Farmland to non-agricultural uses. Therefore no impacts are anticipated and no mitigation measures are required.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Environmental Setting

The Salton Sea Air Basin (SSAB) region in which the project is located includes Imperial County and parts of Riverside County. The project site is located approximately 80 miles northeast of the Pacific Ocean in the Coachella Valley. The project area is bounded by large mountains to the north, northeast, and southwest. The mountains tend to trap pollutants in the valley and direct prevailing winds in a northwest to southeast direction along the valley.

The City of Palm Springs, like the rest of the desert regions within the SSAB, is characterized by a desert climate consisting of hot, dry summers and mild, relatively dry winters. In Palm Springs, the normal maximum temperature in the winter is 71 degrees Fahrenheit (°F) and the normal minimum temperature is 43 °F. In the summer, the normal maximum temperature is 106 °F and the normal minimum temperature

is 72 °F. The average annual maximum temperature is 89 °F and the average annual minimum temperature is 57 °F. Normal annual precipitation in Palm Springs is 5.41 inches (Western Regional Climate Center 2010).

During the summer, the Pacific High Pressure Zone is well developed to the west of California and a thermal trough overlies California's southeast desert region. The intensity and orientation of the trough varies from day to day. Although the rugged mountainous country surrounding the Coachella Valley inhibits circulation to some degree, the influence of the trough does permit some interbasin exchange of air with more westerly coastal locations through the mountain passes, particularly over Banning Pass.

Relative humidity in summer is very low, averaging 30 to 50 percent in the early morning and 10 to 20 percent in the afternoon. During the hottest part of the day, a relative humidity below 10 percent is common. The prevailing weather conditions promote intense heating during the day in summer with marked cooling at night. During all seasons, the prevailing wind direction is from the northwest.

Regulatory Setting

Federal and State Regulations

Air quality is regulated under the federal Clean Air Act (CAA) of 1990 and the California CAA of 1988 at the federal and state level, respectively. Air quality is managed at a local level by the local air district and jurisdiction. The project is located within the Salton Sea Air Basin and is within the jurisdiction of the South Coast Air Quality Management District and the City of Palm Springs. The agencies have adopted rules and regulations to provide for continued progress toward cleaner air and to comply with Federal and State requirements. These regulations are described in detail in the project Air Quality Technical Report (see Appendix A). The portion of Riverside County where the project is located is designated as both a federal and state nonattainment area for PM_{10} and ozone.

Environmental Impact and Mitigation Measures

The following discussions are based on the results of the air quality analysis contained in the Air Quality Technical Report prepared for the project (see Appendix A).

a. Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The proposed project is in the city of Palm Springs, which is within the Salton Sea Air Basin (SSAB). The applicable air quality plan is the Final 2007 Air Quality Management Plan prepared by SCAQMD, the California Air Resources Board (CARB), and the Southern California Association of Governments (SCAG) that was adopted in June 2007. The AQMP meets Federal and State Clean Air Act planning requirements for all areas under the jurisdiction of the AQMD, including portions of Riverside County. The proposed project is not growth inducing and is in response to the growing demand for alternative energy sources. As such, the proposed project is considered consistent with the growth assumptions in the AQMP. Consequently, the proposed project conforms to the applicable regional plans. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less-Than Significant Impact With Mitigation Incorporation. See Response "c" below. With the proposed mitigation measures, the project is not anticipated to result in air quality emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less-Than Significant Impact With Mitigation Incorporation.

Construction

Heavy-duty construction equipment is usually diesel powered. In general, emissions from diesel-powered equipment contain more nitrogen oxides, sulfur oxides, and particulate matter than gasoline-powered engines. However, diesel-powered engines generally produce less carbon monoxide and less reactive organic gases than do gasoline-powered engines. Standard construction equipment includes dozers, rollers, scrapers, dewatering pumps, backhoes, loaders, paving equipment, delivery/haul trucks, jacking equipment, welding machines, pile drivers, and so on.

The worst-case emissions during construction typically occur during mass grading activities. During project construction, without mitigation emissions of PM_{10} and $PM_{2.5}$ are anticipated to exceed the SCAQMD's significance thresholds. With the incorporation of the following **Mitigation Measure AQ-1**, air quality impacts during construction would be reduced to below a level of significance:

- Apply soil stabilizers to inactive areas as soon as possible and practical.
- Water exposed surfaces three times daily.
- Reduce speed on unpaved areas to 15 mph.
- Manage haul road dust by watering two times daily.
- All equipment engines shall be maintained in good condition, in proper tune (per manufacturer's specifications), and in compliance with all State and Federal requirement.

