

Board of Directors Meeting Agenda

Date: April 20, 2023

Time: 5:30 p.m.

Location: SMUD Headquarters Building, Auditorium
6201 S Street, Sacramento, California

AGENDA

SACRAMENTO MUNICIPAL UTILITY DISTRICT BOARD OF DIRECTORS MEETING SMUD HEADQUARTERS BUILDING AUDITORIUM – 6201 S STREET SACRAMENTO, CALIFORNIA

April 20, 2023 – 5:30 p.m.

Virtual Viewing or Attendance:

Live video streams (view-only) and indexed archives of meetings are available at:
http://smud.granicus.com/ViewPublisher.php?view_id=16

Zoom Webinar Link: [Join Board of Directors Meeting Here](#)

Webinar/Meeting ID: 160 883 7484

Passcode: 371986

Phone Dial-in Number: 1-669-254-5252 or 1-833-568-8864 (Toll Free)

Verbal Public Comment:

Members of the public may provide verbal public comment by:

- Registering in advance of a meeting by sending an email to PublicComment@smud.org, making sure to include the commenter's name, date of the meeting, and topic or agenda item for comment. Microphones will be enabled for virtual or telephonic attendees at the time public comment is called and when the commenter's name is announced.
- Completing a sign-up form at the table outside of the meeting room and giving it to SMUD Security.
- Using the "Raise Hand" feature in Zoom (or pressing *9 while dialed into the telephone/toll-free number) during the meeting at the time public comment is called. Microphones will be enabled for virtual or telephonic attendees when the commenter's name is announced.

Written Public Comment:

Members of the public may provide written public comment on a specific agenda item or on items not on the agenda (general public comment) by submitting comments via email to PublicComment@smud.org or by mailing or bringing physical copies to the meeting. Comments will not be read into the record but will be provided to the Board and placed into the record of the meeting if received within two hours after the meeting ends.

Call to Order.

a. Roll Call.

1. Approval of the Agenda.

2. Committee Chair Reports.

- a. Committee Chair report of April 11, 2023, Strategic Development Committee
- b. Committee Chair report of April 12, 2023, Policy Committee
- c. Committee Chair report of April 18, 2023, Finance and Audit Committee
- d. Committee Chair report of April 19, 2023, Energy Resources & Customer Services Committee

Comments from the public are welcome when these agenda items are called.

Consent Calendar:

- 3. Approve Board member compensation for service rendered at the request of the Board (pursuant to Resolution 18-12-15) for the period of March 16, 2023, through April 15, 2023.
- 4. Approval of the minutes of the special meeting of March 7, 2023.
- 5. Approval of the minutes of the regular meeting of March 15, 2023.
- 6. Approval of the minutes of the special meeting of April 11, 2023.

Discussion Calendar:

- 7. Certify the **California Environmental Quality Act (CEQA) Country Acres Solar Project (Project) Final Environmental Impact Report (FEIR)**, including adoption of the **Findings and Statement of Overriding Considerations**; adopt the **Mitigation Monitoring and Reporting Program** for the **Project**; and approve the **Project**.
Policy Committee 4/12. (Frankie McDermott)

Presenter: Ellias van Ekelburg

Public Comment:

- 8. Items not on the agenda.

Board and CEO Reports:

- 9. Directors' Reports.
- 10. President's Report.
- 11. CEO's Report.
 - a. Board Video

Summary of Board Direction

★ ★ ★ ★ ★ ★ ★

FOLLOWING ADJOURNMENT OF THE FOREGOING SMUD BOARD OF DIRECTORS MEETING, ANNUAL MEETINGS OF THE FOLLOWING JOINT POWERS AGENCIES WILL CONVENE:

**CENTRAL VALLEY FINANCING AUTHORITY
NORTHERN CALIFORNIA GAS AUTHORITY NUMBER 1
SACRAMENTO COGENERATION AUTHORITY
SACRAMENTO MUNICIPAL UTILITY DISTRICT FINANCING AUTHORITY
SACRAMENTO POWER AUTHORITY
NORTHERN CALIFORNIA ENERGY AUTHORITY**

*** * * * ***

Board Committee Meetings and Special Meetings of the Board of Directors are held at the SMUD Headquarters Building, 6201 S Street, Sacramento

April 18, 2023	Finance and Audit Committee and Special SMUD Board of Directors Meeting	Auditorium*	6:00 p.m.
April 19, 2023	Energy Resources & Customer Services Committee and Special SMUD Board of Directors Meeting	Auditorium	6:00 p.m.
May 9, 2023	Strategic Development Committee and Special SMUD Board of Directors Meeting	Auditorium	6:00 p.m.
May 10, 2023	Policy Committee and Special SMUD Board of Directors Meeting	Auditorium	6:00 p.m.
May 16, 2023	Finance and Audit Committee and Special SMUD Board of Directors Meeting	Auditorium	6:00 p.m.
May 17, 2023	Energy Resources & Customer Services Committee and Special SMUD Board of Directors Meeting	Auditorium	6:00 p.m.

*** * * * ***

**The Auditorium is located in the lobby of the SMUD Headquarters Building, 6201 S Street, Sacramento, California.*

**Regular Meetings of the Board of Directors are held at the SMUD Headquarters Building,
6201 S Street, Sacramento**

May 18, 2023

Auditorium*

6:00 p.m.

**The Auditorium is located in the lobby of the SMUD Headquarters Building, 6201 S Street, Sacramento, California.*

Members of the public shall have up to three (3) minutes to provide public comment on items on the agenda or items not on the agenda, but within the jurisdiction of SMUD. The total time allotted to any individual speaker shall not exceed nine (9) minutes.

Members of the public wishing to inspect public documents related to agenda items may click on the Information Packet link for this meeting on the smud.org website or may call 1-916-732-7143 to arrange for inspection of the documents at the SMUD Headquarters Building, 6201 S Street, Sacramento, California.

ADA Accessibility Procedures: Upon request, SMUD will generally provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in this meeting. If you need a reasonable auxiliary aid or service for effective communication to participate, please email Toni.Stelling@smud.org, or contact by phone at 1-916-732-7143, no later than 48 hours before this meeting.

DRAFT

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

That this Board hereby approves Board member compensation for service rendered at the request of the Board (pursuant to Resolution 18-12-15) for the period of March 16, 2023, through April 15, 2023.

Sacramento, California

March 7, 2023

The Board of Directors of the Sacramento Municipal Utility District met in special session concurrently with the Board Strategic Development Committee in the Auditorium of the SMUD Headquarters Building at 6201 S Street, Sacramento, and via virtual meeting (online) at 6:00 p.m.

Roll Call:

Presiding: Gregg Fishman,
Vice Chair of the Strategic Development
Committee

Present: Directors Rose, Herber, Kerth, Tamayo, and
Sanborn

Absent: Director Bui-Thompson

Present also were Paul Lau, Chief Executive Officer and General Manager; Steve Lins, Deputy General Counsel and Director of Government Affairs and Assistant Secretary, and members of SMUD's executive management; and SMUD employees and visitors.

Committee Vice Chair Fishman turned to Agenda Item 1, to provide the 2022 J.D. Power Electric Utility Residential Customer Satisfaction Study, Electric Utility Business Customer Satisfaction Study, and Sustainability Leadership Program.

Andrew Heath, Managing Director, Utilities Intelligence at J.D. Power, provided a presentation on Agenda Item 1. A copy of the slides used in his presentation is attached to these minutes.

Mr. Heath stated SMUD had tied for 1st for the third year in a row on the J.D. Power Sustainability Index and presented an award to SMUD.

No public comment was forthcoming for Agenda Item 1.

Committee Vice Chair Fishman turned to Discussion Calendar Item 2, to approve changing the date of the regularly scheduled Board meeting in March 2023 to March 15, 2023, at 6:00 p.m.

President Sanborn stated that several Board members were scheduled to attend the 2023 CivicWell Policymakers Conference on March 16,

2023. She stated that moving the date of the regular Board meeting from March 16 to March 15 would allow for more Board members to attend.

No public comment was forthcoming on Discussion Calendar Item 2.

There being no discussion, Vice President Herber moved for approval of Discussion Calendar Item 2, Director Kerth seconded, and Resolution No. 23-03-01 was approved by a vote of 6-0, with Director Bui-Thompson absent.

RESOLUTION NO. 23-03-01

WHEREAS, the **Meeting Procedures of the SMUD Board of Directors**, Rule 1.0(a) sets the time of days and times of the Board meetings;
and

WHEREAS, a number of Board members are scheduled to attend a policymakers conference that conflicts with the regular March Board meeting;
and

WHEREAS, moving the meeting would allow for greater participation by the Board to ensure a quorum and the Board wishes to change the date of the regular March 16, 2023, Board meeting to be held on March 15, 2023, at 6:00 p.m.; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

The March 16, 2023, Board meeting will be rescheduled to occur on March 15, 2023, at 6:00 p.m.

Approved: March 7, 2023

INTRODUCED: DIRECTOR HERBER				
SECONDED: DIRECTOR KERTH				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON				X
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			

Committee Vice Chair Fishman then turned to Agenda Item 3, statements from the public regarding items not on the agenda, but none were forthcoming. He stated that written comments received on items not on the agenda would be provided to the Board electronically and placed into the record if received within two hours after the meeting ended.

Committee Vice Chair Fishman requested the Summary of Committee Direction.

Deputy General Counsel Lins stated Vice President Herber had requested for staff to show residential and commercial numbers side-by-side on the environment questions (slide 40 of Mr. Heath's presentation).

No further business appearing, Committee Vice Chair Fishman adjourned the meeting at 7:06 p.m.

Approved:

Committee Vice Chair

Assistant Secretary

Exhibit to Agenda Item #1

Present the 2022 J.D. Power Electric Utility Residential Customer Satisfaction Study, Electric Utility Business Customer Satisfaction Study, and Sustainability Leadership Program.

Board Strategic Development Committee and Special SMUD Board of Directors Meeting

Tuesday, March 7, 2023, scheduled to begin at 6:00 p.m.

SMUD Headquarters Building, Auditorium

2022 J.D. Power Study Results Overview

March 7, 2023

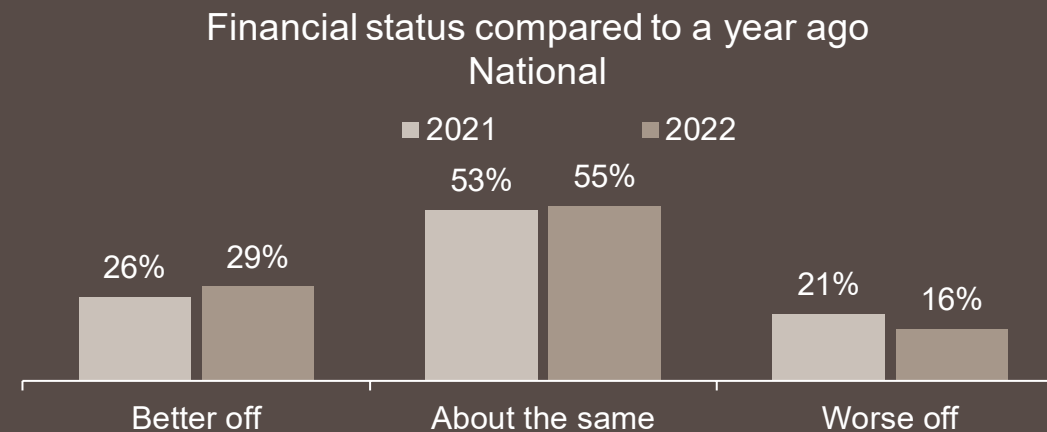
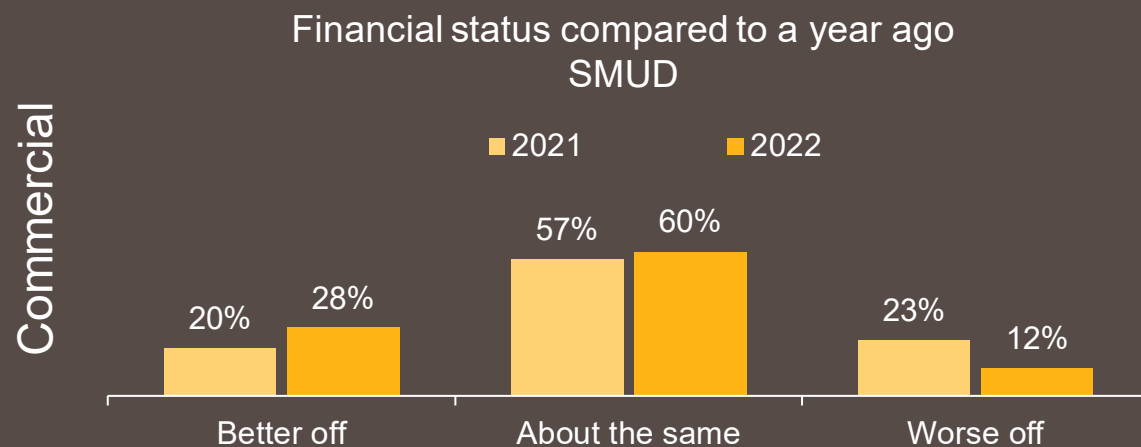
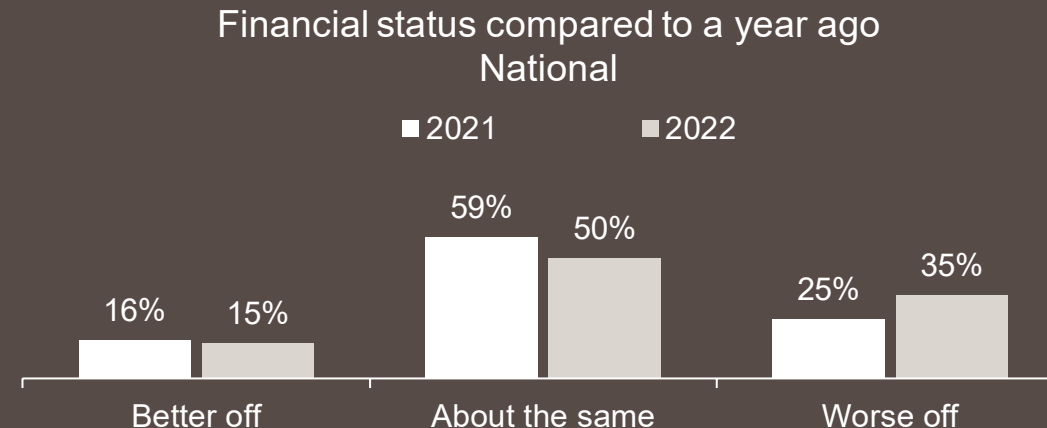
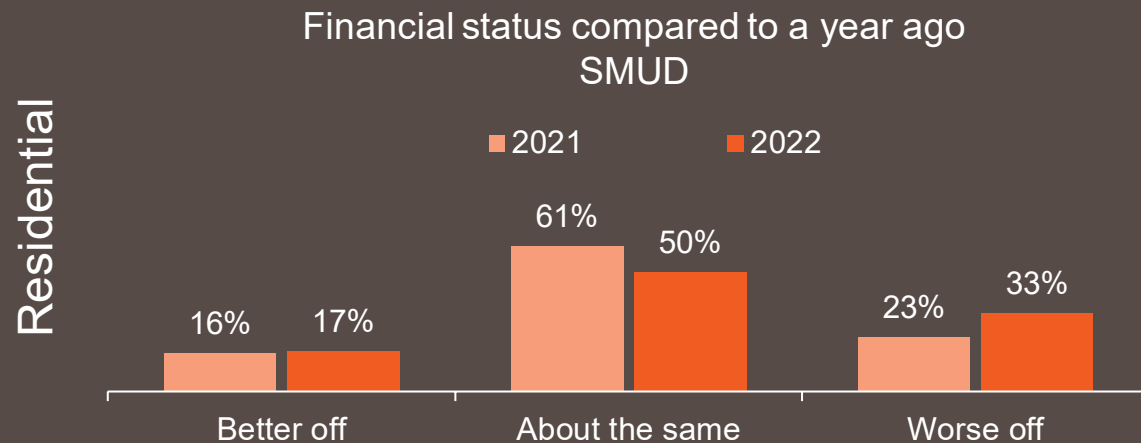
Powering forward.
Together.



J.D. Power Utility Studies

Study	Description
<u>Electric Utilities</u>	
Electric Utility Residential Customer Satisfaction Study (2001 to present)	Measures satisfaction with large and midsize electric utility companies in four U.S. regions: East, Midwest, South and West and provides the electric utility industry with insights into the evolving needs and demands of their customers.
Electric Utility Business Customer Satisfaction Study (2004 to present)	SMUD is classified as a West Large utility in the residential customer study and as a West Midsize utility in the business customer study.
<u>Sustainability Leadership</u>	
Syndicated Study (2020 to present) Proprietary Study (2021)	The J.D. Power Sustainability Leadership Program benchmarks environmental performance, delivers best practices and recognizes outstanding leadership in addressing climate change.
<u>Digital Experience</u>	
Utility Digital Experience Study (2020 to present)	The Utility Digital Experience Study assesses how customers interact with their utility website and mobile app as well as with the online social, email, chat and text functions offered by the 36 largest electric, natural gas and water utilities in the United States.

Residential Consumers are Feeling Worse Off



Compared to a year ago, would you say you are financially...?

Residential: 2021 SMUD n=767, National n=98,666, 2022 SMUD n=894, National n=100,402

Commercial: 2021 SMUD n=116, National n=16,834, 2022 SMUD n=121, National n=18,694

The J.D. Power Satisfaction Model



Power
Quality &
Reliability

Price

Billing &
Payment

Corporate
Citizenship

Comms

Customer
Care

Residential
Commercial

25%

20%

17%

17%

12%

9%

24%

19%

15%

15%

13%

14%

Source: 2022 J.D. Power Electric Utility Residential Customer Satisfaction Study
Source: 2022 J.D. Power Electric Utility Business Customer Satisfaction Study

2022 Large Utility Award Winners

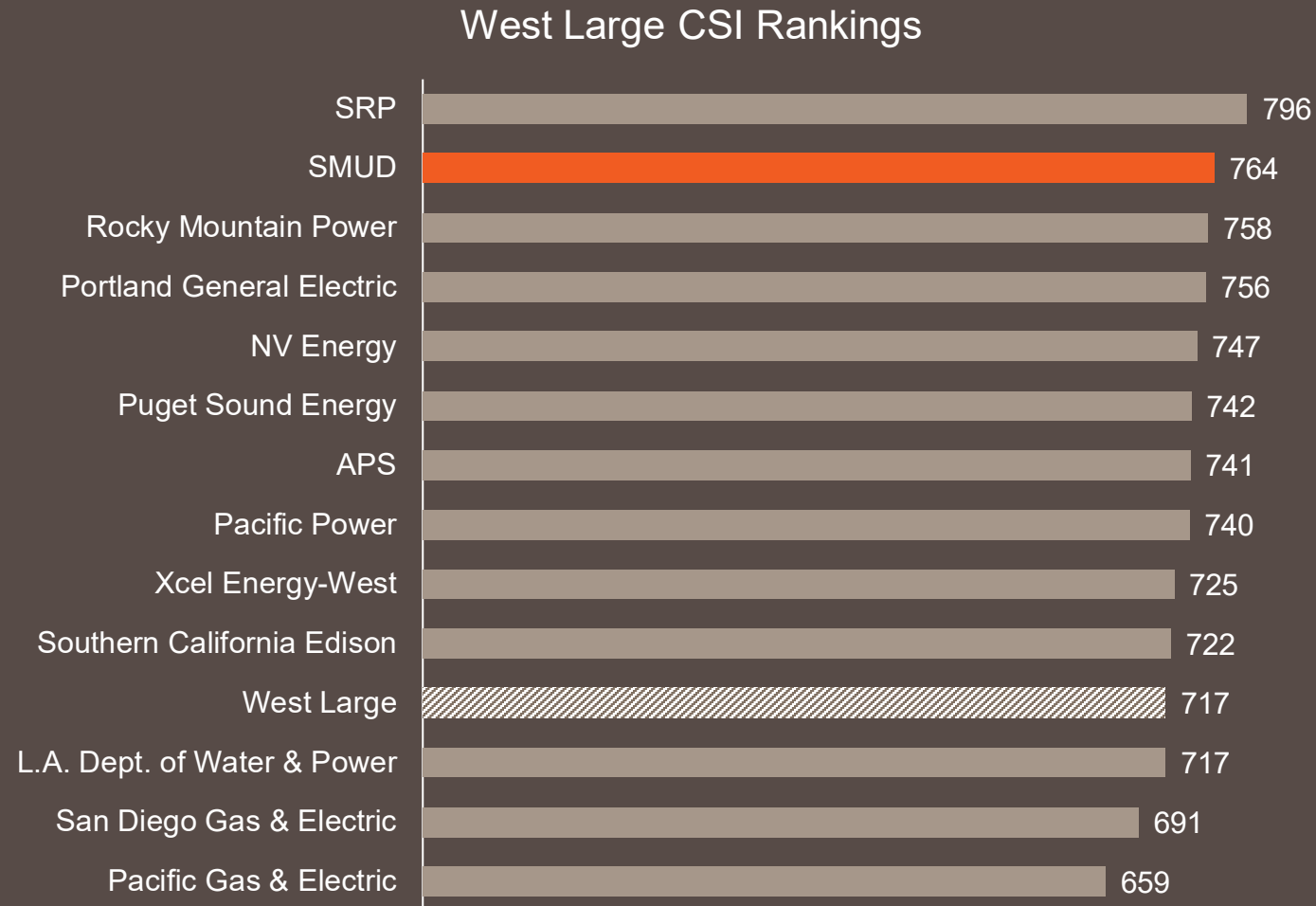
SRP was recognized as the top ranked utility within the West Large region with a CSI score of 796.

SMUD ranked second with a score of 764.