Furthermore, as **Mitigation Measure AQ-2,** the project will be required to prepare a Fugitive Dust Control Plan for approval by the City of Palm Springs prior to initiating construction activities (City of Palm Springs 2008). Incorporation of these measures into the Plan will ensure that air quality impacts during construction will be less than significant. Impacts to global climate change due to the short-term construction activities are anticipated to be less than significant.

Operation

Because the project is a solar photovoltaic facility, operational emissions are anticipated to be minimal and not significant with the possible exception of wind blown dust (blowsand). Other than wind blown dust, the only operational emissions would be those associated with regular maintenance activities such as washing the panels and other repair and maintenance work.

The project as proposed would clear the entire 77-acre site of vegetation and leave it in that condition except for the structures and panels (i.e., it is assumed that the proposed project would leave the ground bare beneath and between the panels). The removal of all vegetation could increase the potential for wind erosion from the project site, and consequently increase the potential dust emissions from the site including emissions of PM_{10} and $PM_{2.5}$.

Based on review of aerial and project photographs, it is estimated that the project site currently has about 25 percent vegetative cover. Research has indicated that completely removing this amount of vegetative cover could increase fugitive dust emissions during high wind events by as much as a factor of 5 (ENVIRON 2004). This could result in a substantial increase in fugitive dust emissions from the project site. To reduce this impact, the project would be required to either: As **Mitigation Measure AQ-3,** re-establish low growing native vegetation (vegetation that will not interfere with the solar panels) under and between the panels to obtain a vegetative cover equivalent to the existing condition; or apply long-term chemical stabilizers under and between the panels on an as needed basis to control long-term emissions of

fugitive dust during high wind events. Alternatively, to control wind-blown sand, gravel or crushed rock may be installed across those areas of the site where the natural vegetation has been removed.

The applicant has indicated that the internal access roads would be covered with gravel. As discussed previously, the applicant will be required to prepare a Fugitive Dust Control Plan for the City prior to the initiation of construction and operation. The requirements outlined above shall be incorporated into the project's Fugitive Dust Control Plan. With the inclusion of these provisions in the project and project's Fugitive Dust Control Plan, impacts to air quality during operation are anticipated to be less than significant.

As the project is a solar photovoltaic power plant, significant greenhouse gas emissions are not anticipated. The project would contribute to a reduction or stabilization of the region's greenhouse gas emissions by producing electricity with minimal associated greenhouse gas emissions. Impacts to global climate change would be less than significant.

d. Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Sensitive receptors include, but are not limited to, residences, schools, playgrounds, childcare centers, hospitals, rehabilitation centers, convalescent centers, long-term health care facilities, and retirement homes. There are no sensitive receivers within a quarter mile of the project site, although there are residences just beyond a quarter mile to the west. The only source of toxic emissions associated with the project would be those related to diesel exhaust from heavy construction equipment. These emissions would not be substantial and would be short-term in nature. Further, the existing residences near the project are upwind from the project site with respect to the prevailing winds. Impacts to sensitive receivers would be less than significant.

e. Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. The proposed project would not emit substantial odors during operations. During construction, potential odors would be associated with emissions from heavy construction equipment exhaust. The project is located well away from residential and commercial areas and the nearest residences are upwind of the project site. Odor impacts would be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Environmental Setting

The project, on assessor's parcel numbers 668-412-001-04 and 669-040-006, is located in the city sphere of Palm Springs, California south of Interstate 10 and approximately 1 mile east of the State Route 62/Yucca Valley exit (Figure 1 MVSP Vicinity Map). It is bounded by Garnet Avenue to the north, a frontage road to Interstate 10, and by the Union Pacific Railway right-of-way to the south (Figure 2 MVSP Site Map).

Biologist, Ms. Debbie Kinsinger visited the project site on December 17, 2009. Although the site is currently developed as the Mountain View IV Wind Energy Project (Dudek 2008), the Sonoran creosote bush scrub vegetation community habitat on site is still ecologically functional. The herb stratum was not evident at this time of year and the shrub component was dry and mostly leafless. Dominant vegetation on site was Creosote bush, *Larrea tridentata*, burro bush, *Ambrosia dumosa,* and Indigo bush, *Psorothamnus arborescens.* Wildlife including raptors, burrowing mammals and rodents use the site.