Source: J.D. Power Electric Residential Customer Satisfaction Study 2022

West Large Overall CSI Results 2022



Source: J.D. Power Electric Residential Customer Satisfaction Study 2022

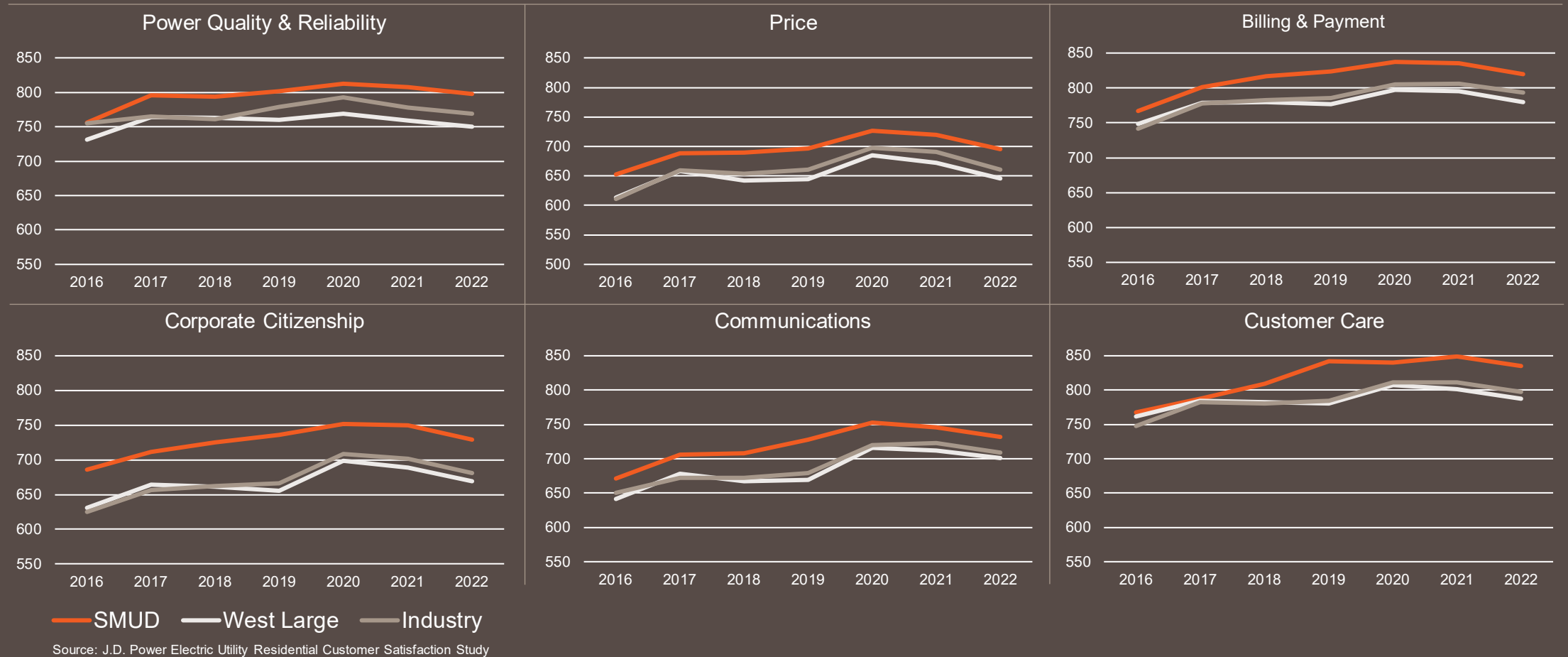
SMUD Residential Satisfaction Trends



	2016	2017	2018	2019	2020	2021	2022
CA Rank	1	1	1	1	1	1	1
West Large Rank	2	2	2	2	2	2	2
Industry Rank	15	16	18	15	20	27	28

Note: The J.D. Power Residential Customer Satisfaction Study is fielded quarterly.

Residential Index Trends Over Time

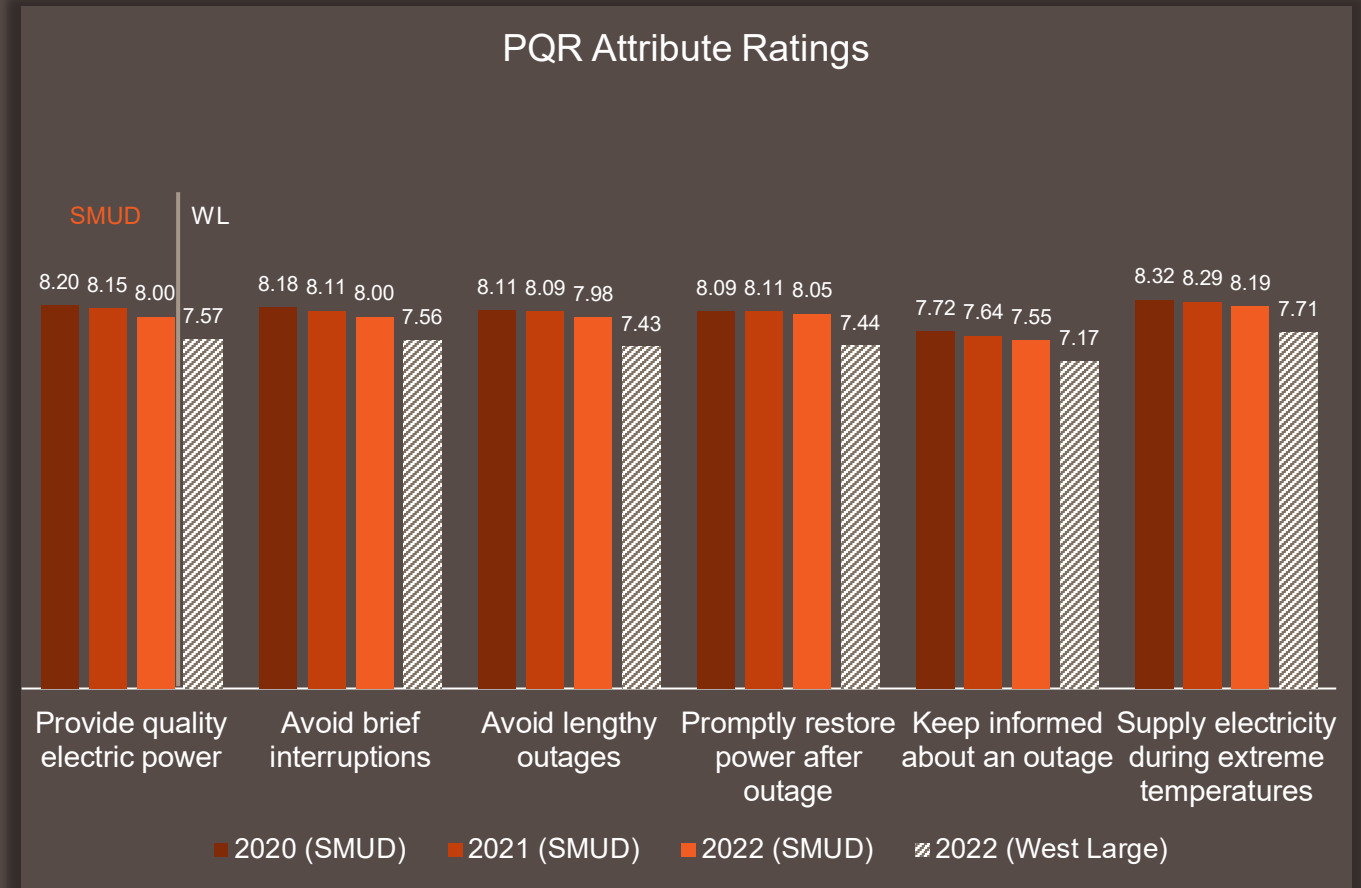
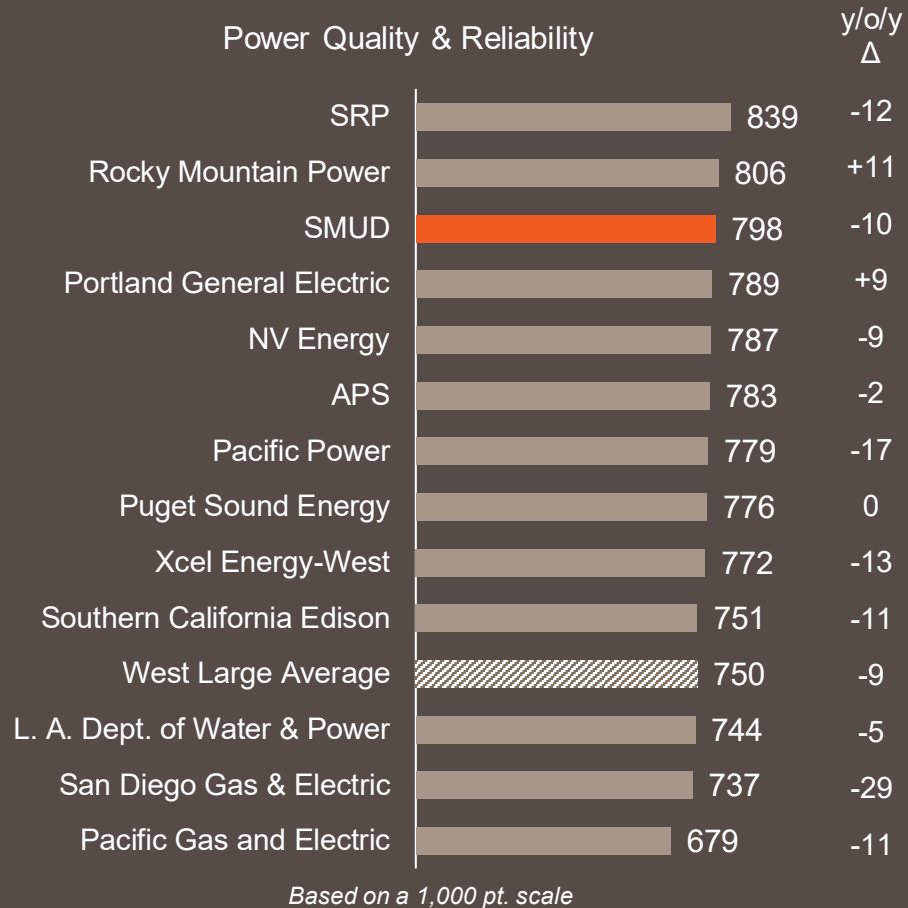


SMUD Residential Performance 2021 vs. 2022

	SMUD			West Large	Industry
	2021	2022	2021 vs. 2022 Δ	2021 vs. 2022 Δ	2021 vs. 2022 Δ
Overall Satisfaction	780	764	-16	-16	-17
Corporate Citizenship	750	729	-21	-20	-21
Billing & Payment	835	820	-15	-15	-13
Power Quality & Reliability	808	798	-10	-9	-9
Price	720	695	-25	-27	-31
Communications	746	732	-14	-11	-15
Customer Care	849	835	-14	-14	-15

Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
2021: SMUD n 788, 2022: SMUD n 925

SMUD Residential PQR Performance



Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 925, West Large n 14,628
How would you rate the effectiveness of SMUD to....?

Based on a 10pt. scale where 1= Unacceptable and 10 Outstanding

Best Practices – Outage text alerts

SRP was recently recognized by J.D. Power for being a top utility for sending text messages to their residential customers with outage information.

Comparatively, 30% of SMUD residential customers report 'utility sent text message'.

Outage Alerts: Top Brands at Texting Customers with Outage Information

Highest Nationally		Utility sent text message
Entergy Louisiana	57%	
Entergy Mississippi	50%	
Duke Energy Progress	47%	
Entergy Arkansas	47%	
Entergy New Orleans	46%	
SRP	46%	
Duke Energy Carolinas	44%	
Entergy Texas	43%	
Duke Energy Florida	42%	
PSEG Long Island	42%	

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Outage Alerts tell you when...



Power is coming

We'll give you an estimate of when your power should be back on.



We're on the way

We'll let you know when our service crew is dispatched.



We know more details

We'll tell you what caused the outage and how many were impacted.



Power is back

We'll confirm when power is restored.

<https://cloud.mail.myentergy.com/stay-informed>

J.D. POWER

Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n = 349

Best Practices – Top brands talking infrastructure improvement

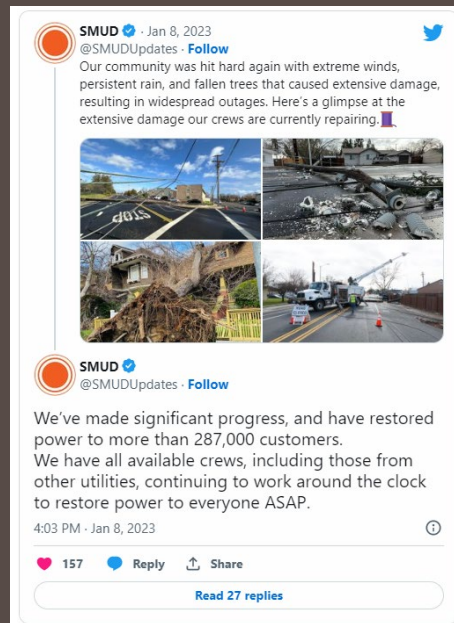
SRP was recently recognized by J.D. Power for being a top utility for talking about infrastructure improvement and reliability. Comparatively, 71% of SMUD residential customers feel SMUD maintains its current infrastructure. However, January 2023 storm events have brought SMUD top of mind to Sacramento residents.

SMUD crews racing against the clock to restore power amid winter storm

In an effort to help the most vulnerable or elderly customers, SMUD teams handed out emergency supplies.



Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 925



Top Brands Talk Up Infrastructure Improvement and Reliability

Utility does a good job of maintaining current infrastructure

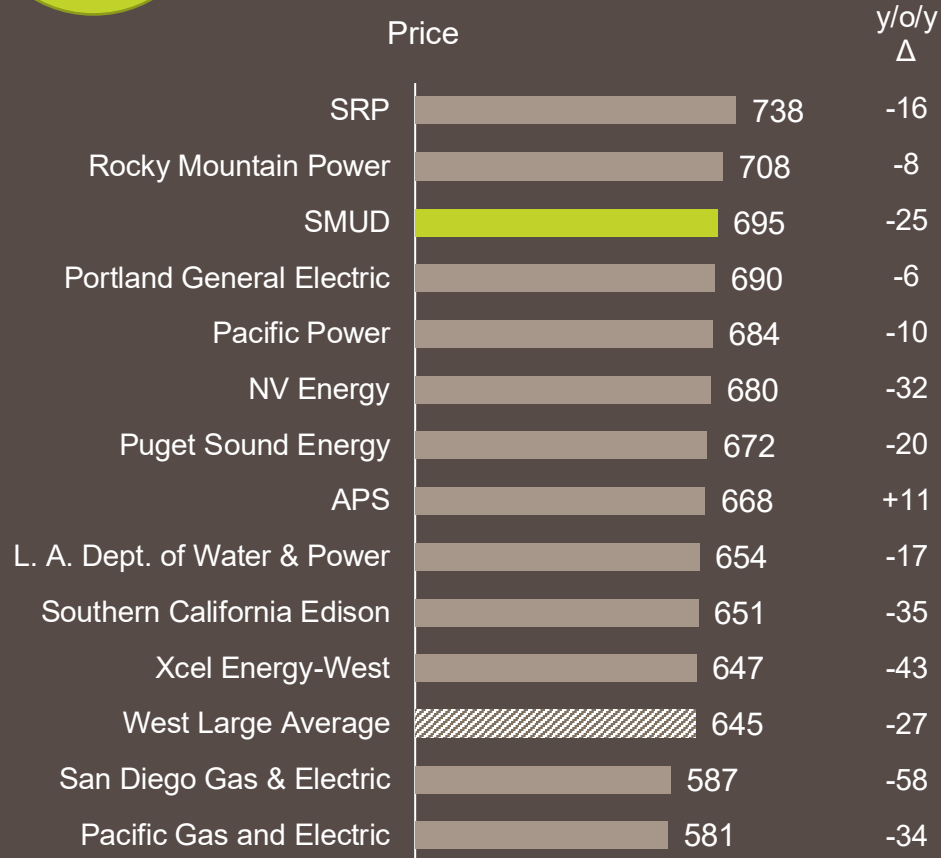
Large Brands			Midsize Brands			Cooperatives		
Highest Nationally		Yes	Highest Nationally		Yes	Highest Nationally		Yes
SRP	↓ %	79%	EPB	↓ %	80%	NOVEC	↓ %	84%
MidAmerican Energy	↓ %	78%	Imperial Irrigation District	↓ %	79%	SLEMCO	↓ %	84%
Alabama Power	↓ %	77%	Clark Public Utilities	↓ %	78%	Great Lakes Energy	↓ %	83%
Ameren Missouri	↓ %	76%	OUC	↓ %	77%	Jackson EMC	↓ %	82%
Duke Energy Progress	↓ %	76%	Entergy Mississippi	↓ %	76%	Sawnee EMC	↓ %	82%
PSE&G	↓ %	76%	Idaho Power	↓ %	76%	Cobb EMC	↓ %	80%
Rocky Mountain Power	↓ %	76%	Madison Gas & Electric	↓ %	76%	South Central Power	↓ %	79%
Georgia Power	↓ %	75%	Omaha Public Power District	↓ %	76%	Walton EMC	↓ %	79%

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J.D. POWER

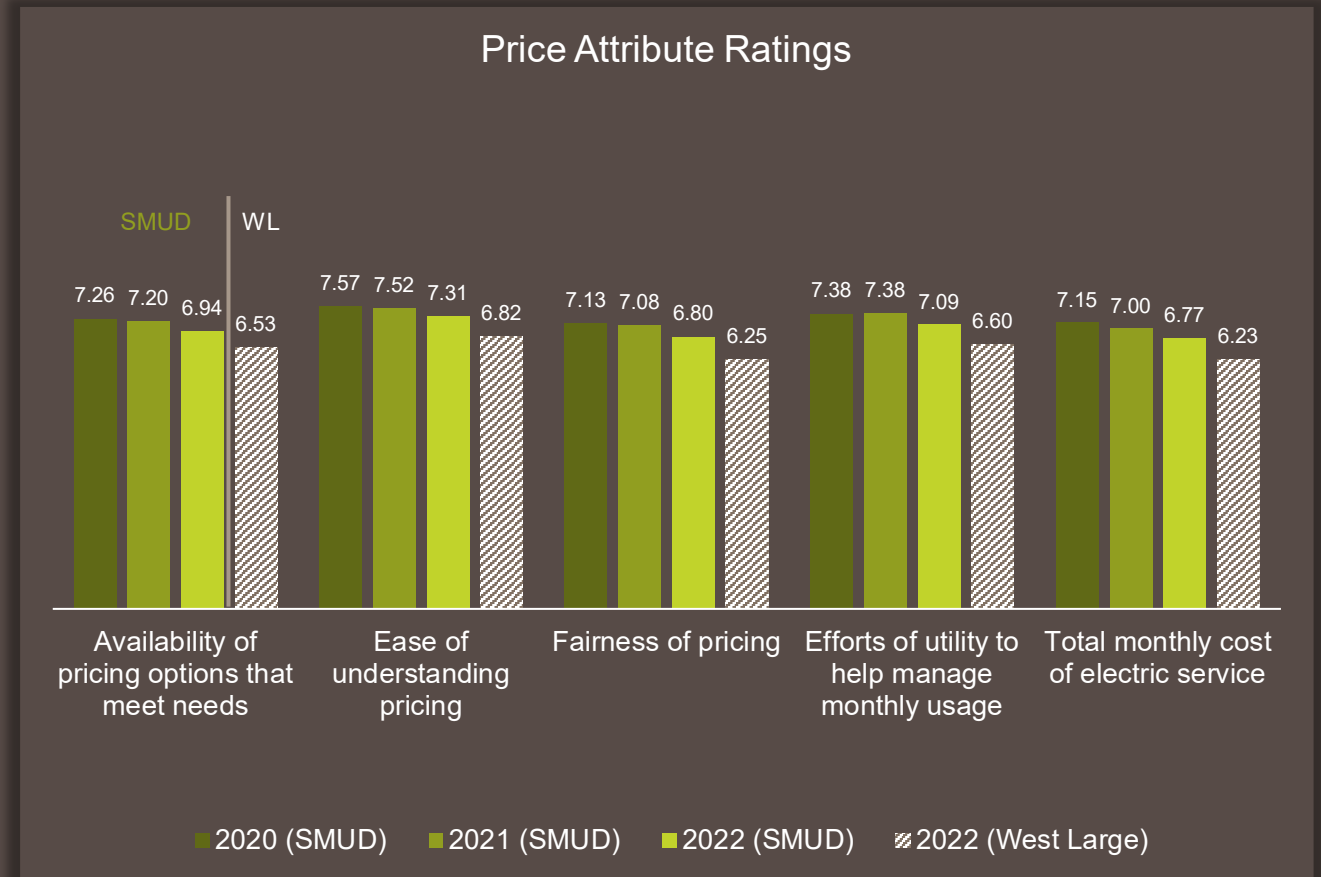
Price
20%

SMUD Residential Price Performance



Based on a 1,000 pt. scale

Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 925, West Large n 14,628
Thinking only of your electric service, how would you rate the...?



Based on an 10pt. scale where 1 = Unacceptable and 10 = Outstanding

Price
20%

Best Practices – Pricing Options

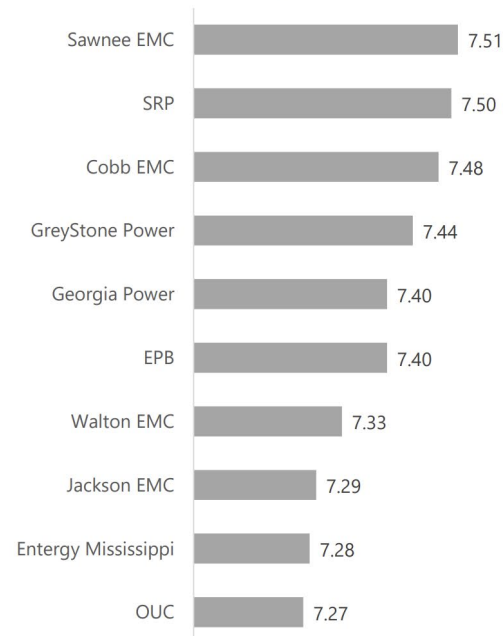
SRP was recognized for being a top utility offering pricing options that meet the needs of residential customers with a score of 7.50 on a 10-point scale where 10 = Outstanding.

SMUD received a score of 6.94 on that same question.

Pricing Options

These brands are able to provide customers with viable rate options; more SRP and Georgia Power customers selected a non-standard offering

Available of Pricing Options that Meet Needs
– Top Brands



Which rate is best for you?

We always strive to offer rate solutions that fit your needs and help you manage your budget. Browse the seven options below to learn which rate is right for you!



20%
selected an
optional rate
plan

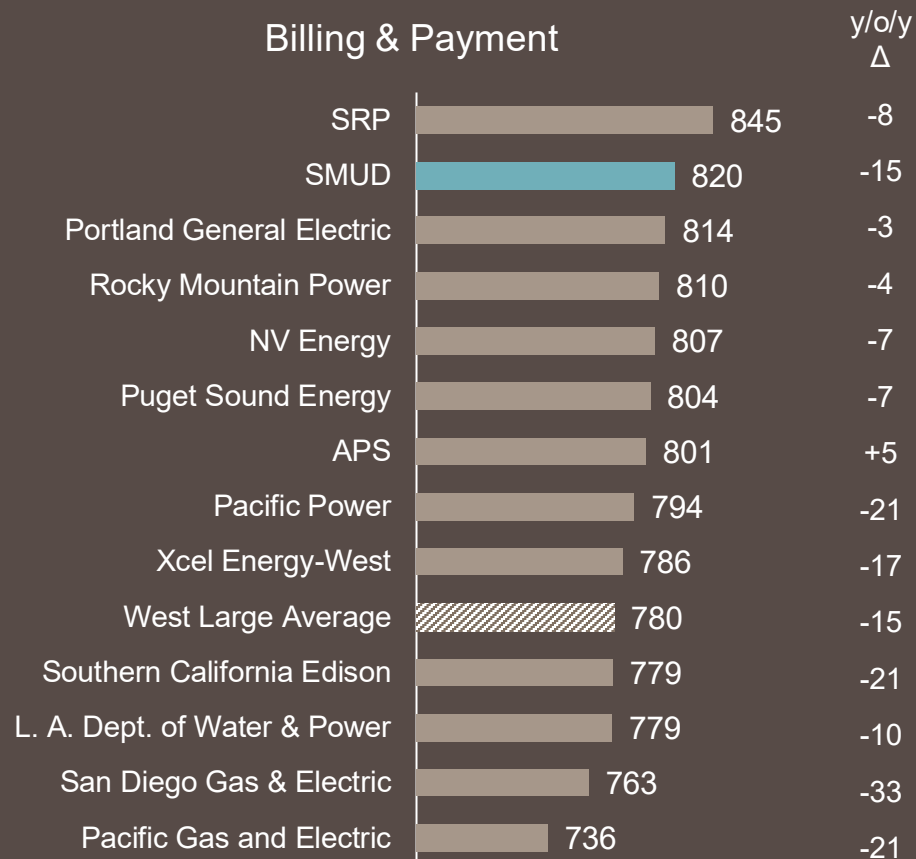


Compare plans					
	E2-3	Time-Of-Use	Electric Vehicle	Basic	Residential Demand Price Plan Pilot
Save by switching energy use to off-peak hours	✓	✓	✓		✓
Energy prices are the same all times of the day				✓	✓
Pay a monthly bill	✓	✓	✓	✓	✓
Pre-pay for energy as you use it				✓	
Demand-based pricing					✓
Winter rates Nov. through April prices per kWh	On peak 11.57¢ Off peak 8.32¢	On peak 10.45¢ Off peak 7.85¢	On peak 10.45¢ Off peak 8.31¢ Super off-peak 6.69¢	24 hours 8.76¢	24 hours 8.76¢ On peak 5.04¢ Off peak 4.64¢
Summer rates May/June/Sept./Oct. prices per kWh	On peak 29.71¢ Off peak 9.05¢	On peak 21.70¢ Off peak 8.03¢	On peak 21.70¢ Off peak 8.41¢ Super off-peak 6.87¢	24 hours 11.67¢ First 2000 kWh 12.10¢ Beyond 2000 kWh	24 hours 11.99¢ On peak 5.38¢ Off peak 4.34¢
Summer peak rates July through August prices per kWh	On peak 35.28¢ Off peak 9.29¢	On peak 24.85¢ Off peak 8.06¢	On peak 24.85¢ Off peak 8.46¢ Super off-peak 6.90¢	24 hours 12.33¢ First 2000 kWh 13.46¢ Beyond 2000 kWh	24 hours 12.61¢ On peak 6.98¢ Off peak 4.68¢

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Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n = 925

SMUD Residential Billing & Payment Performance

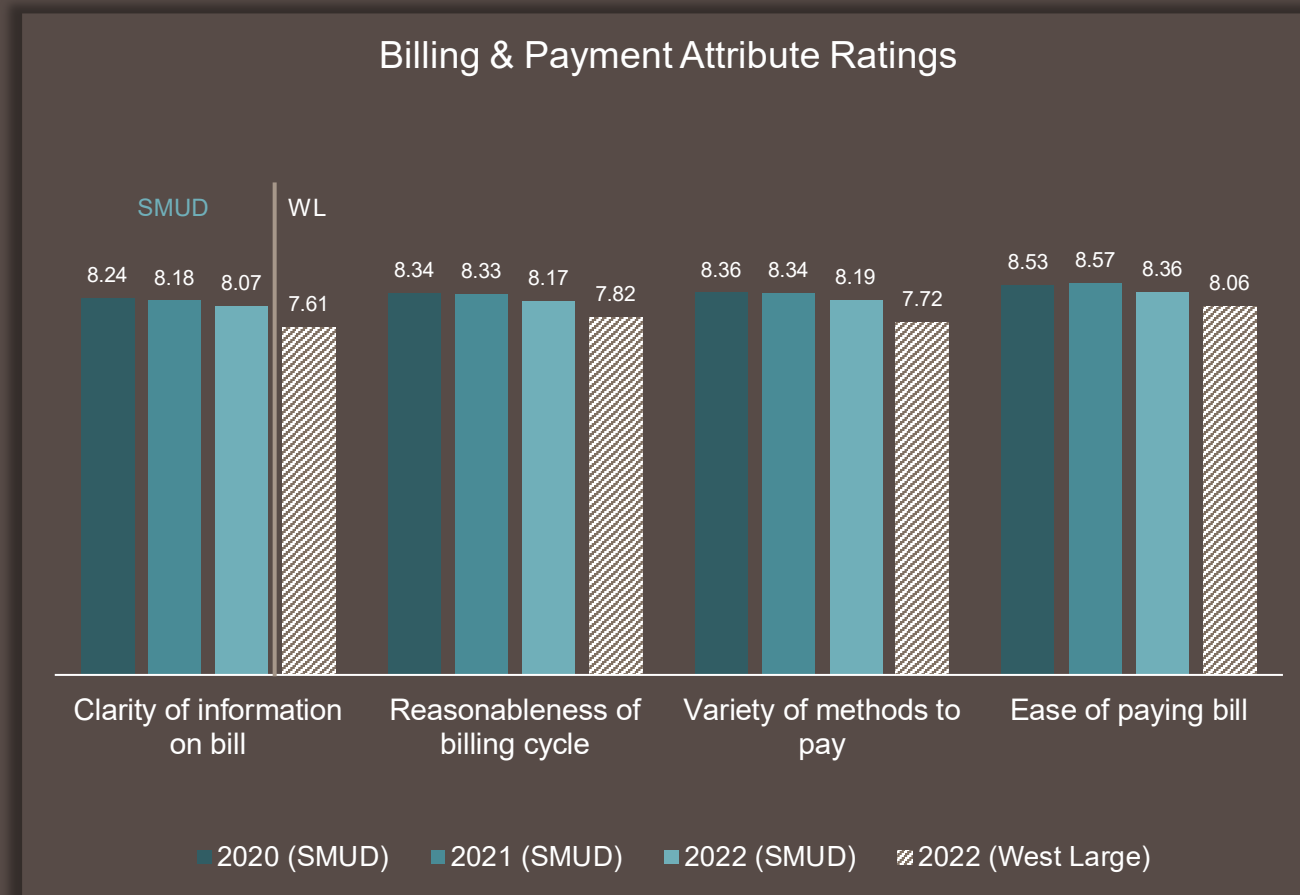


Based on a 1,000 pt. scale

Source: J.D. Power Electric Residential Customer Satisfaction Study 2022

SMUD n 925, West Large n 14,628

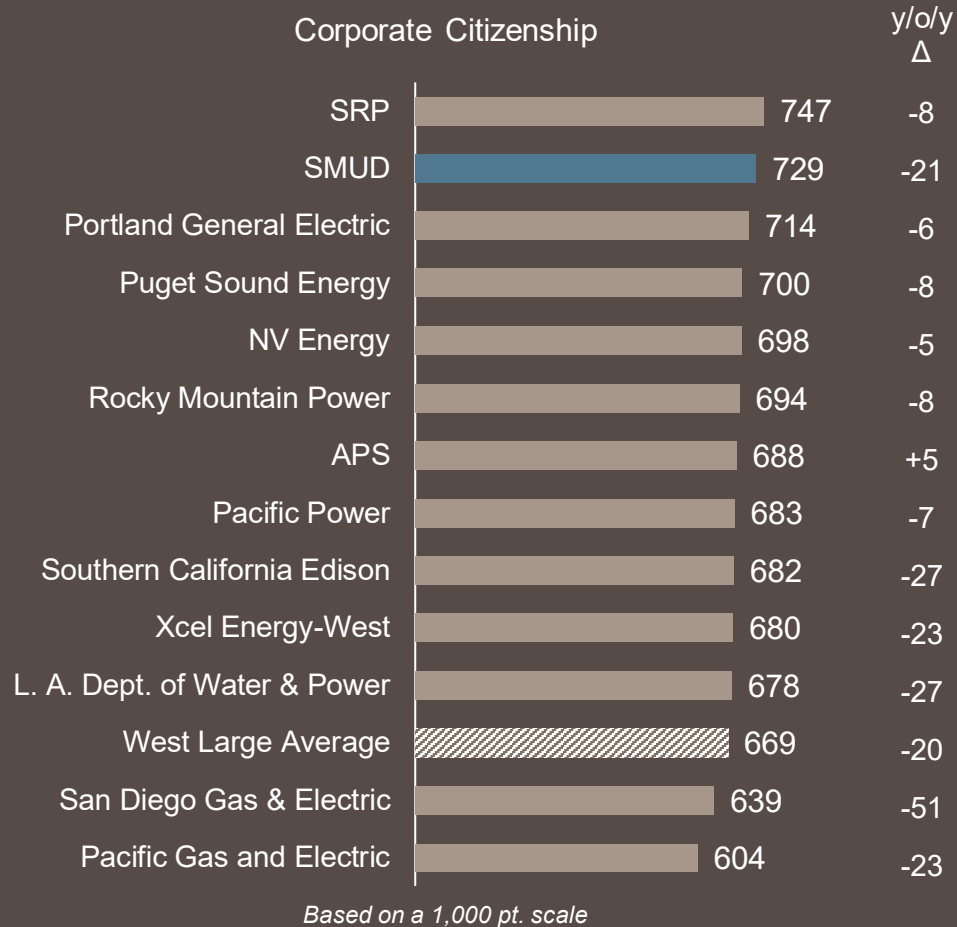
Thinking about the billing and payment process with SMUD, how would you rate the...?



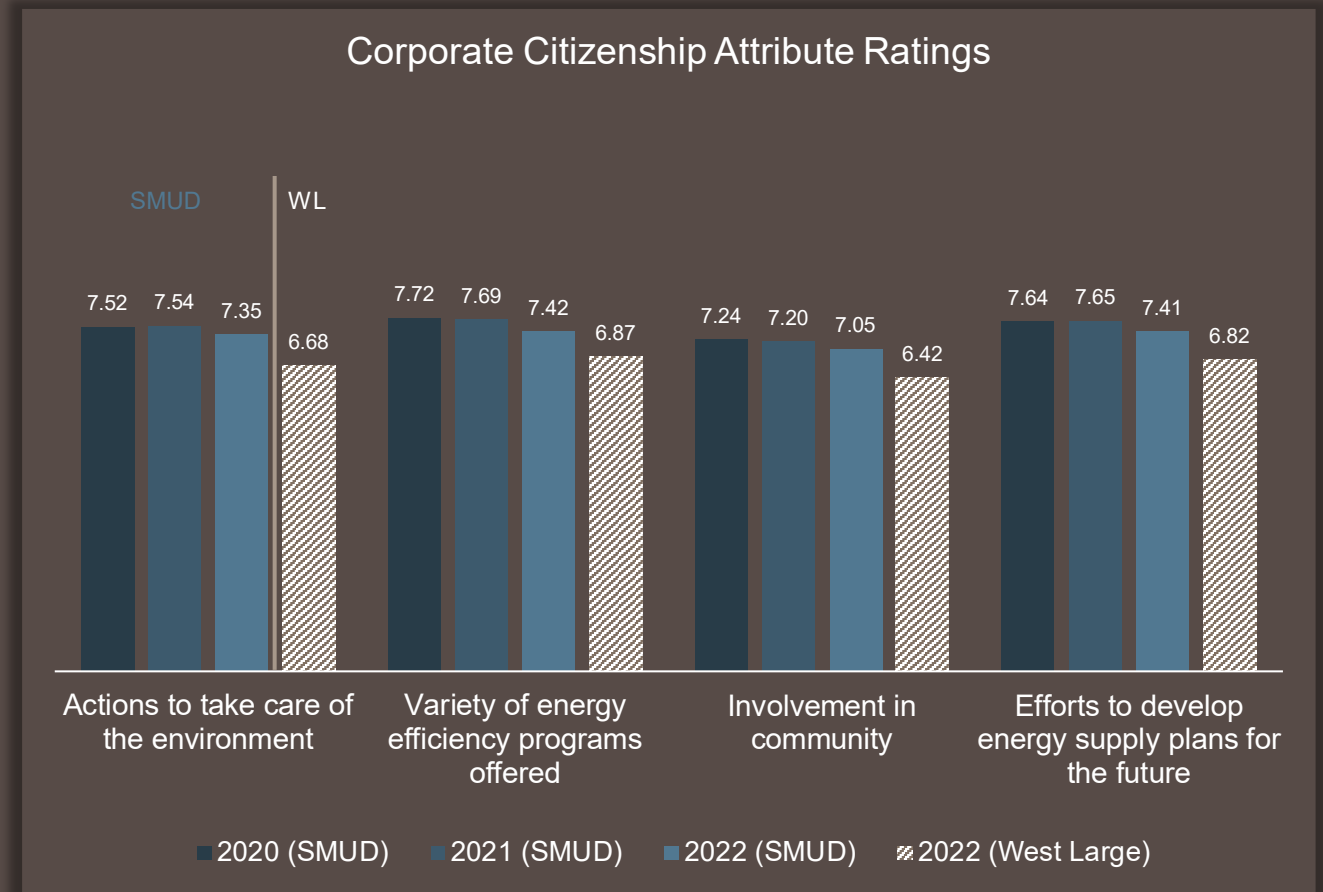
Based on an 10pt. scale where 1 = Unacceptable and 10 Outstanding

Corporate
Citizenship
17%

SMUD Residential Corporate Citizenship Performance

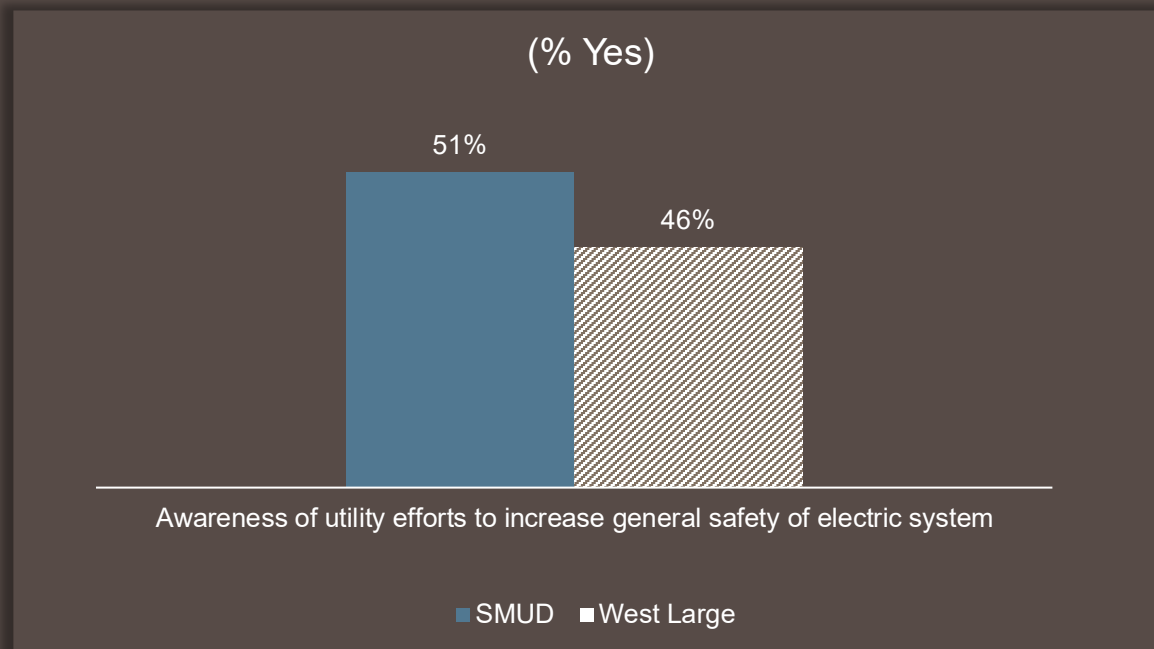


Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 925, West Large n 14,628
How would you rate SMUD on...?

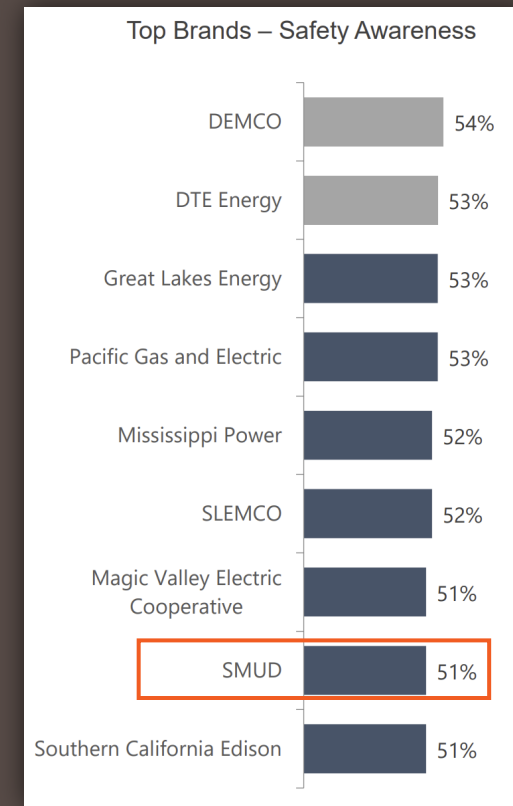


Awareness of utility efforts to increase the safety of the electric grid

51% of SMUD residential customers are aware of SMUD's efforts to increase the general safety of the electric system which is higher than the West Large results of 46%. SMUD was also recognized as a best practice in this area.



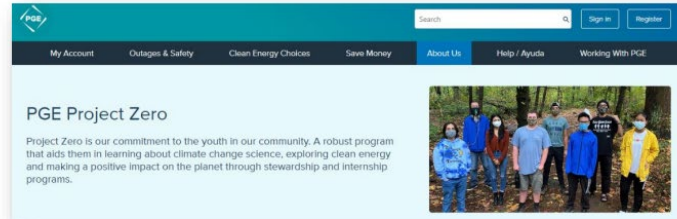
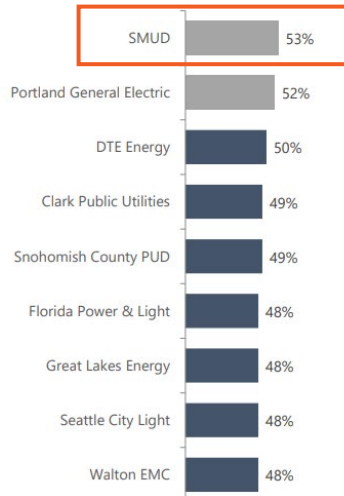
Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 925, West Large n 14,628
Which of the following activities, if any, are you aware of SMUD doing?



SMUD recognized as the best practice

Best Practices – Improve Impact on Environment

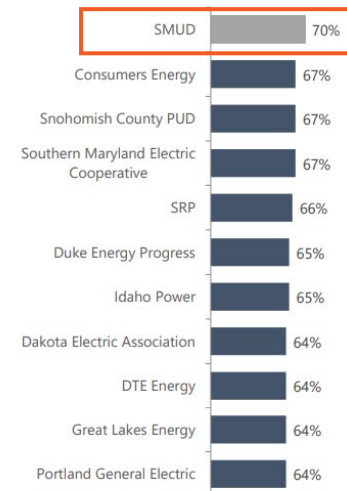
Top Brands – Improve Environmental Impact



Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 925

Best Practices – Energy Efficiency/Conservation Programs

Top Brands – EE/Conservation Awareness



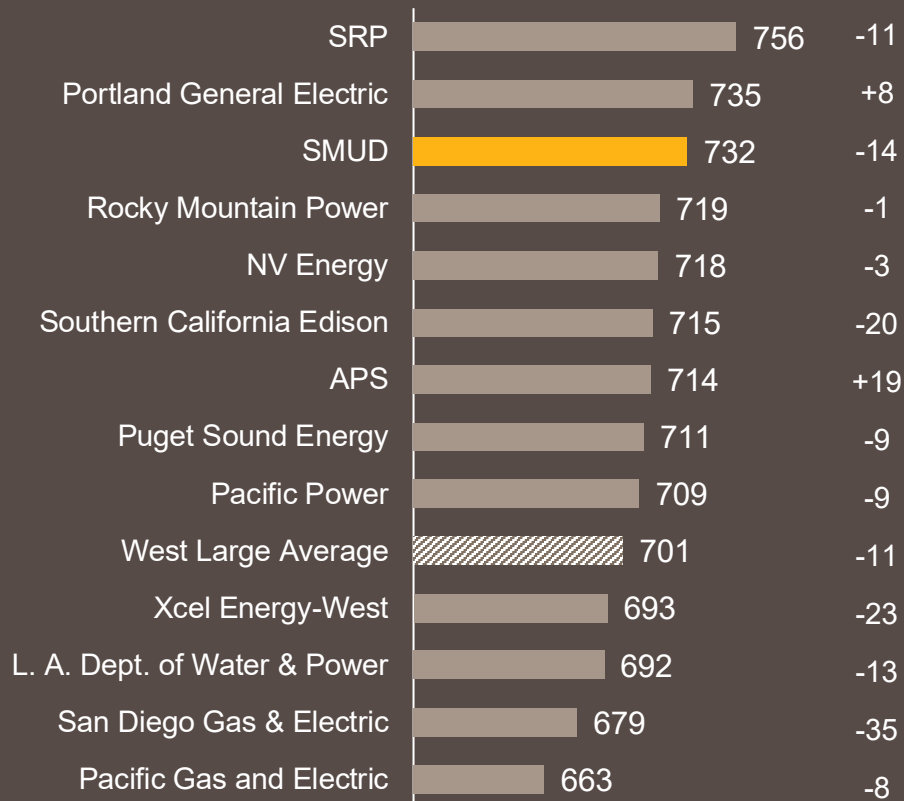
<https://www.smud.org/en/Rebates-and-Savings-Tips>
<https://www.smud.org/en/Rate-Information/Time-of-Day-rates/Time-of-Day-5-8pm-Rate/Energy-Efficiency-Home>

J.D. POWER 41

Communications
12%

SMUD Residential Communications Performance

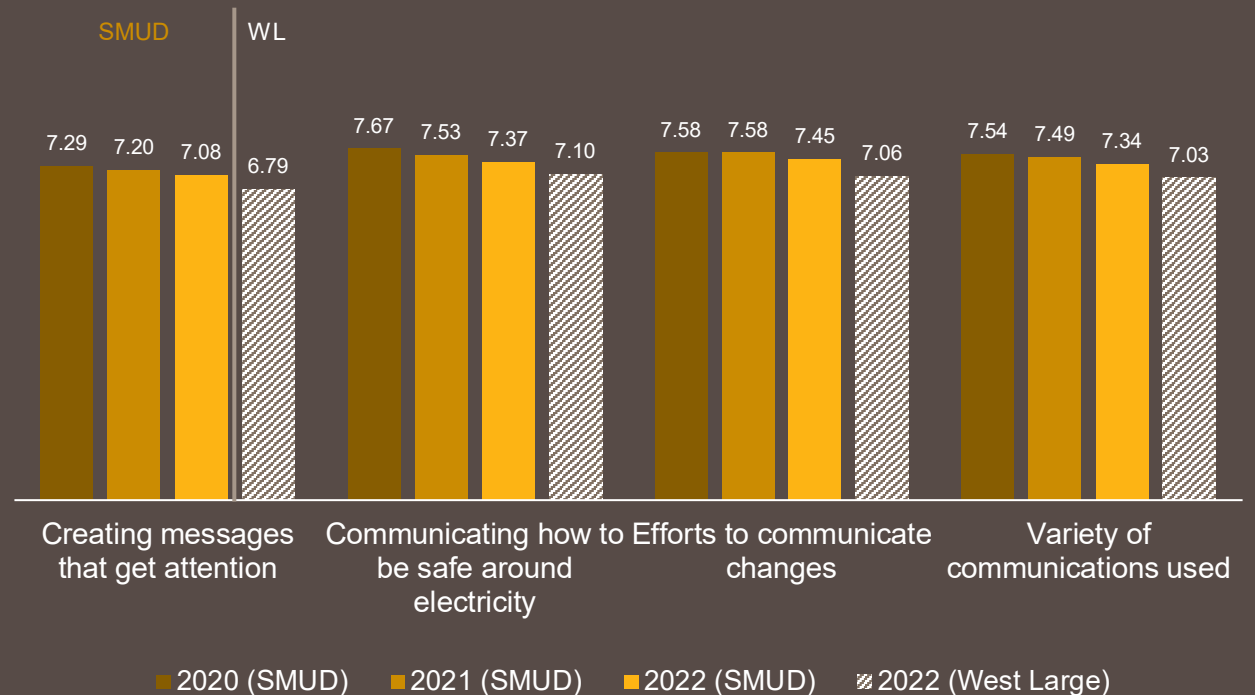
Communications Index y/o/y Δ



Based on a 1,000 pt. scale

Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 925, West Large n 14,628
How would you rate SMUD on...?