A biological survey to inventory species at the site was conducted on March 10, 2010 after spring rains. There was a potential for sensitive plants and animals to occur at the site including species covered under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHVP), as well as species that are also listed as threatened or endangered by the state and/or federal government. The site is modeled as potential habitat for four covered species (CVAG 2007). Of particular concern was the potential for the federally endangered Coachella Valley milkvetch, *Astragalus lentiginosus var. coachellae* to occur.

Current and Historical Uses

The project site for the Mountain View Solar Project is also the location of the existing Mountain View IV Wind Energy Project (Dudek 2008). Figure 2 shows the location of the 10 wind turbines on the site. On the northwest portion of the project site there are two electrical substations and an empty utility/storage area surrounded by a chain link fence. A nearly barren 9.63-acre area extends east from the utility/storage area to the parcel boundary and south to Gasline road. It was graded during construction of the Mountain View IV Wind Energy Project and used for a construction and equipment yard. There are existing wind energy projects to the west and east of the project site.

Regulatory Setting

Federal Regulations

Federal Endangered Species Act. Federally listed threatened or endangered species onsite would be subject to potential regulation pursuant to the Federal Endangered Species Act (FESA). Permits allowing take of federally listed species may be allowed pursuant to Section 7 of the FESA if another Federal permit is required by the project, or otherwise, pursuant to Section 10 of the FESA (USFWS 2002).

Federal Clean Water Act. Discharges to waters of the United States (waters of the U.S.), including Federal wetlands, are likely to be regulated pursuant to the Federal Clean Water Act (CWA). The discharge of dredged or fill material to waters of the U.S. would require a permit pursuant to Section 404 of the CWA from the U.S. Army Corps of Engineers (USACE), either a nationwide, regional, or standard individual permit, depending on the proposed discharge. If a Section 404 or other Federal permit is required that authorizes the discharge of pollutants to waters of the U.S., then Certification pursuant to Section 401 of the CWA would be required. Section 401 Certification would be obtained through the local California Regional Water Quality Control Board (USC 1998). Both Section 404 and 401 permitting involves consideration of impacts on biological resources associated with waters of the U.S., and may also include consideration of impacts on upland species as well.

Federal Migratory Bird Treaty Act (MBTA) of 1918. The MBTA prohibits an entity to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird" unless permitted by regulations such as game bird hunting (16 U.S. Code (U.S.C.) 703).

State Regulations

California Endangered Species Act (CESA). California Code of Regulations (CCR) Title 14, Department of Fish and Game (DFG) Section 2080 prohibits "any person" to "import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the [Fish and Game] commission determines to be an endangered species or a threatened species, or attempt any of those acts" (DFG 2010a).

Under Title 14 Section 2081, "take is incidental to an otherwise lawful activity" may be authorized by the DFG so long as, "The impacts of the authorized take shall be minimized and fully mitigated" (DFG 2010a) Therefore, take of state-listed species would require authorization pursuant to CESA.

California CCR Section 1600-1616 Streambed and Lake Alteration. Impacts to Waters of the State are regulated by DFG (§ 1600 et seq.) and notification is required from "any person, business, state or local government agency, or public utility that proposes an activity that will:

- substantially divert or obstruct the natural flow of any river, stream or lake;
- substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or
- deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

The notification requirement applies to any work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel. This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. If DFG determines that the activity may substantially adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement would be prepared" (DFG 2010a).

Natural Communities Conservation Plan Act of 1991. The Natural Communities Conservation Plan Act (NCCP) provides measures to "conserve natural communities at the ecosystem scale while accommodating compatible land use". Habitat Conservation Plans on a regional scale are a means to achieve this goal and they are the basis for the USFWS to authorize local jurisdictions to authorize "take" when they permit projects that may have "significant impacts" individually or cumulatively (DFG 2010b).

Local Regulations

Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) 2007. The CVMSHCP is a document designed to address the provisions of the NCCP and streamline the CEQA/NEPA process that allows local jurisdictions to permit development. CEQA and NEPA require disclosure of direct, indirect and cumulative impacts to the human (and natural) environment. The CVMSHCP is designed to conserve sensitive habitats and sensitive species as well as those species that have state and/or federal threatened or endangered status. In this way it provides an umbrella to avoid or minimize cumulative impacts from the multiple actions of multiple jurisdictions within the range of a diverse group of species and habitats.

The CVMSHCP (CVAG 2007) allows local jurisdictions to permit "incidental take" of listed species under the provisions of a Memorandum of Understanding (MOU) between the state and federal agencies that regulate them. It enables the city jurisdictions that are covered under the plan to issue ESA Section 10 (a) "take" permits to developers in return for a fee that is used to purchase suitable conservation habitat and to fund an endowment for continued maintenance of the conservation area.