Communications Attribute Ratings

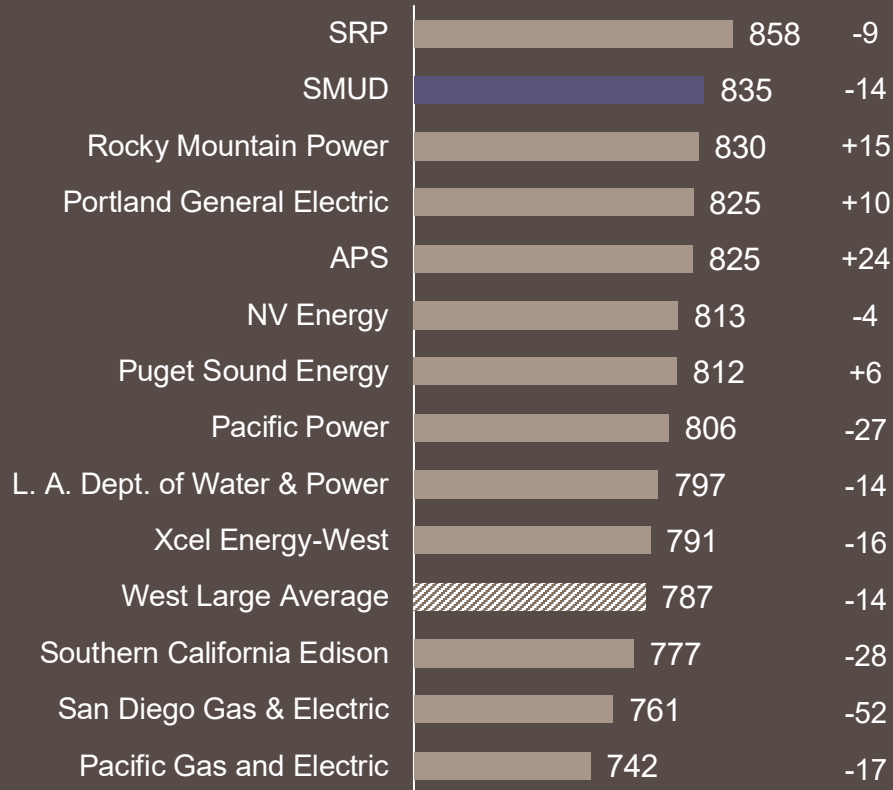


Based on an 10pt. scale where 1 = Unacceptable and 10 = Outstanding

Customer
Contact
9%

SMUD Residential Customer Contact Performance

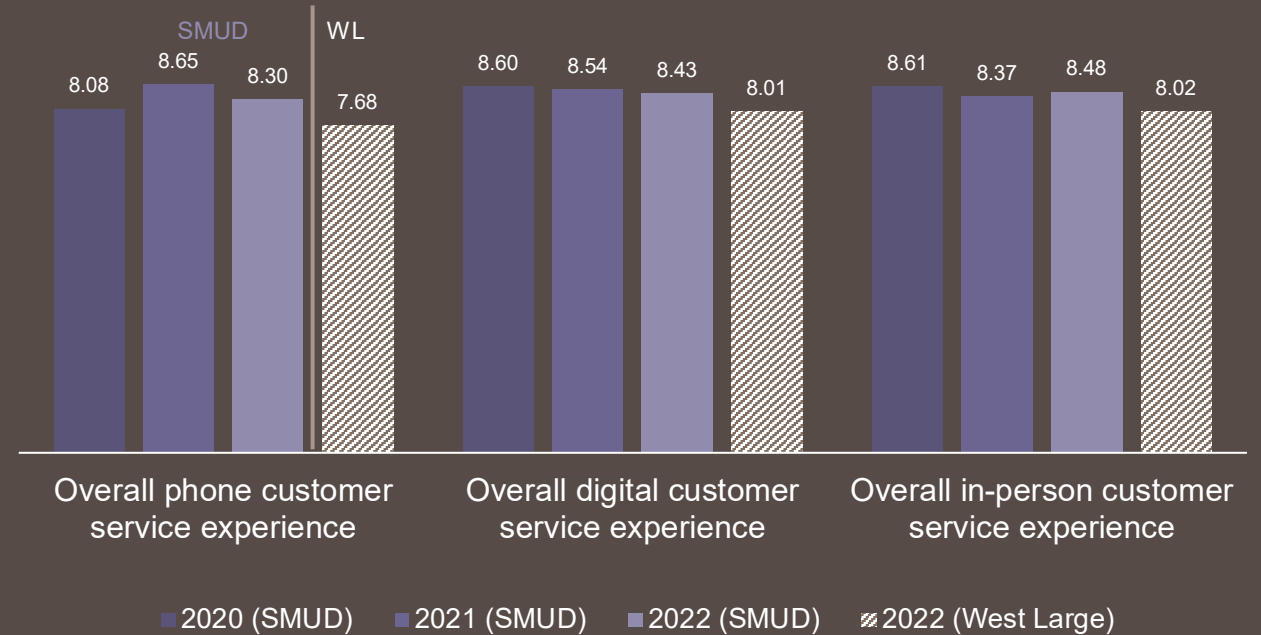
Customer Contact Index y/o/y
Δ



Based on a 1,000 pt. scale

Customer contact questions only asked of respondents who had an interaction with SMUD in the past 3 months
Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 479, West Large n 7,704
How would you rate your...?

Customer Contact Attribute Ratings



Based on an 10pt. scale where 1 = Unacceptable and 10 = Outstanding

Phone includes phone representative, IVR full service, hybrid

Digital includes website visit (desktop, mobile), chat

Proactive includes contact from a SMUD representative

Customer
Contact
9%

SMUD Residential Customer Contact Performance

Phone *(Phone representative, IVR – full self-service, hybrid)*

Customer Contact Index - Phone

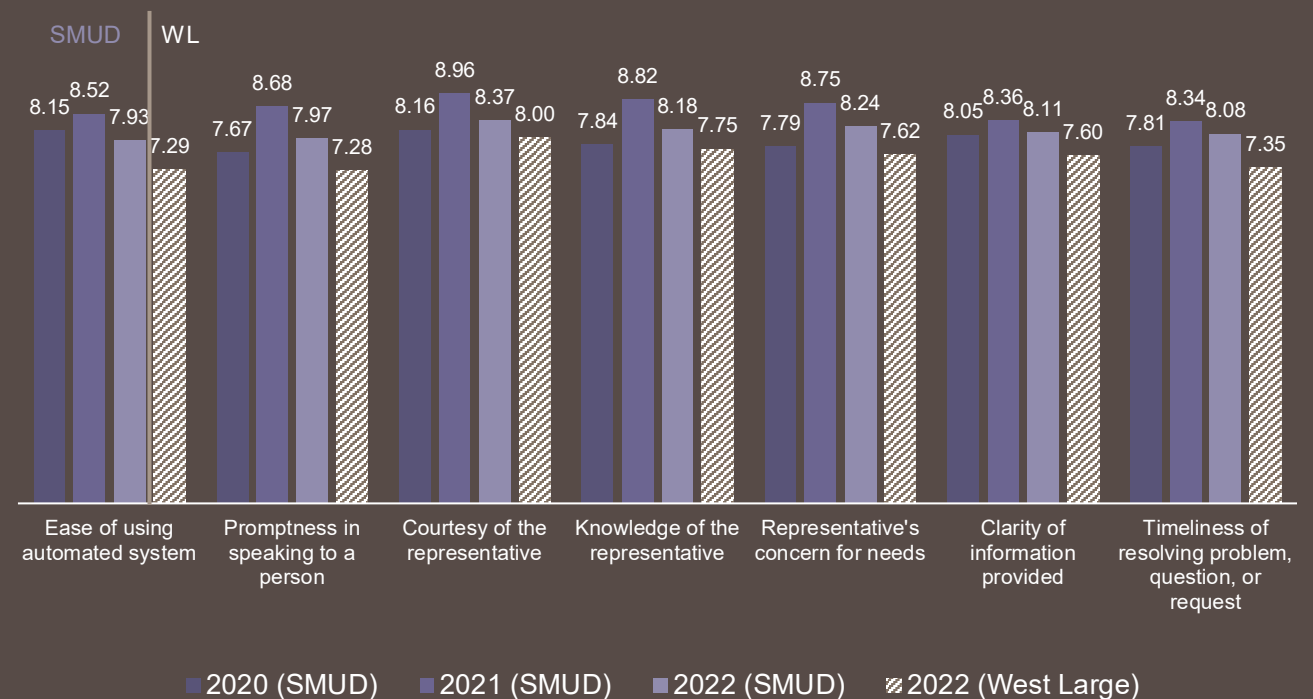
y/o/y
Δ

SRP	854	-16
Portland General Electric	828	+15
Rocky Mountain Power	823	+29
SMUD	822	-34
Puget Sound Energy	814	+64
Pacific Power	800	-17
APS	795	+2
L. A. Dept. of Water & Power	777	-11
NV Energy	764	-10
West Large Average	759	-26
Southern California Edison	749	-30
Xcel Energy-West	743	-50
Pacific Gas and Electric	710	-50
San Diego Gas & Electric	700	-100

Based on a 1,000 pt. scale

Customer contact questions only asked of respondents who had an interaction with SMUD in the past 3 months
Source: J.D. Power Electric Residential Customer Satisfaction Study 2022
SMUD n 106, West Large n 2,259
How would you rate your SMUD call experience on...?

Customer Contact Phone Attribute Ratings



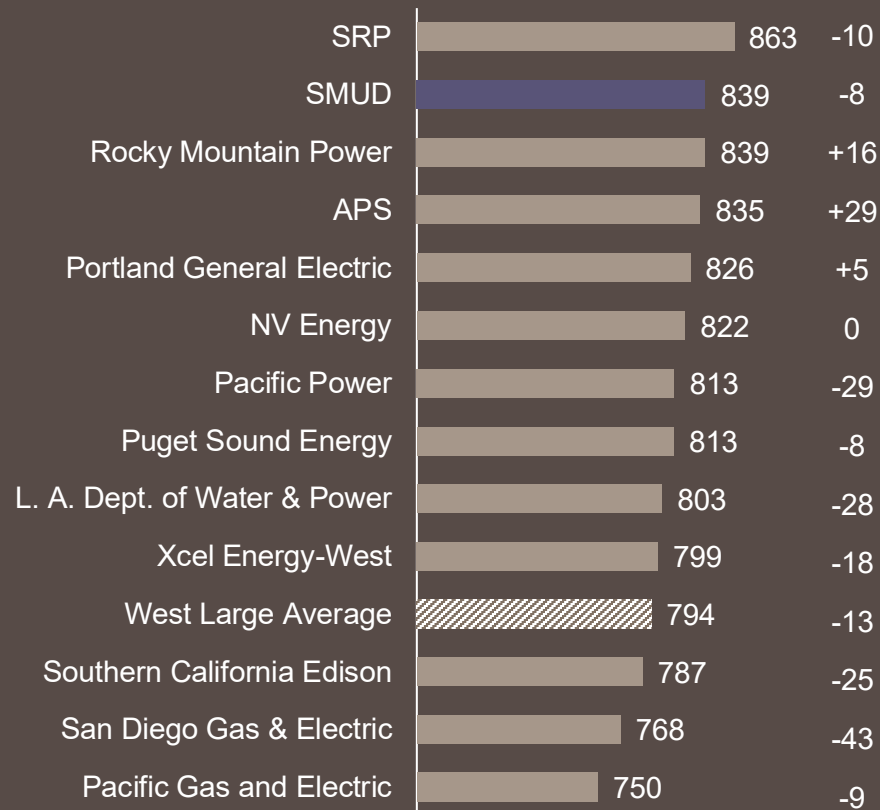
Based on an 10pt. scale where 1 = Unacceptable and 10 = Outstanding

Customer
Contact
9%

SMUD Residential Customer Contact Performance Digital *(Website – desktop/mobile, Mobile app, Chat)*

Customer Contact Index - Digital

y/o/y
Δ



Based on a 1,000 pt. scale

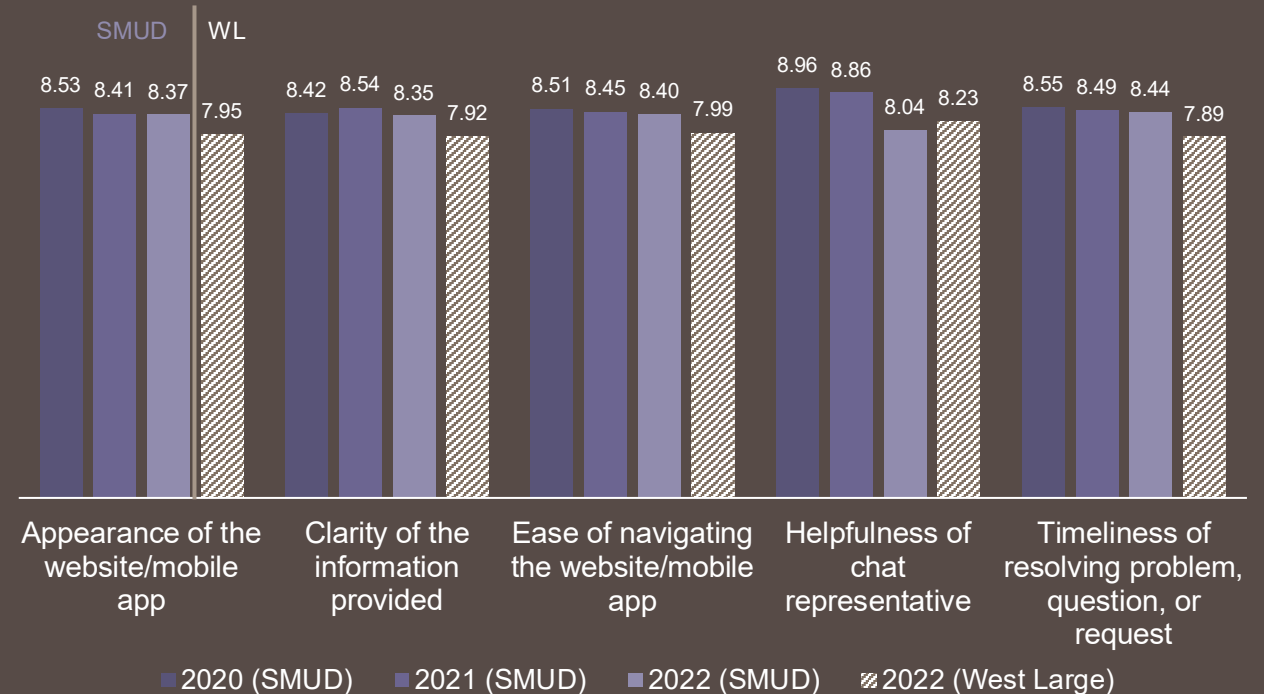
Customer contact questions only asked of respondents who had an interaction with SMUD in the past 3 months

Source: J.D. Power Electric Residential Customer Satisfaction Study 2022

SMUD n 414, West Large n 6,388

Thinking about your most recent website visit/mobile app use with SMUD, how would you rate the...?

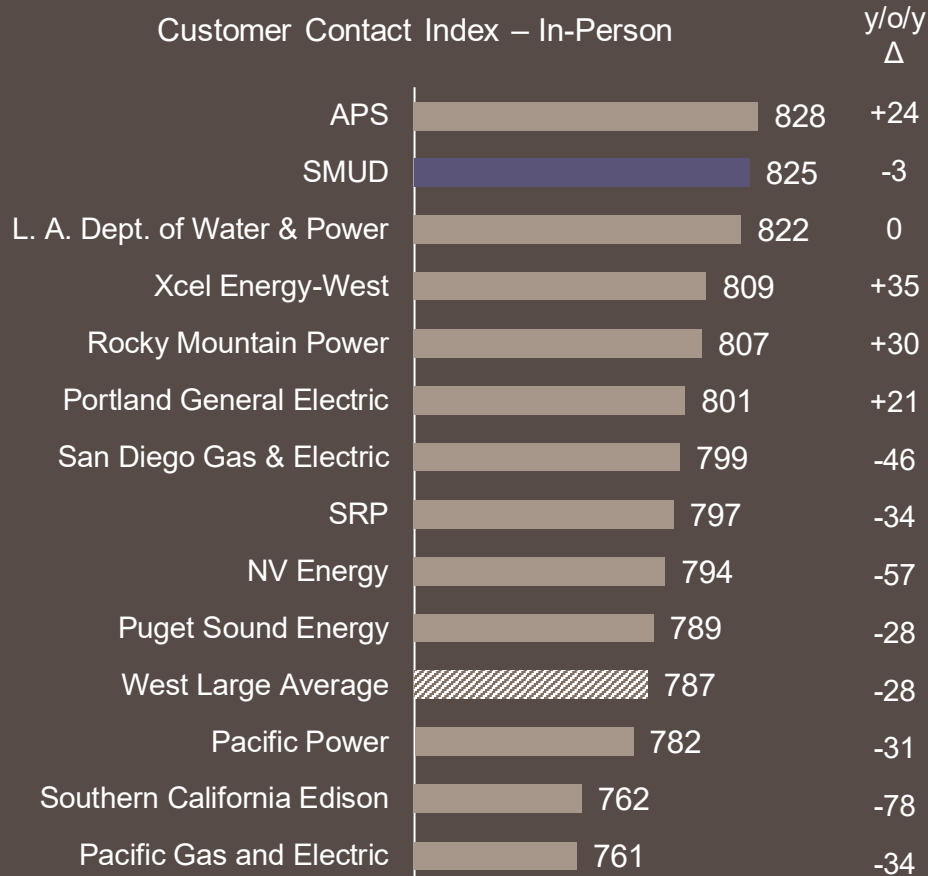
Customer Contact Digital Attribute Ratings



Based on an 10pt. scale where 1 = Unacceptable and 10 Outstanding

Customer
Contact
9%

SMUD Residential Customer Contact Performance In-Person *(Lobby/CSC)*



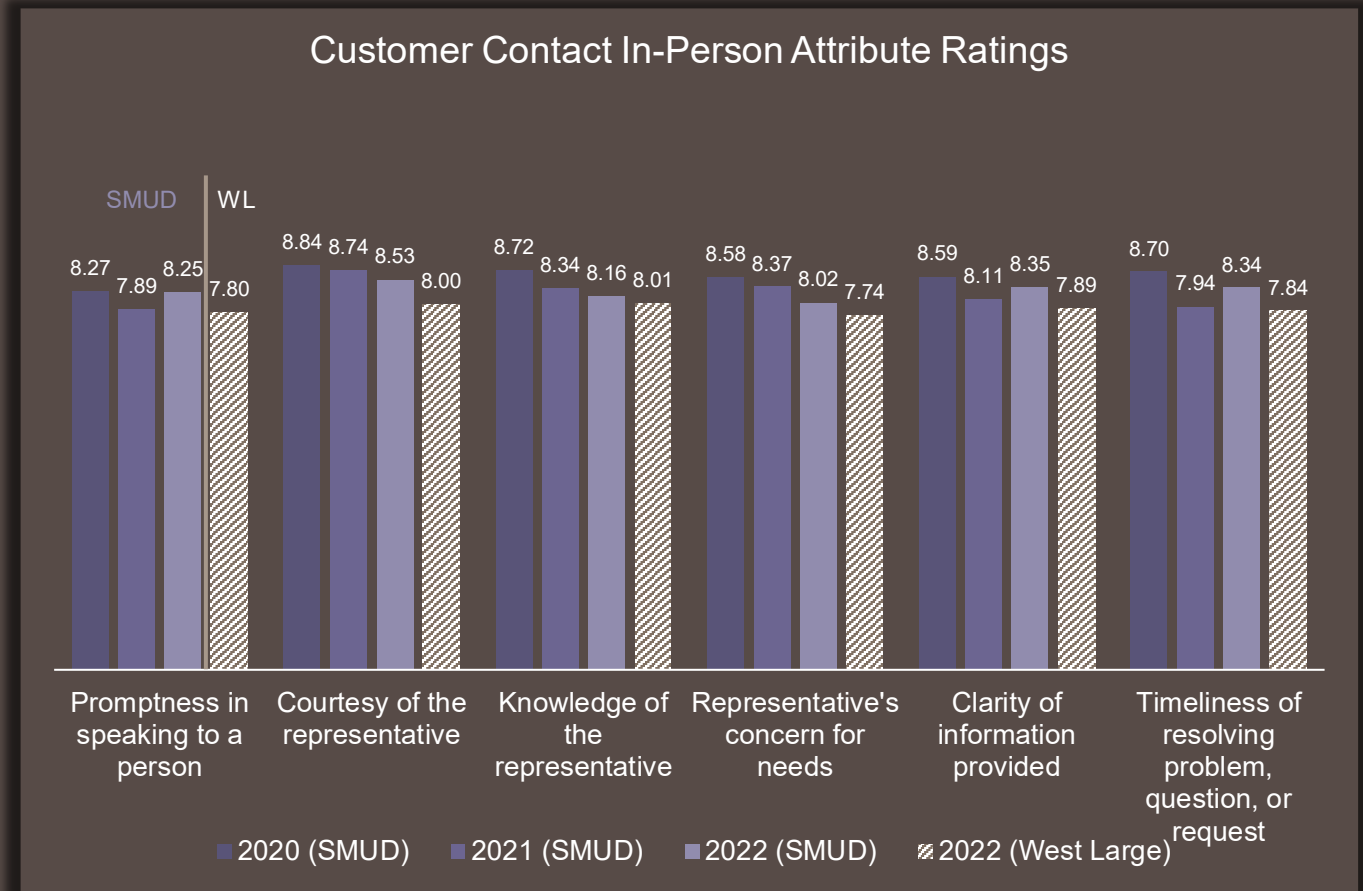
Based on a 1,000 pt. scale

Customer contact questions only asked of respondents who had an interaction with SMUD in the past 3 months

Source: J.D. Power Electric Residential Customer Satisfaction Study 2022

SMUD n 39, West Large n 706

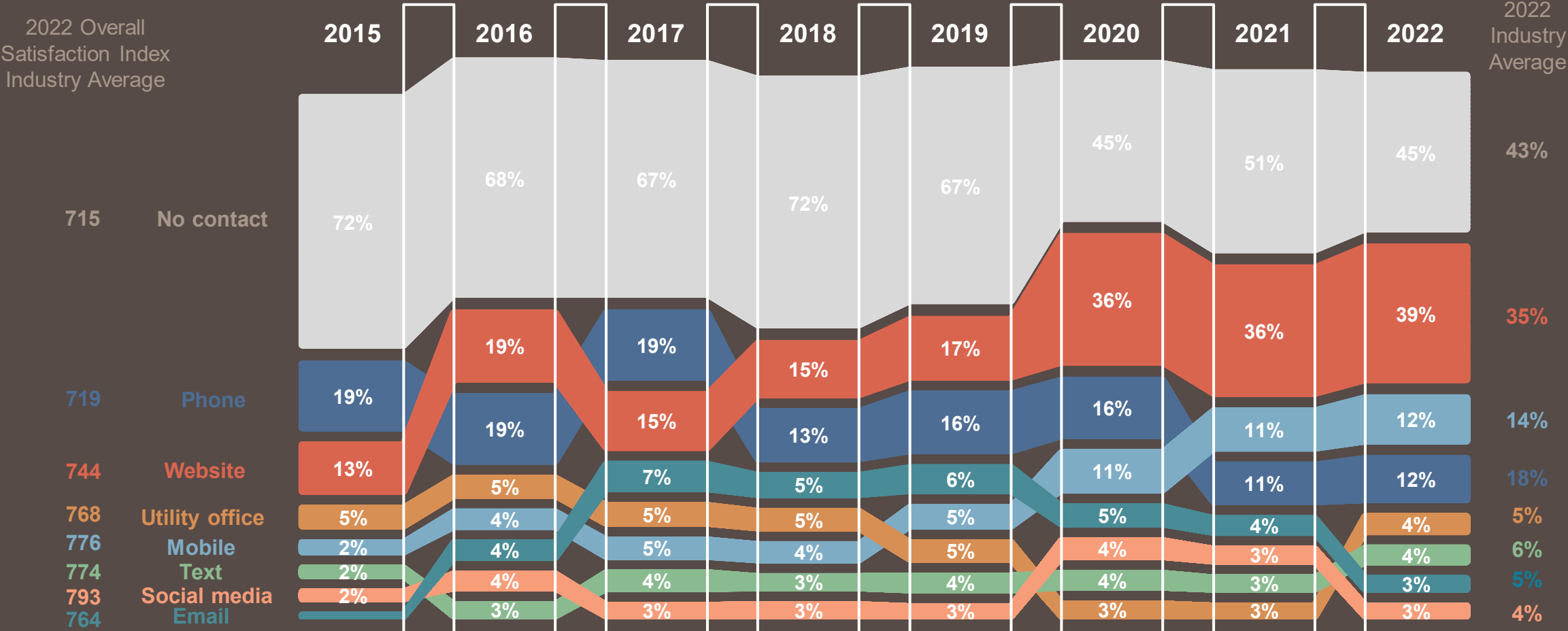
How would you rate the support you received from SMUD with respect to...?



Based on a 10pt. scale where 1 = Unacceptable and 10 = Outstanding

Digital is now the primary customer service channel

Percentage of Customers by Contact Channel
SMUD

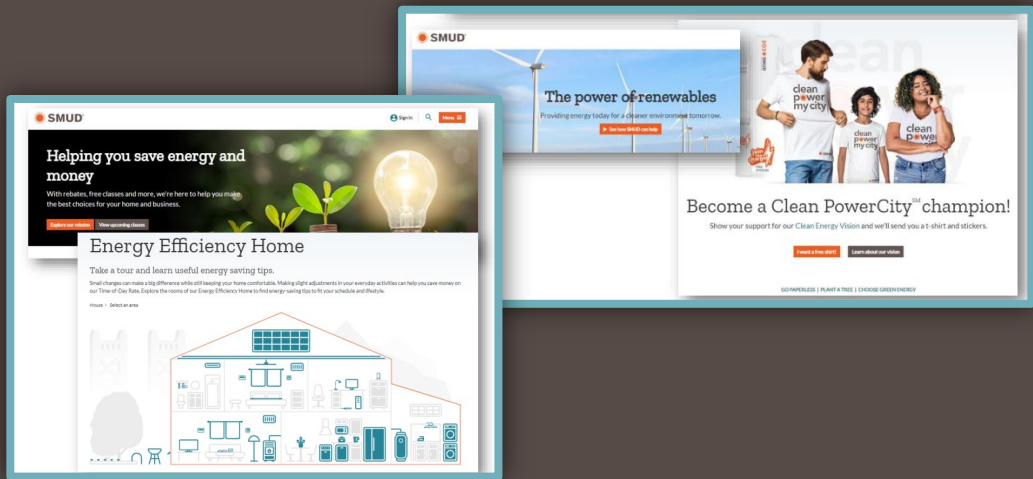


Source: J.D. Power Electric Residential Customer Satisfaction Study 2022

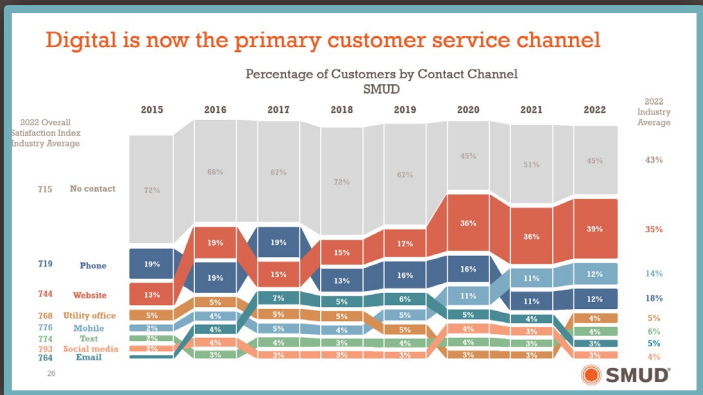
Areas of Focus: 2022 Electric Residential Customer Satisfaction

Continue

Corporate Citizenship



Customer Contact



Consider

Infrastructure and Reliability

Outage Alerts: Top Brands at Texting Customers with Outage Information

Outage Alerts tell you when...

Highest Nationally	Utility sent text message
Entergy Louisiana	57%
Entergy Mississippi	50%
Duke Energy Progress	47%
Entergy Arkansas	47%
Entergy New Orleans	46%
SRP	46%
Duke Energy Carolinas	44%
Entergy Texas	43%
Duke Energy Florida	42%
PSEG Long Island	42%

- Power is coming**
We'll give you an estimate of when your power should be back on.
- We're on the way**
We'll let you know when our service crew is dispatched.
- We know more details**
We'll tell you what caused the outage and how many were impacted.
- Power is back**
We'll confirm when power is restored.

<https://cloud.mail.myentergy.com/stay-informed>

J.D. POWER



J.D. Power Satisfaction Overview Business Results

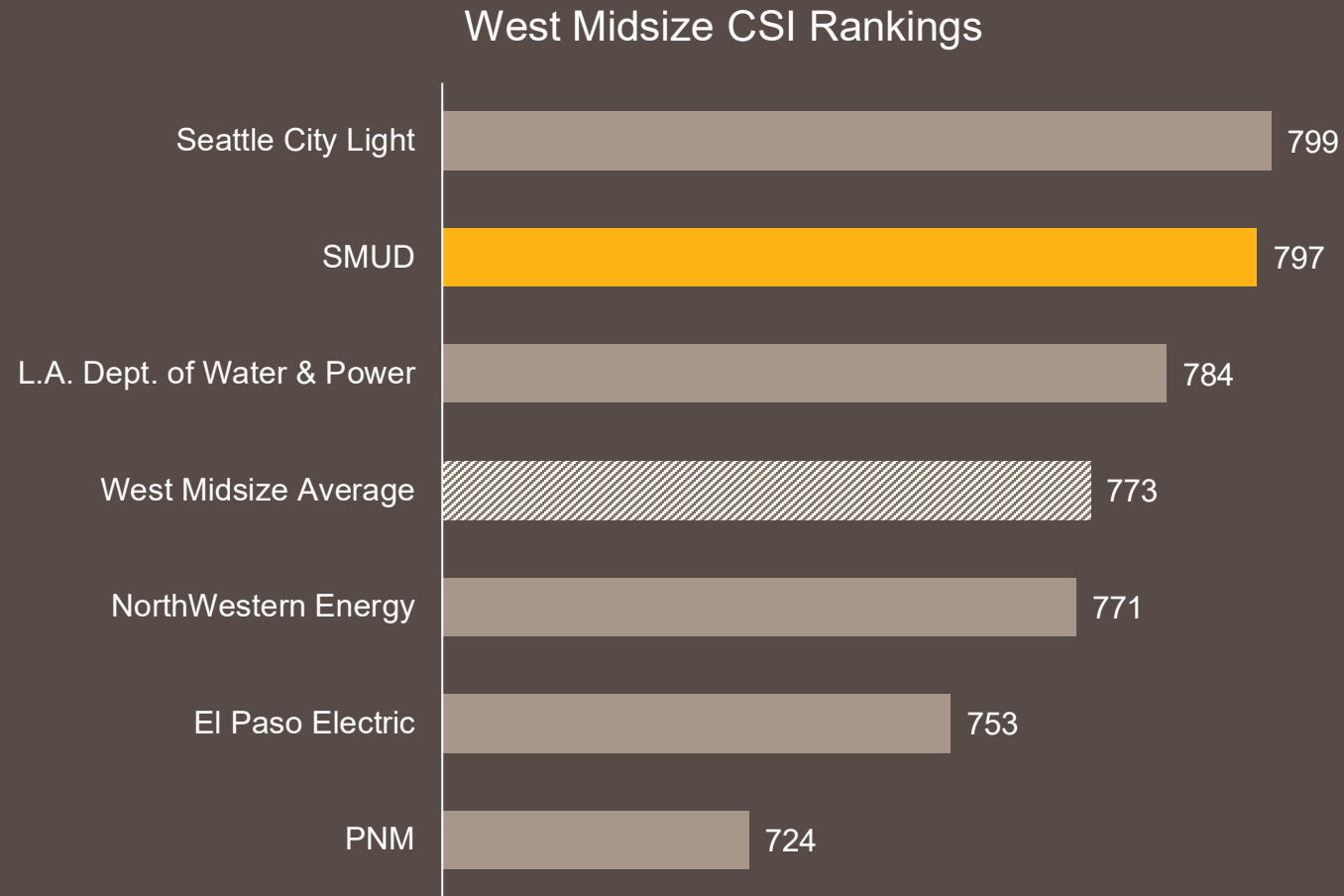
2022 Midsize Utility Award Winners

Seattle City Light was recognized as the top ranked utility within the West Midsize region. SMUD's CSI rating (797) was very close to Seattle City Light (799), only two index points behind.



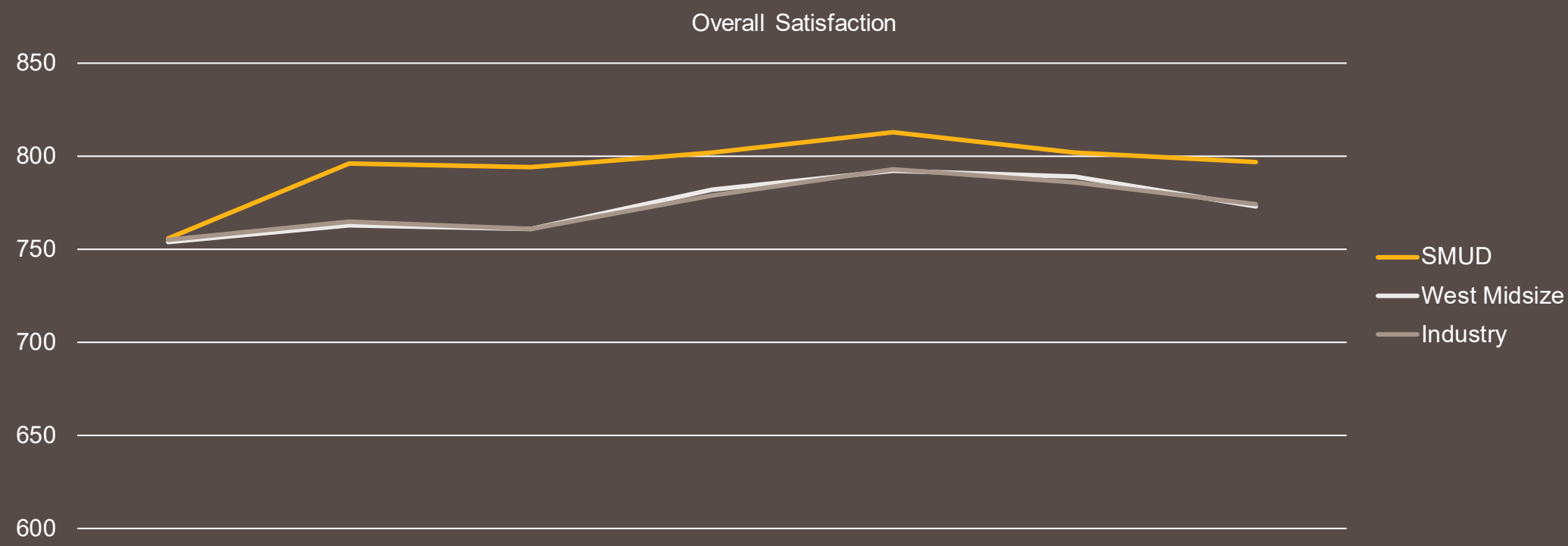
Source: J.D. Power Electric Business Customer Satisfaction Study 2022

West Midsize Overall CSI Results 2022



Source: J.D. Power Electric Business Customer Satisfaction Study 2022

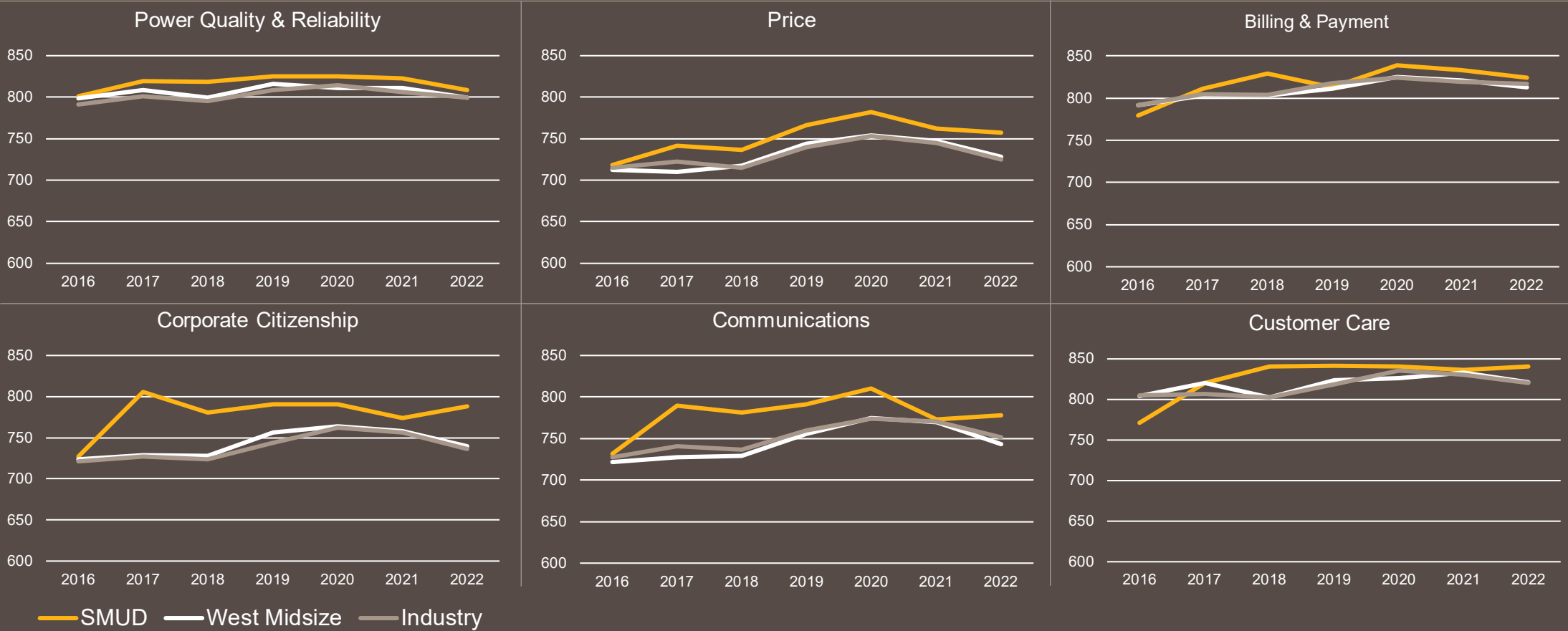
SMUD Commercial Satisfaction Trends



	2016	2017	2018	2019	2020	2021	2022
CA Rank	3	1	1	1	1	1	1
West Midsize Rank	3	1	1	3	2	2	2
Industry Rank	32	10	6	13	16	22	13

Note: The J.D. Power Business Customer Satisfaction Study is fielded semi annually (Feb/May, Jun/Oct).

Commercial Index Trends Over Time



Source: J.D. Power Electric Utility Business Customer Satisfaction Study

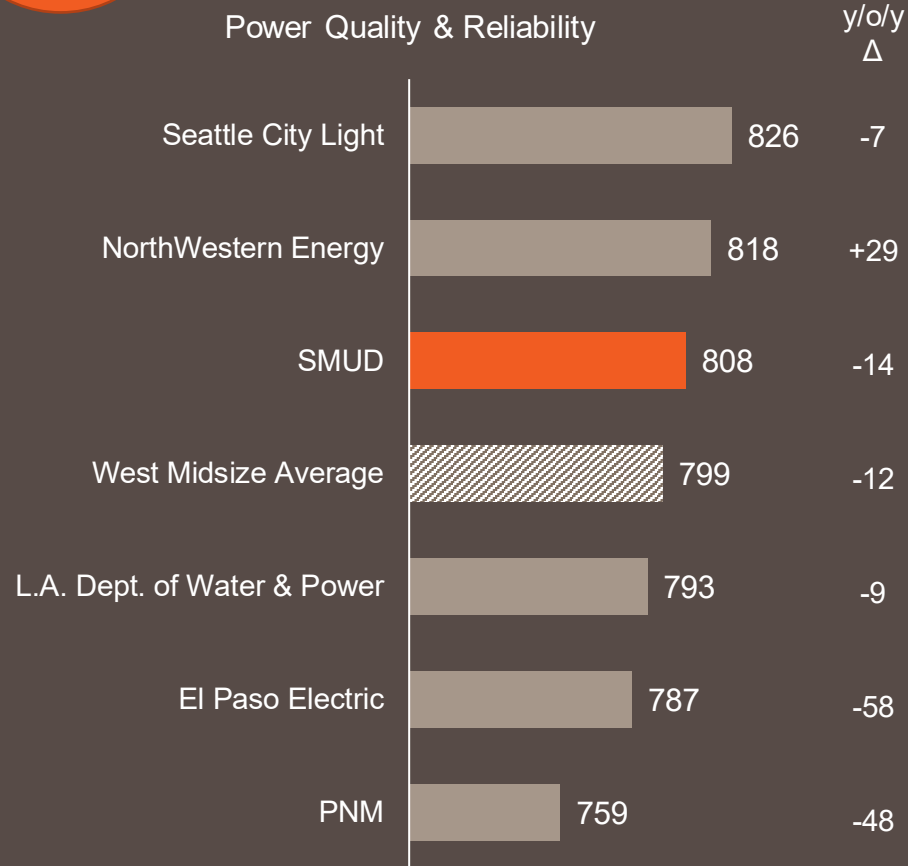


SMUD Commercial Performance 2021 vs. 2022

	SMUD			West Midsize	Industry
	2021	2022	2021 vs. 2022 Δ	2021 vs. 2022 Δ	2021 vs. 2022 Δ
Overall Satisfaction	802	797	-5	-16	-12
Corporate Citizenship	774	788	+14	-18	-20
Billing & Payment	833	824	-9	-8	-2
Power Quality & Reliability	822	808	-14	-12	-7
Price	762	757	-5	-19	-20
Communications	773	778	+5	-27	-19
Customer Care	836	840	+4	-12	-10

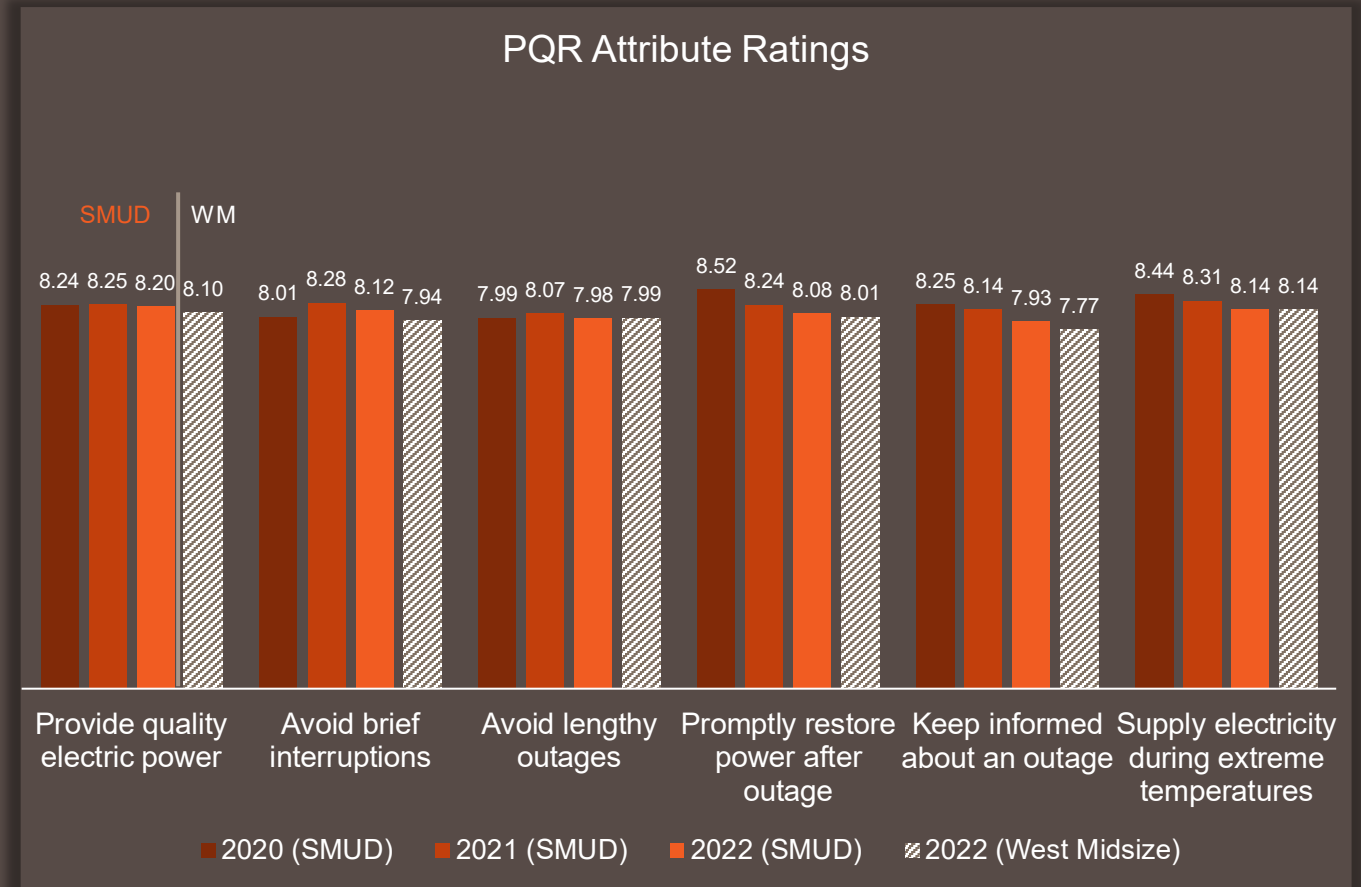
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
2021: SMUD n 116, 2022: SMUD n 121

SMUD Commercial PQR Performance



Based on a 1,000 pt. scale

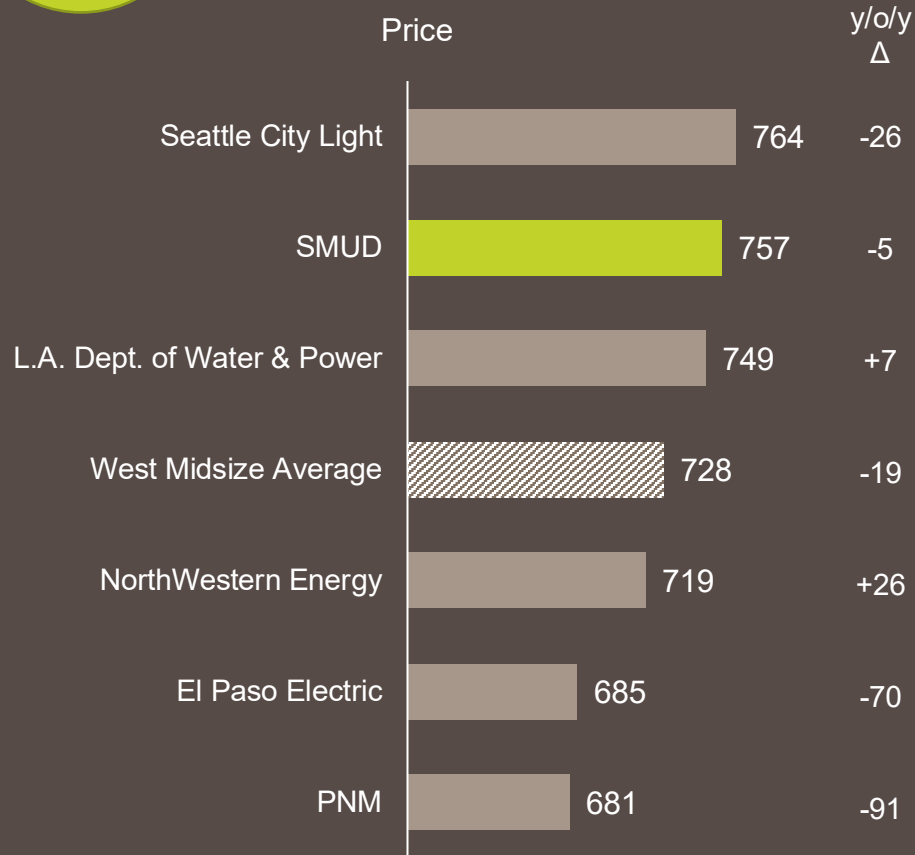
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 121, West Midsize n 737
How would you rate the effectiveness of SMUD to....?