Environmental Impact and Mitigation Measures

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less-Than Significant Impact With Mitigation Incorporation. The CVMSHCP provides a means to acquire and maintain conservation habitat as compensation for incidental losses through project mitigation fees. Projects that are outside of CVMSHCP conservation areas such as this one, are subject to the mitigation fee. Potential impacts to candidate, sensitive, special status species or their habitat would less than significant with mitigation **[Mitigation Measure BIO-1]**, based upon the biological technical study and site surveys that indicate that they have either a low potential or no potential to occur.

The CVMSHCP habitat models indicated that four species had potential habitat on the project site: Coachella Valley milk vetch, Palm Springs ground squirrel, Palm Springs pocket mouse, and Le Conte's thrasher. Habitat assessments and detailed surveys conducted onsite during the appropriate season revealed that the CVMSHCP-covered species including the:

- Coachella Valley milk vetch, a federal endangered species, does not occur on the site this season and has a low potential to occur in the future
- Palm Springs ground squirrel has a low potential to occur now and in the future.
- Palm Springs pocket mouse, a has a low to moderate potential to occur now and in the future CVMSHCP-covered species and
- Le Conte's thrasher habitat has been significantly impacted by wind energy conversion sites since the initial habitat model was developed. The rare species therefore has a low potential to occur on site now and in the future.

Flat-tailed horned lizard, a federal candidate proposed as threatened, had a low to moderate potential to occur on the site although the site was not modeled by the CVMSHCP because of the species mobility and the presence of harvester ants on the site (USFWS 2010).

The habitat acquired and maintained through the CVMSHCP mitigation fee would adequately compensate for less-than-significant impacts to these species, if they occur, as well as non-sensitive species, and species that have a low potential to occur as well as cumulative impacts to common wildlife and Sonoran creosote bush scrub habitat. (CVAG 2007)

Potential impacts to migratory bird species covered by the Migratory Bird Treaty Act (MBTA) would be mitigated by limiting disturbance related activities such as brushing and grading to a period outside the migratory bird breeding season before February 1 and after August 31 (U.S.C. 1998). **[Mitigation Measure BIO-2]**

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

No Impact. There is no riparian habitat on site based on survey results guided by the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Manual) (USACE 2008) and the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987). Impacts to Sonoran creosote bush scrub habitat would be less than significant with habitat mitigation provided by the CVMSHCP fee program.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. Field observations concluded the existing site does not contain any distinct flowpaths or drainage channels according to the Manual (USACE 2008). The proposed project contains concrete foundations and solar panels which require very minimal grading or activities which would alter existing drainage patterns of the site.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less-Than Significant Impact. No, the project is outside of migratory corridors designated by the CVMSHCP (RCLIS 2009). It is outside of sand movement corridors that affect species that depend on sand movement and or accumulation. The Union Pacific Railroad fragments the movement of sand, water and associated sensitive species within the Whitewater Conservation Area from the MVSP project site to its north. The Whitewater Conservation Area is a native wildlife nursery site and an established migratory corridor that flows east/west and would not be impacted by the MVSP north of its boundary along the Union Pacific Railroad. (CVAG 2007)

The movement of common wildlife around the project site is constrained to the south by the Union Pacific railroad and by Interstate 10 to the north. This constraint limits the viability of the area as a migration corridor for common native resident or migratory wildlife. Therefore the proposed project would not substantial interfere with movement of wildlife. Less than significant impacts would occur.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The project site is not subject to any local ordinances protecting biological resources other than the CVMSHCP.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site is outside of the conservation areas of the CVMSHCP. The project proponent is required to provide fee mitigation in compliance with the CVMSHCP to compensate for incidental loss of habitat or potentially occurring special status species.

V. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Environmental Setting

Ultra Systems Environmental completed a Phase I Cultural Resources Inventory for the project site on January 6, 2010. The Phase I investigation includes: the results of cultural resource pedestrian surveys, conducted December 29 and 30, 2009; a record search conducted at the Eastern Information Center, University of California, Riverside, on January 4, 2010, and a search of Sacred Lands files, initiated on December 30, 2009. Additionally, the Native American Heritage Commission was consulted during the course of the investigation. The Commission responded on January 6, 2010, that their search failed to indicate the presence of Native American Sacred Lands or traditional cultural properties within the immediate project area.

The literature review indicated that one cultural resource was previously recorded within a 1-mile radius of the project area. However, no prehistoric archaeological sites or isolates or historic-era resources were identified within the proposed project area during the Phase I investigation.