Based on a 10pt. scale where 1= Unacceptable and 10 Outstanding

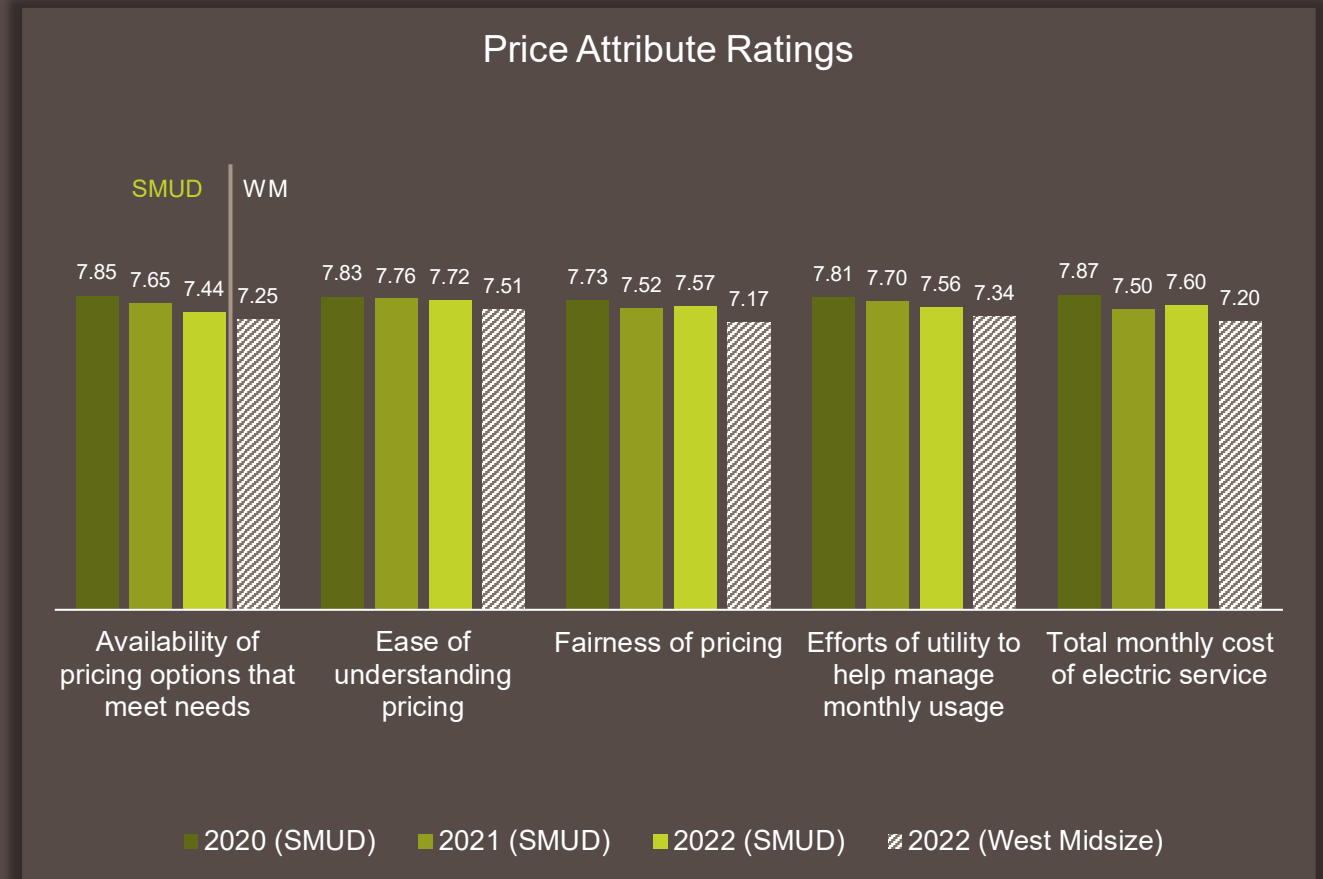
Price
19%

SMUD Commercial Price Performance



Based on a 1,000 pt. scale

Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 121, West Midsize n 737
Thinking only of your electric service, how would you rate the...?

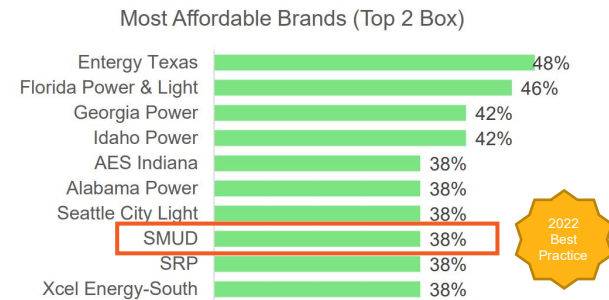
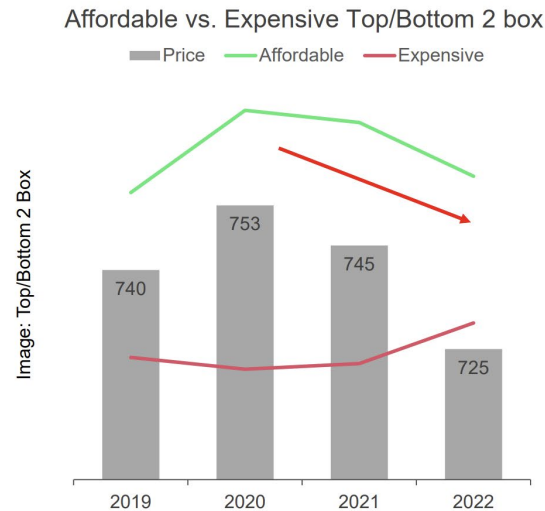


Based on an 10pt. scale where 1 = Unacceptable and 10 = Outstanding

SMUD recognized as one of the country's most affordable utility brands

Price – Affordability

In response to rate increases, the decline in affordability perceptions continues...

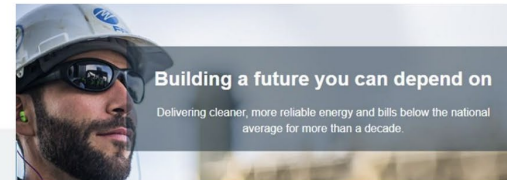


FPL PoweringFlorida
OFFICE OF ECONOMIC DEVELOPMENT

< Back to Why Florida

Rates & Incentives

FPL provides America's best energy value — energy that's affordable, reliable, and clean. Rates among the lowest in Florida and the U.S. translate into savings for your business. Let us help you with a customized rate quote and incentives evaluation.



J.D. POWER 6

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Source: J.D. Power Electric Business Customer Satisfaction Study 2022

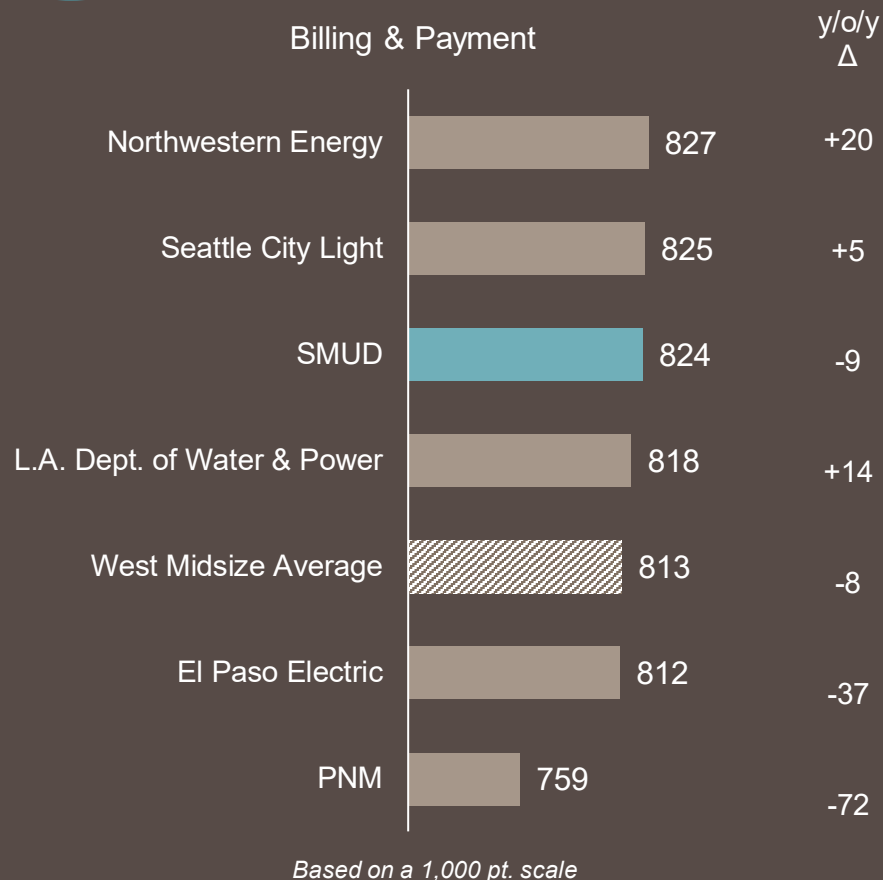
SMUD n = 121

Please take a look at the pairs of statements below and select the button that best represents the degree to which one of the statements better describes SMUD.

1 = Expensive, 7 = Affordable (Top 2 Box = 6 and 7 ratings).

Billing & Payment
15%

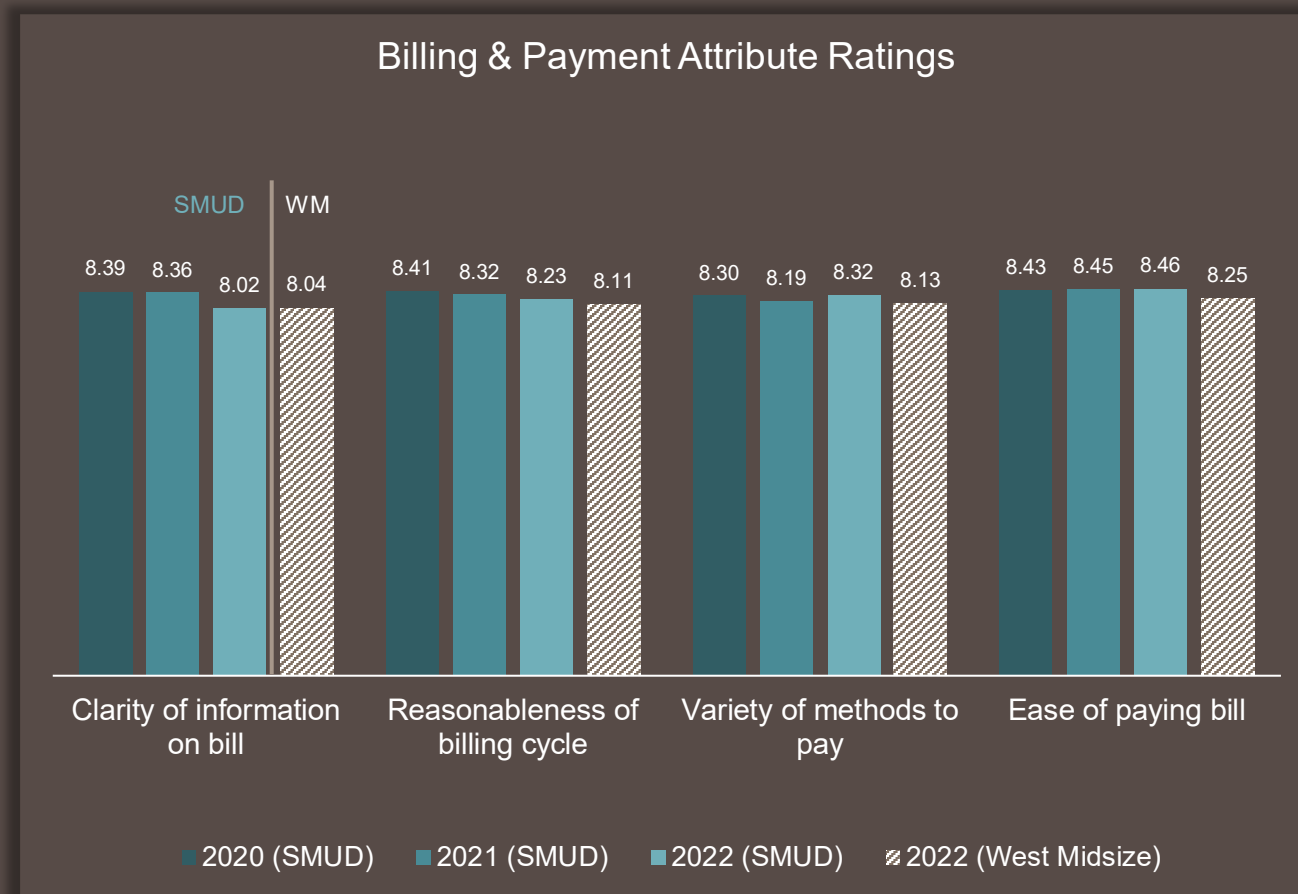
SMUD Commercial Billing & Payment Performance



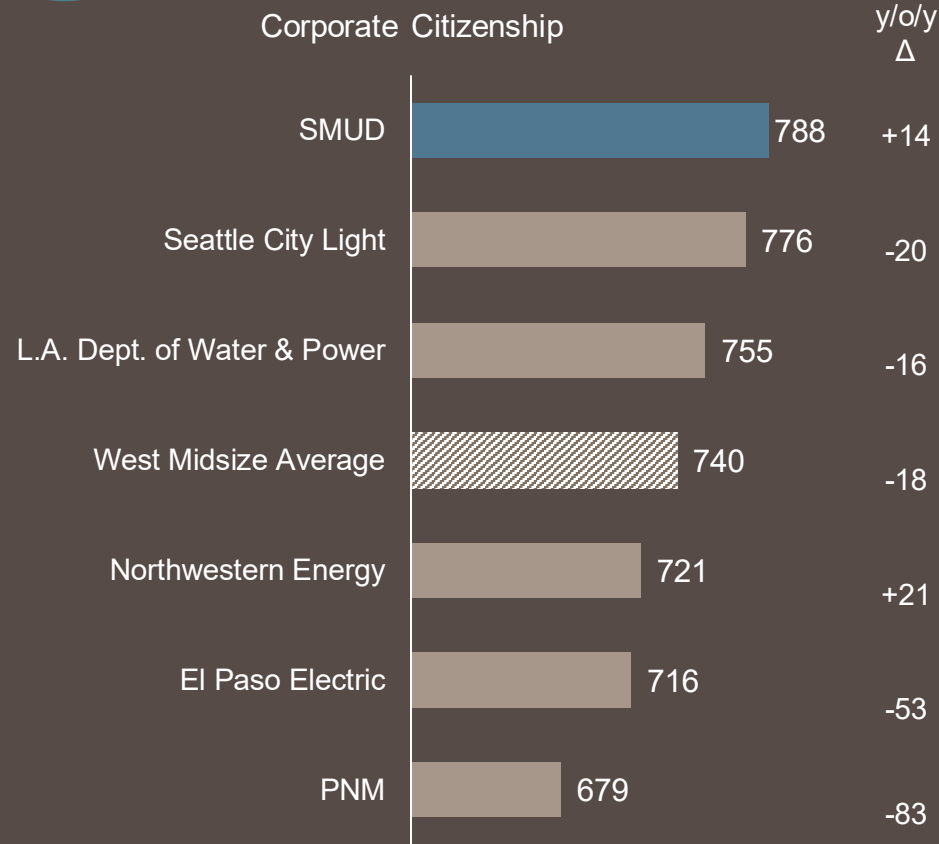
Source: J.D. Power Electric Business Customer Satisfaction Study 2022

SMUD n 121, West Midsize n 737

Thinking about the billing and payment process with SMUD, how would you rate the...?

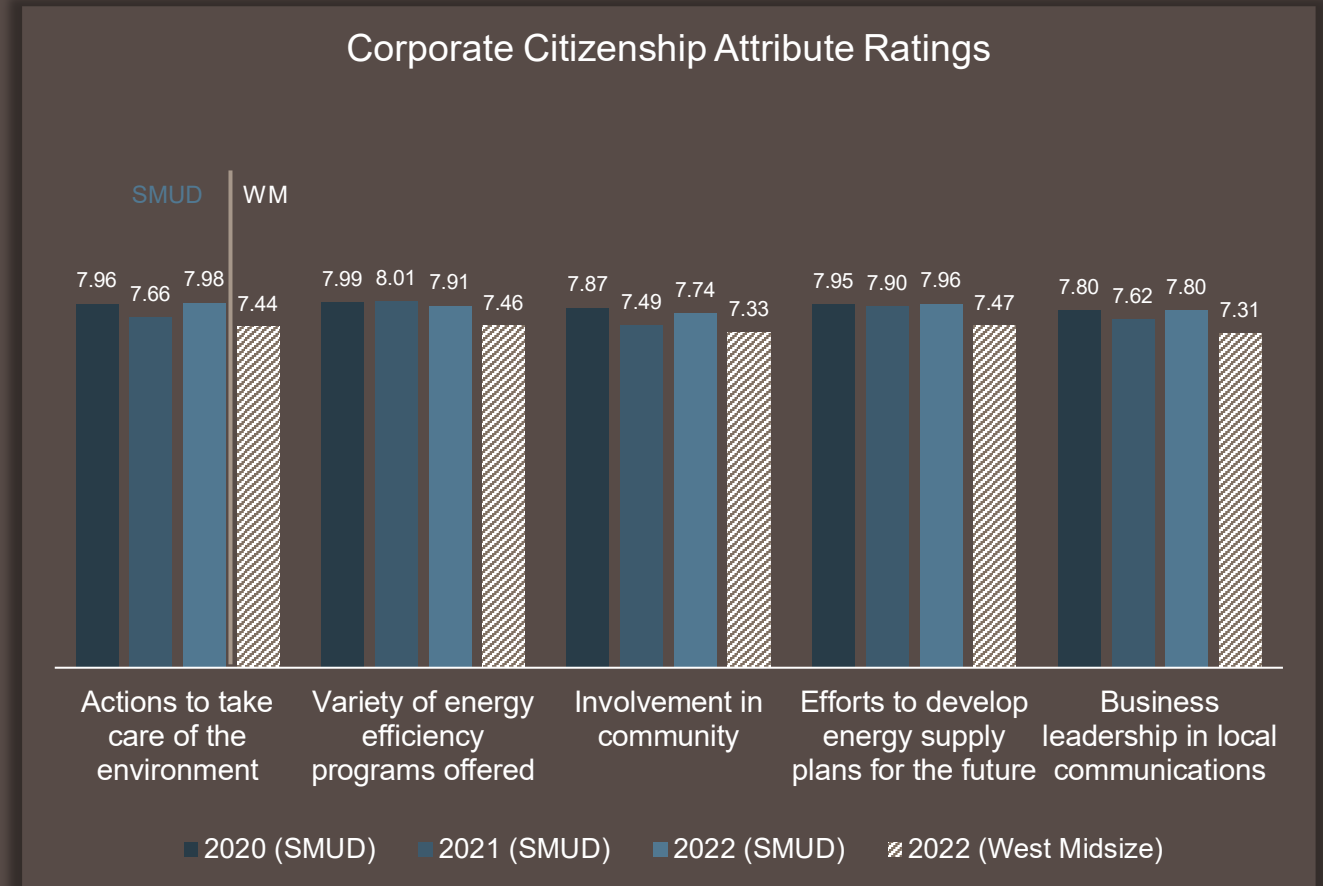


SMUD Commercial Corporate Citizenship Performance



Based on a 1,000 pt. scale

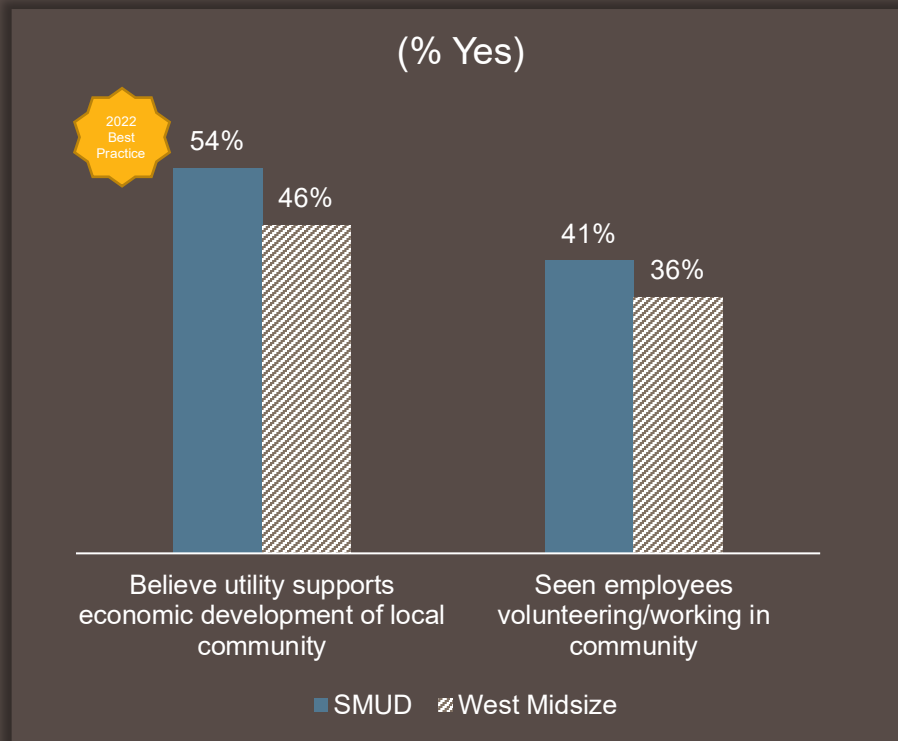
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 121, West Midsize n 737
How would you rate SMUD on...?



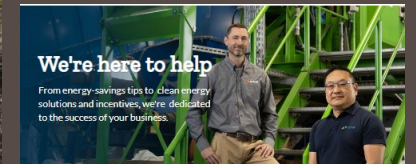
Based on an 10pt. scale where 1 = Unacceptable and 10 Outstanding

Presence of utility in the community

54% of SMUD commercial customers believe their utility supports economic development of the local community and 41% report seeing SMUD employees volunteering/working in the community. SMUD was also recognized as a best practice for supporting economic development of the local community tied for 2nd in the nation.

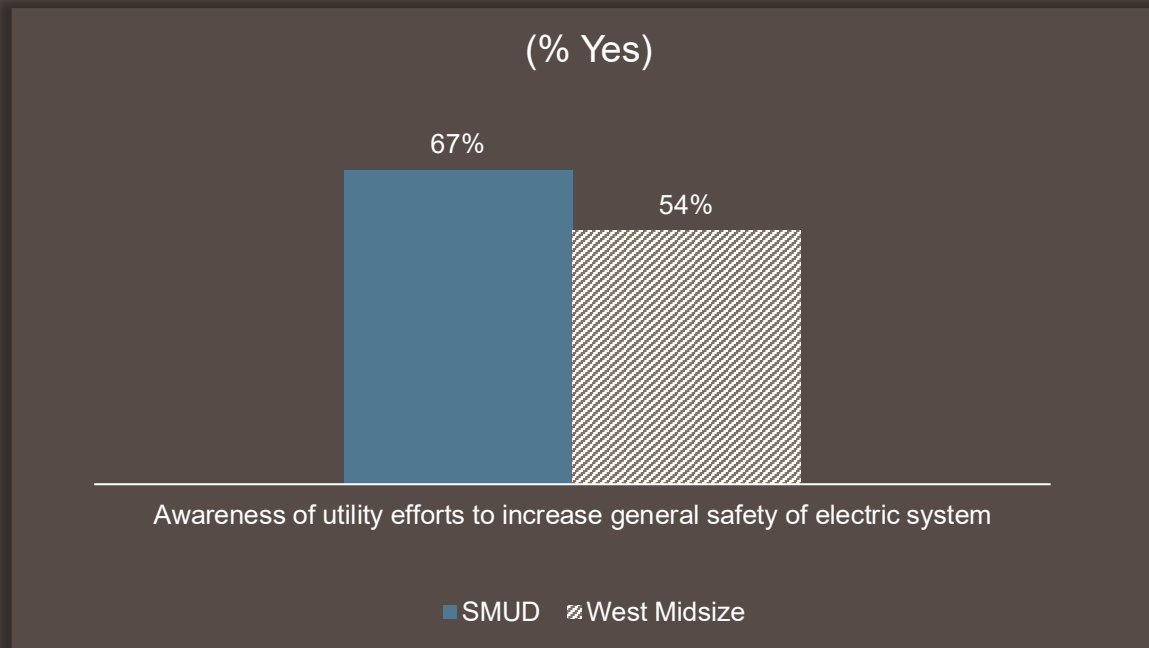


Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 121, West Midsize n 737
Which of the following activities, if any, are you aware of SMUD doing?

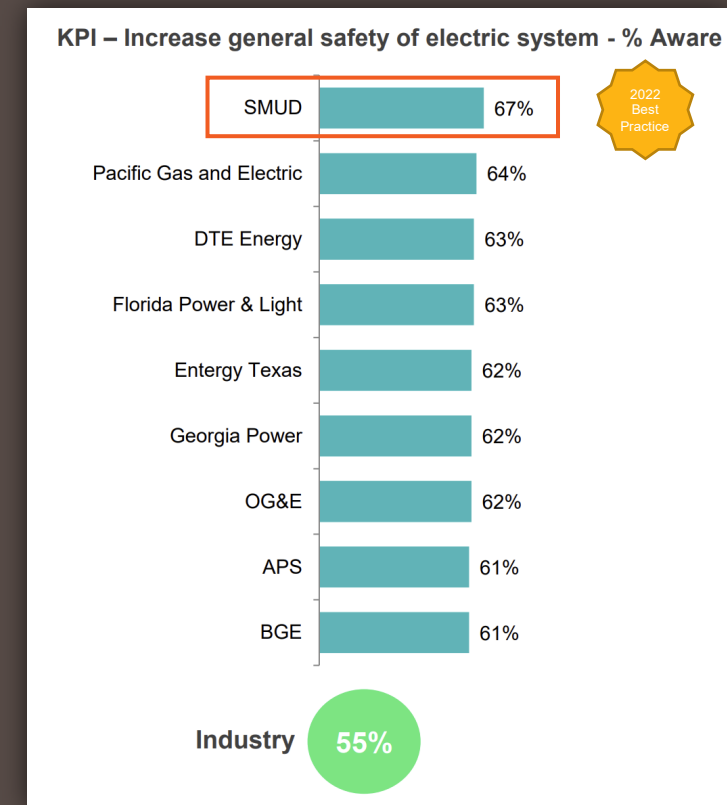


Awareness of utility efforts to increase the safety of the electric grid

67% of SMUD commercial customers are aware of SMUD's efforts to increase the general safety of the electric system which is notably higher than the West Midsize results of 54%. SMUD was also recognized as a best practice and top in the nation in this area.



Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 121, West Midsize n 737
Which of the following activities, if any, are you aware of SMUD doing?



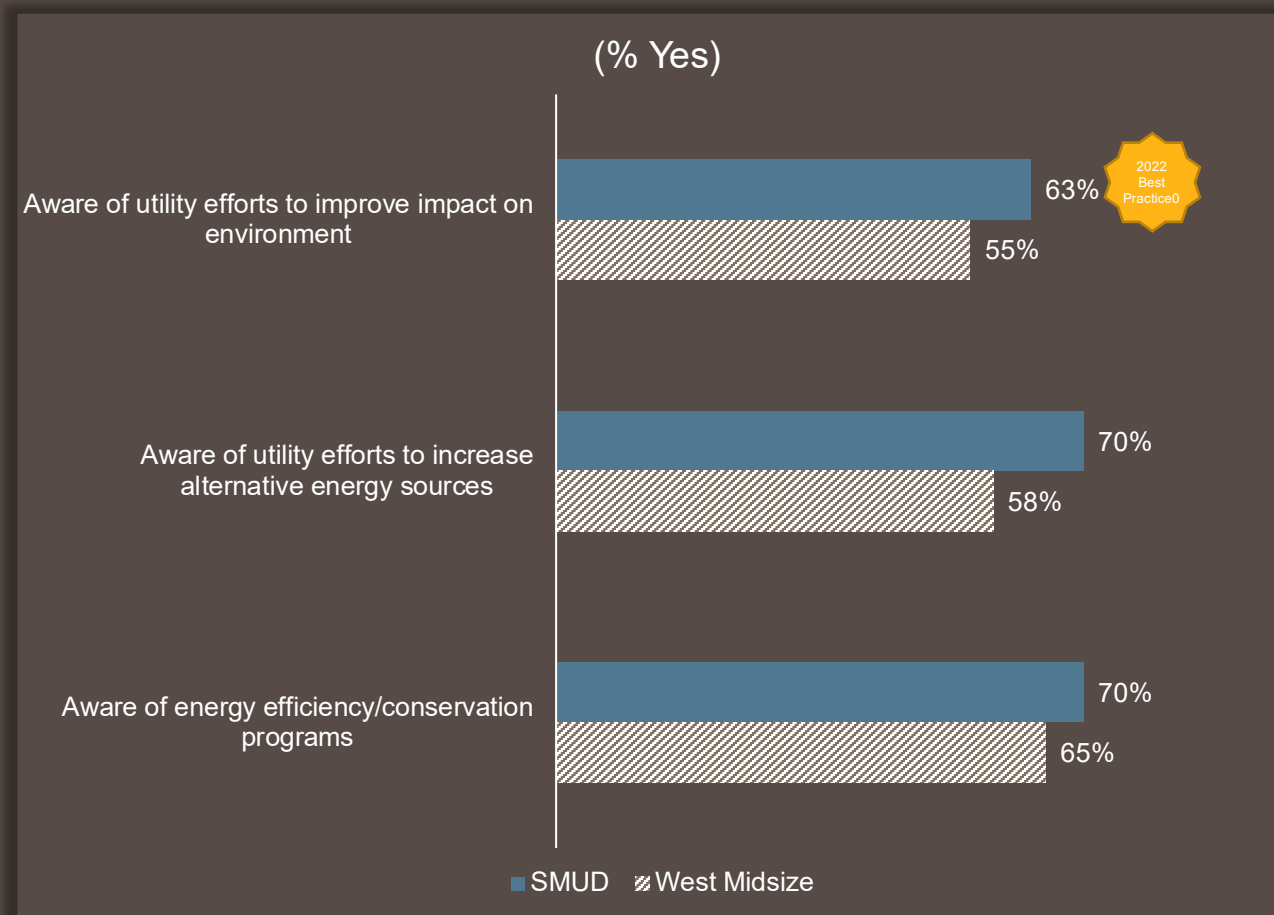
SMUD's efforts to improve impact on environment

63% of SMUD commercial customers are aware of SMUD's efforts to improve its impact on the environment.

70% are aware of SMUD's efforts to increase alternative energy sources and SMUD's energy efficiency/conservation programs.

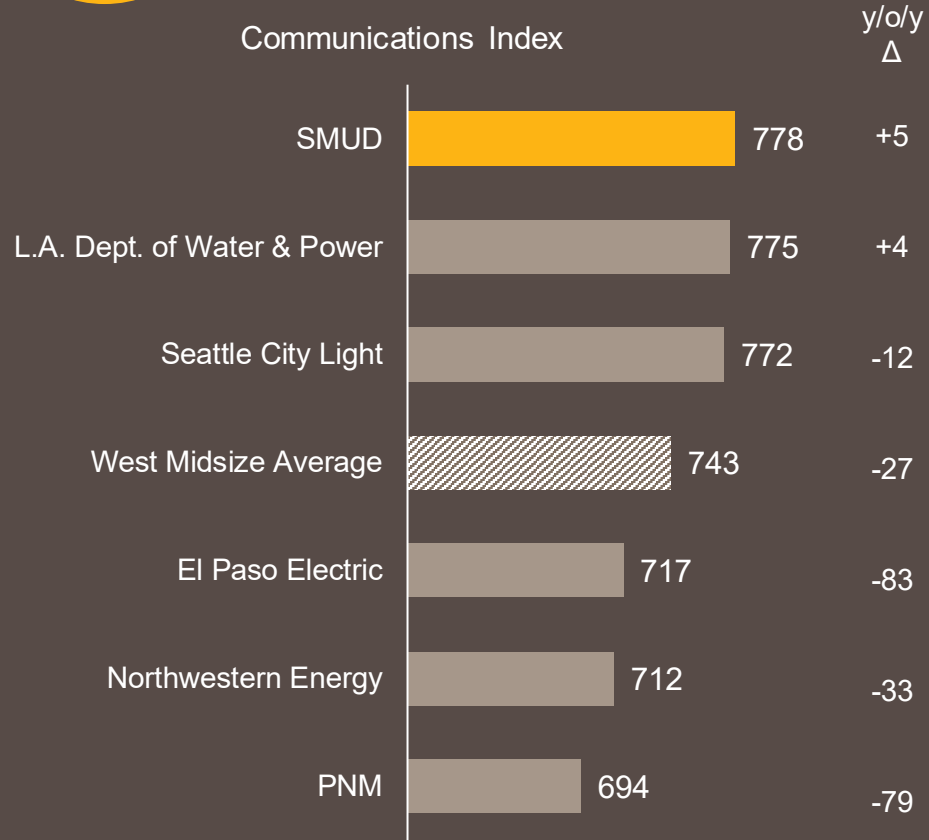


Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 121, West Midsize n 737
Which of the following activities, if any, are you aware of SMUD doing?



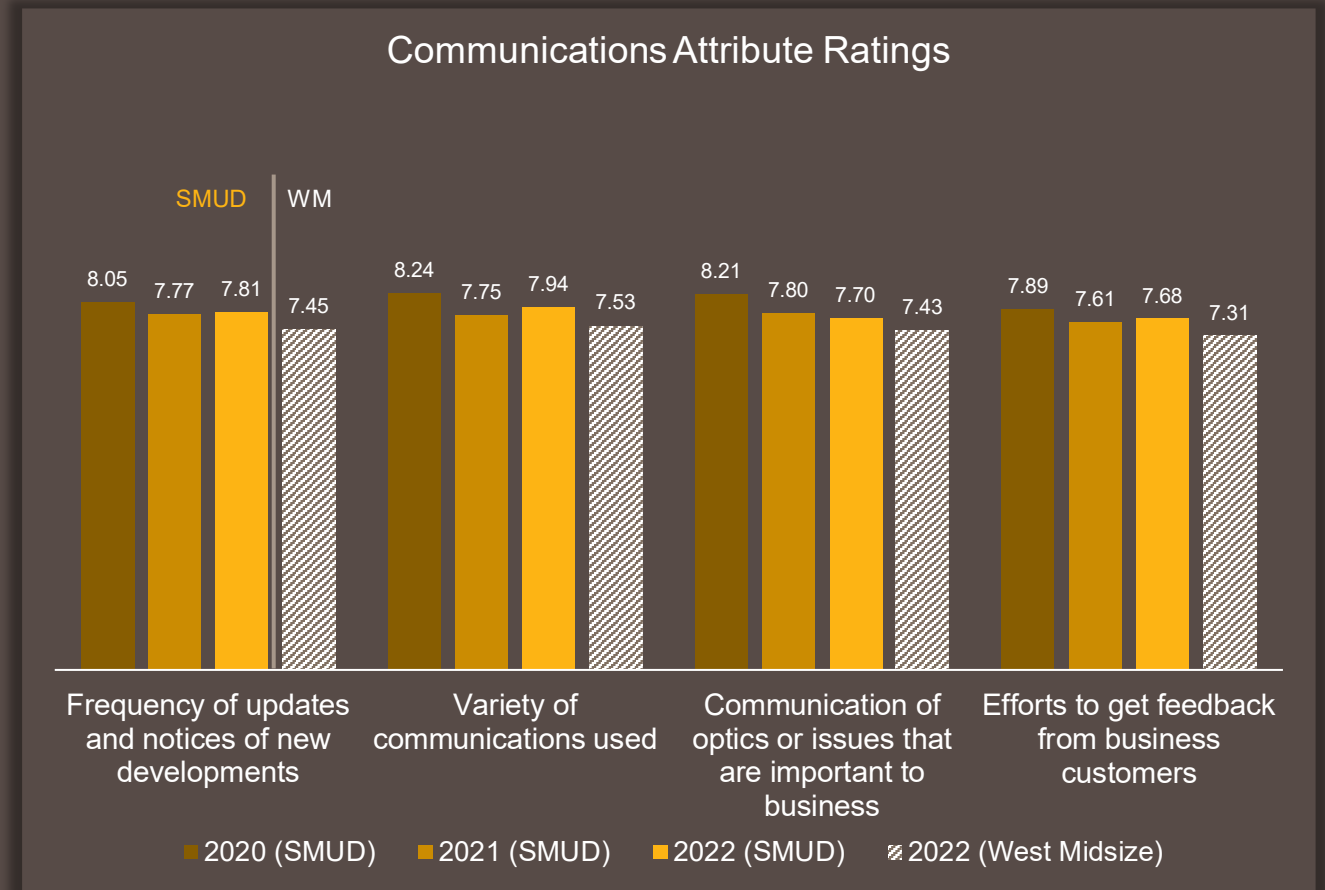
Communications
13%

SMUD Commercial Communications Performance



Based on a 1,000 pt. scale

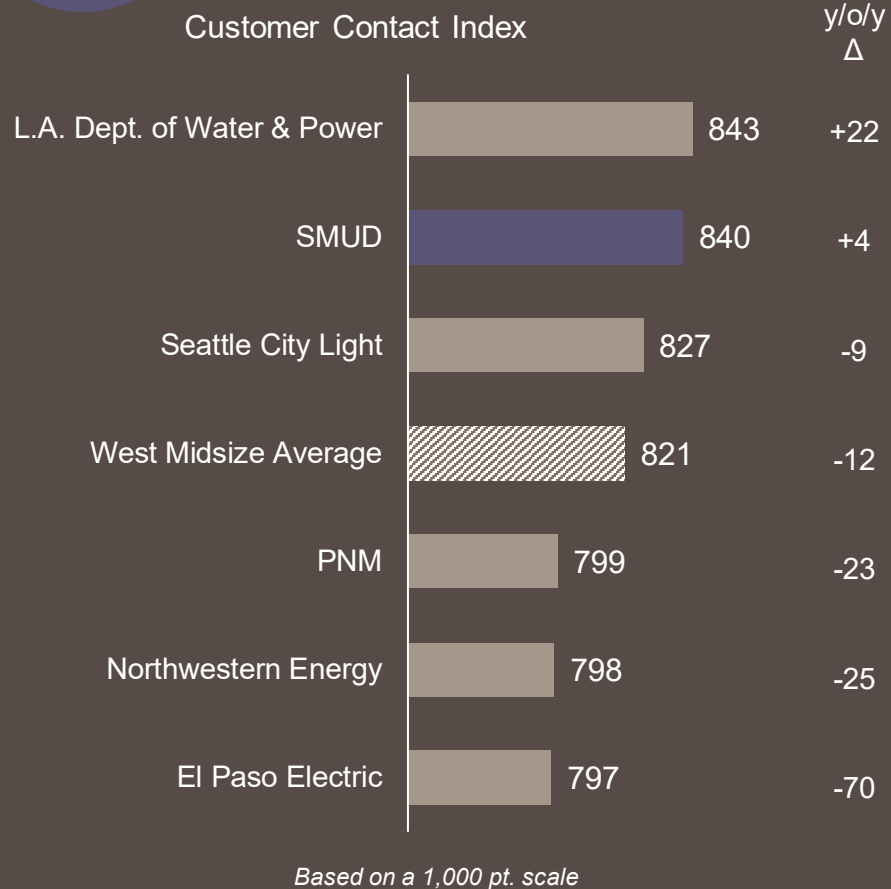
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 121, West Midsize n 737
How would you rate SMUD on...?



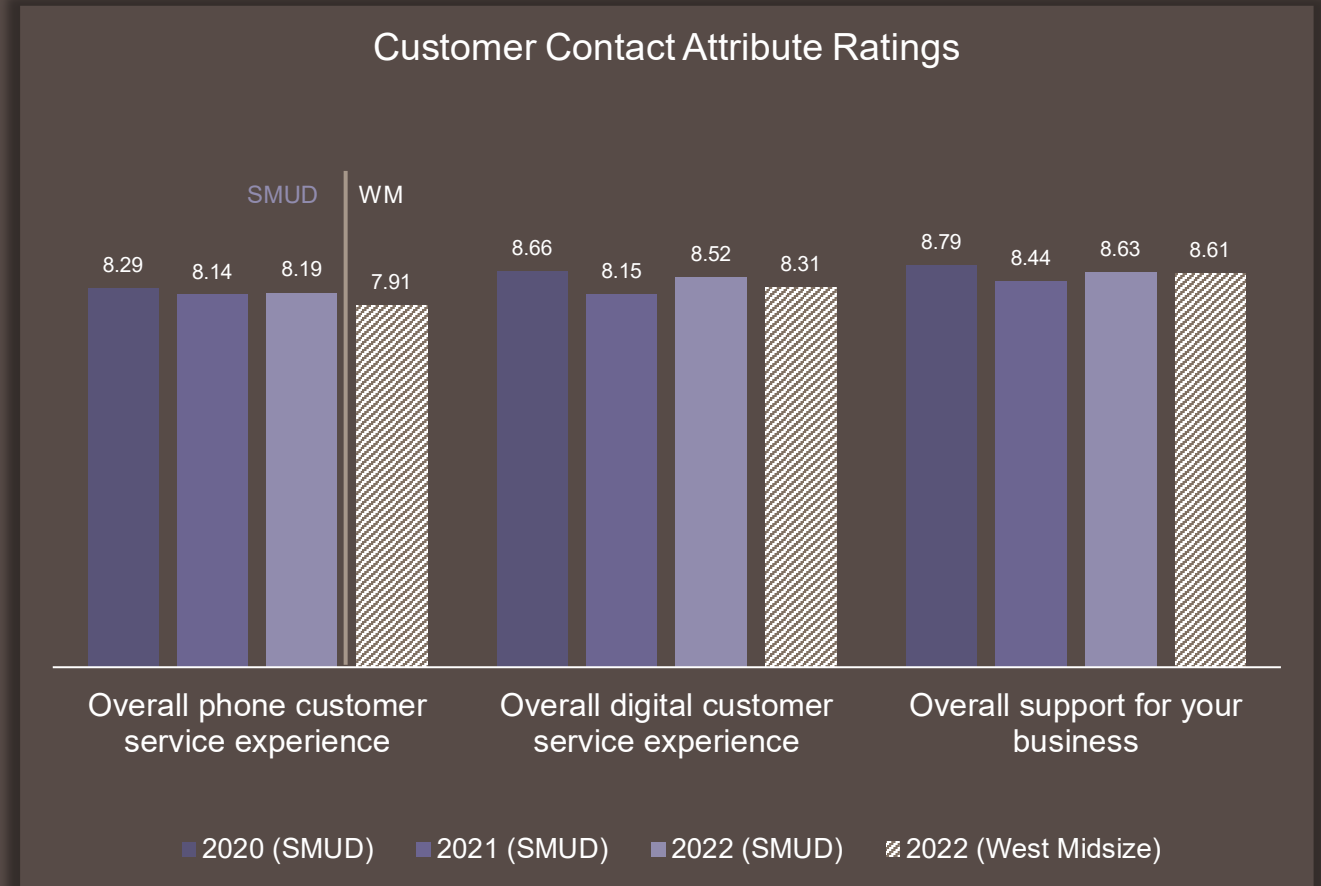
Based on a 10pt. scale where 1 = Unacceptable and 10 = Outstanding

Customer
Contact
14%

SMUD Commercial Customer Contact Performance



Customer contact questions only asked of respondents who had an interaction with SMUD in the past 6 months
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 74, West Midsize n 443
How would you rate your...?



Based on an 10pt. scale where 1 = Unacceptable and 10 = Outstanding

Phone includes phone representative, IVR full service, hybrid

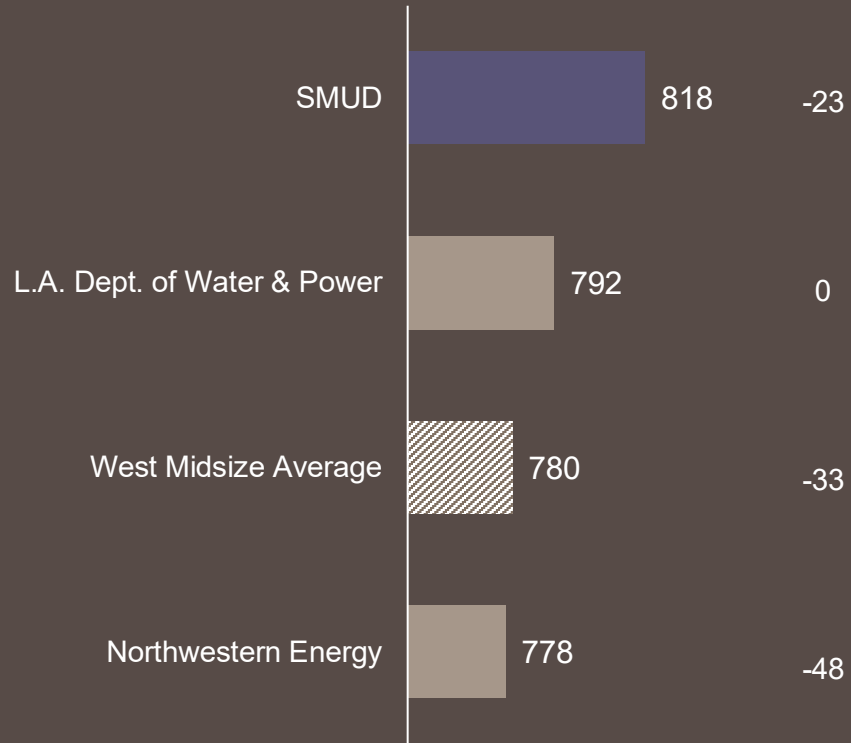
Digital includes website visit (desktop, mobile), chat

Proactive includes contact from a SMUD representative

Customer
Contact
14%

SMUD Commercial Customer Contact Performance Phone *(Phone representative, IVR – full self-service, hybrid)*

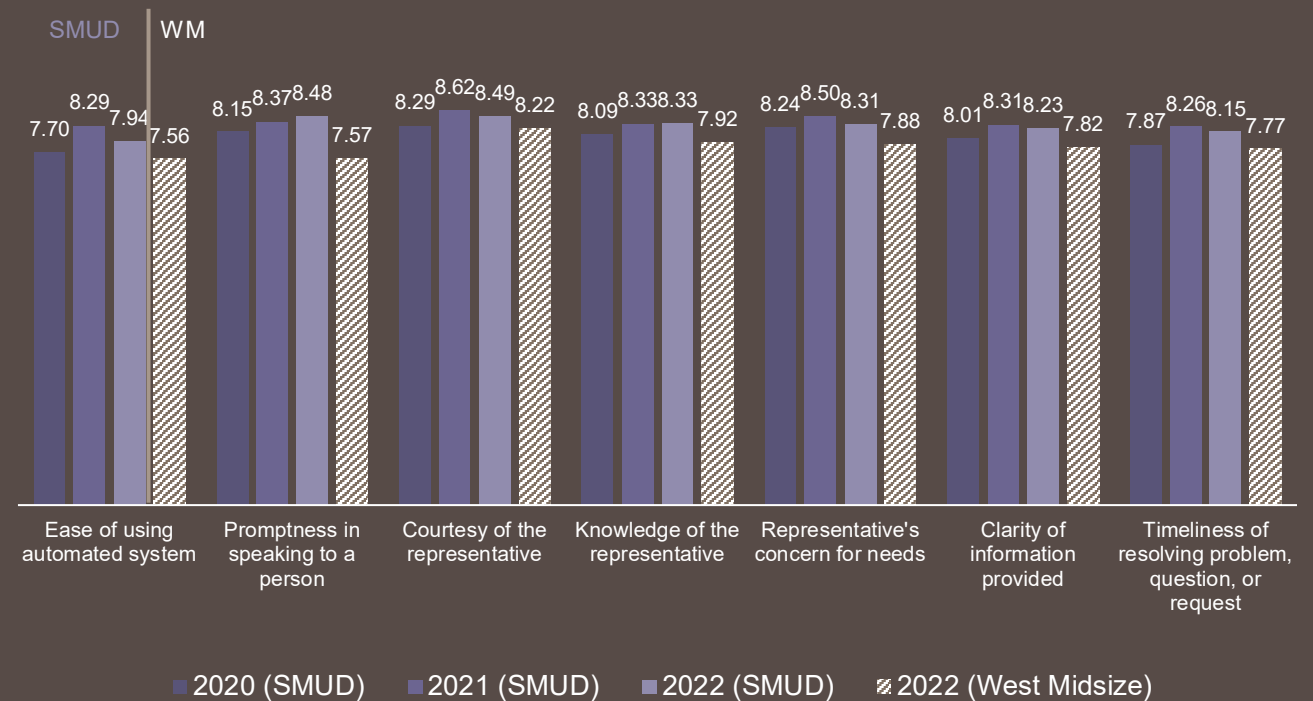
Customer Contact Index - Phone y/o/y Δ



Based on a 1,000 pt. scale

Note: Utilities with <30 responses not displayed (El Paso Electric, PNM and Seattle City Light)
Customer contact questions only asked of respondents who had an interaction with SMUD in the past 6 months
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 31, West Midsize n 131
How would you rate your SMUD call experience on...?

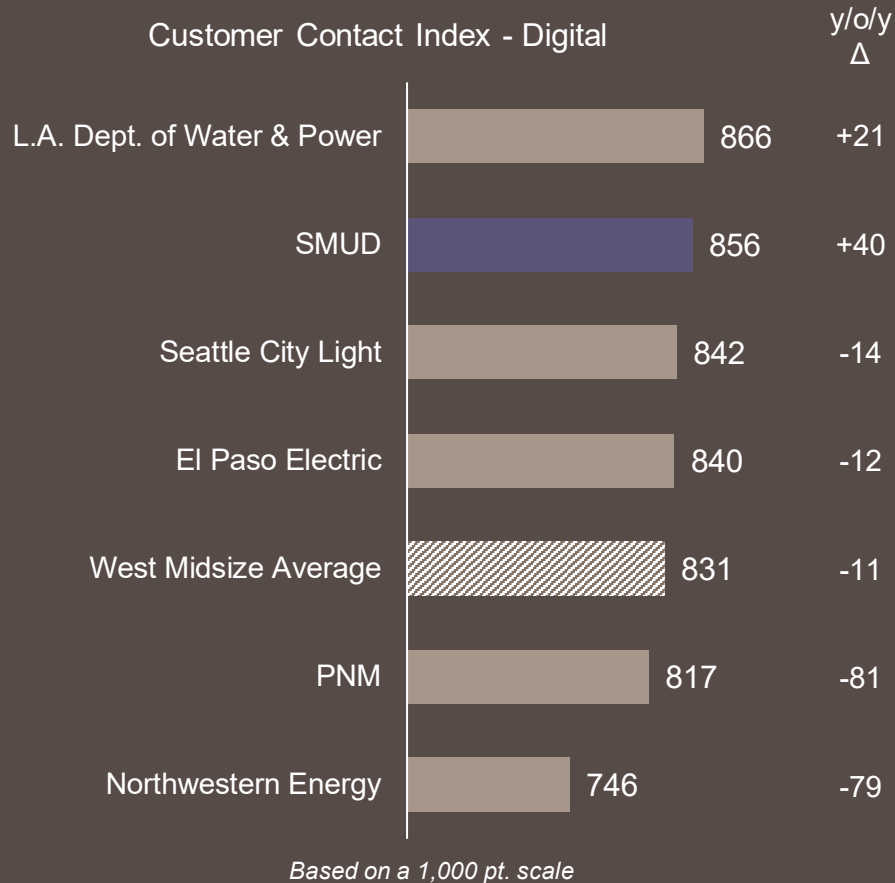
Customer Contact Phone Attribute Ratings



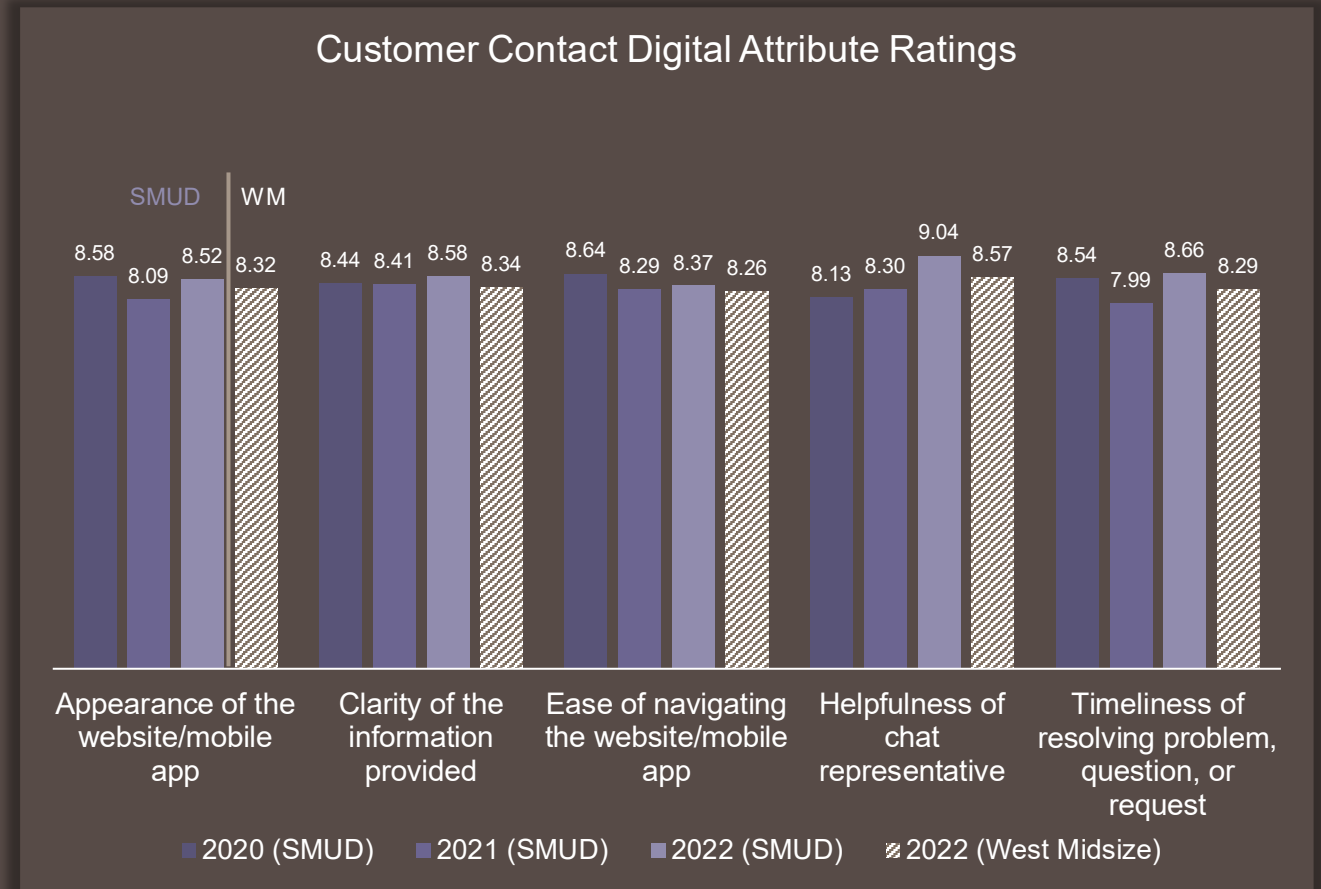
Based on an 10pt. scale where 1 = Unacceptable and 10 Outstanding

Customer
Contact
14%

SMUD Commercial Customer Contact Performance Digital *(Website – desktop/mobile, Chat)*



Customer contact questions only asked of respondents who had an interaction with SMUD in the past 6 months
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 47, West Midsize n 292
Thinking about your most recent website visit/mobile app use with SMUD, how would you rate the...?

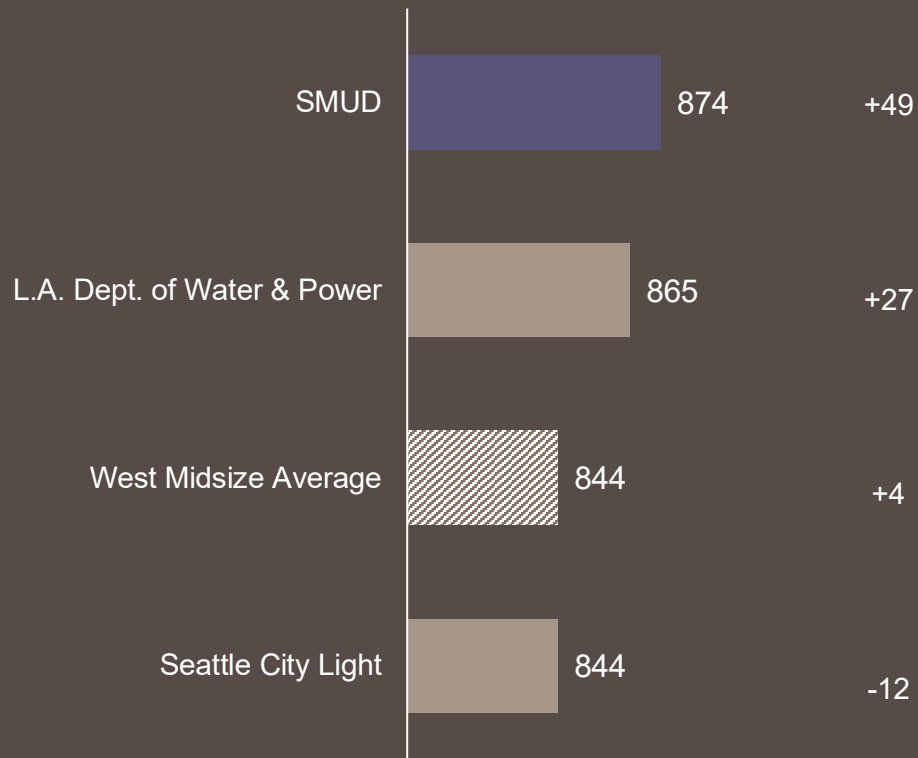


Customer
Contact
14%

SMUD Commercial Customer Contact Performance Proactive *(Utility representative)*

Customer Contact Index - Proactive

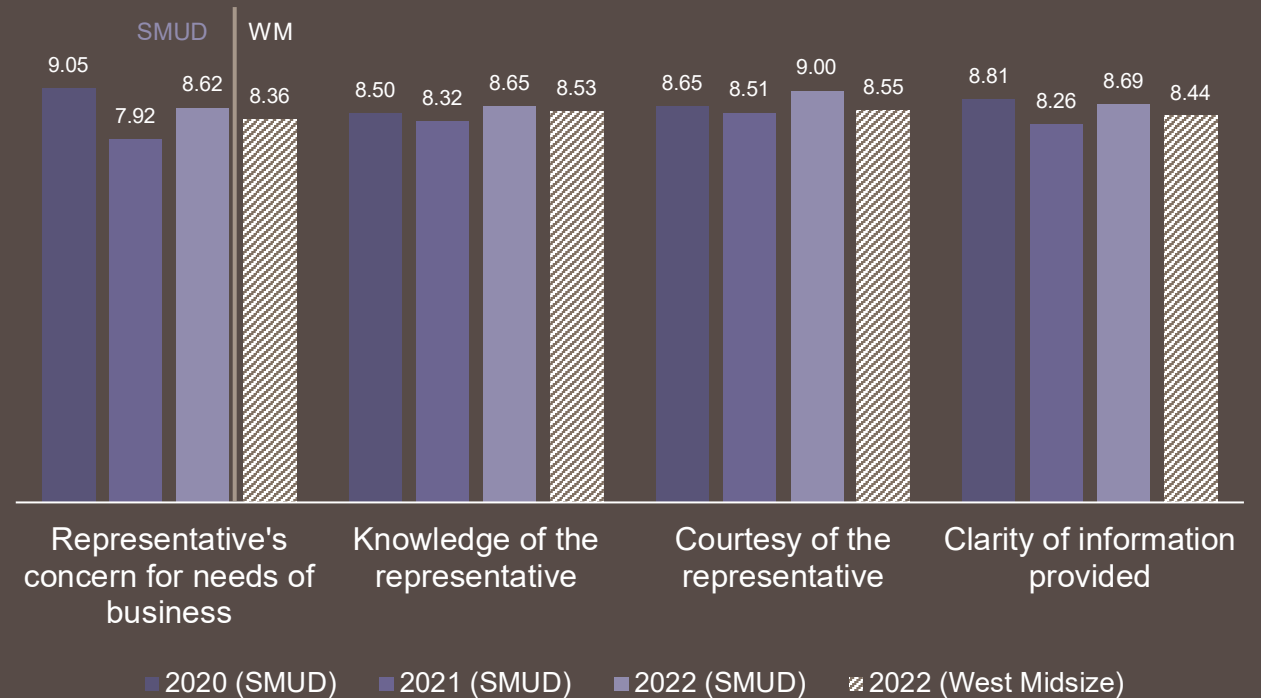
y/o/y
Δ



Based on a 1,000 pt. scale

Note: Utilities with <30 responses not displayed (El Paso Electric, PNM and Northwestern Energy)
Customer contact questions only asked of respondents who had an interaction with SMUD in the past 6 months
Source: J.D. Power Electric Business Customer Satisfaction Study 2022
SMUD n 30, West Midsize n 174
How would you rate the support you received from SMUD with respect to...?

Customer Contact Proactive Attribute Ratings

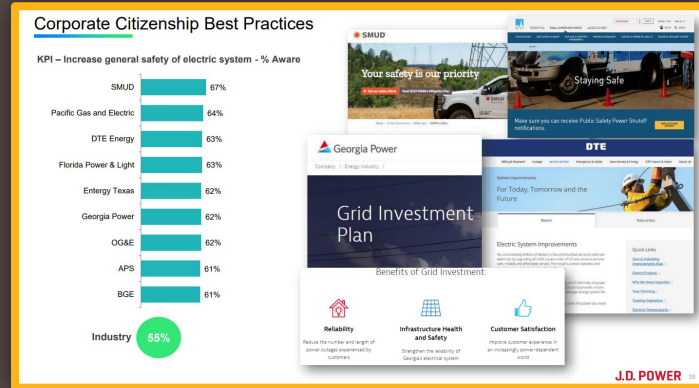


Based on an 10pt. scale where 1 = Unacceptable and 10 = Outstanding

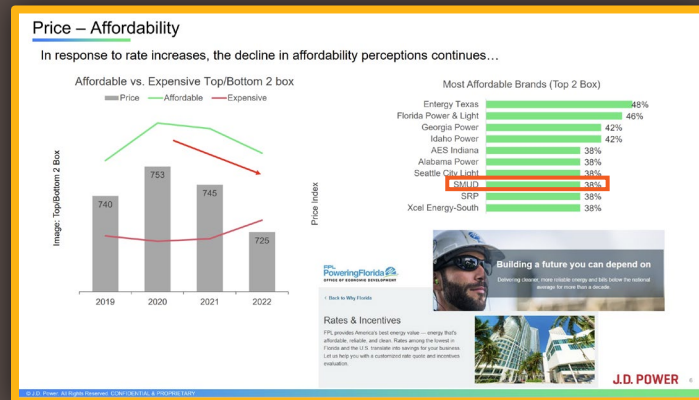
Areas of Focus: 2022 Electric Business Customer Satisfaction

Continue

Corporate Citizenship

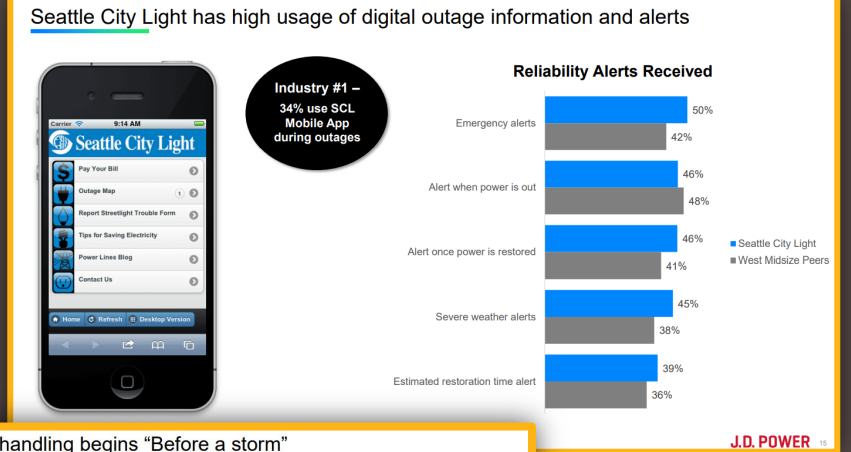


Price

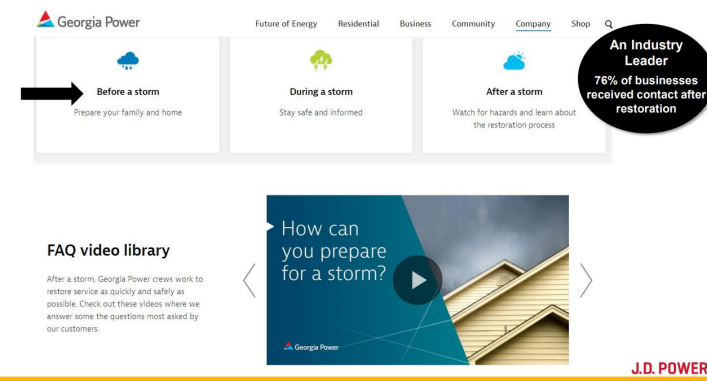


Consider

Outages



For Georgia Power, outage handling begins “Before a storm”



J.D. Power Sustainability Index

Sustainability Index

For the 3rd year in a row, SMUD tied for first in the nation on the J.D. Power Sustainability Index with NextEra Energy.

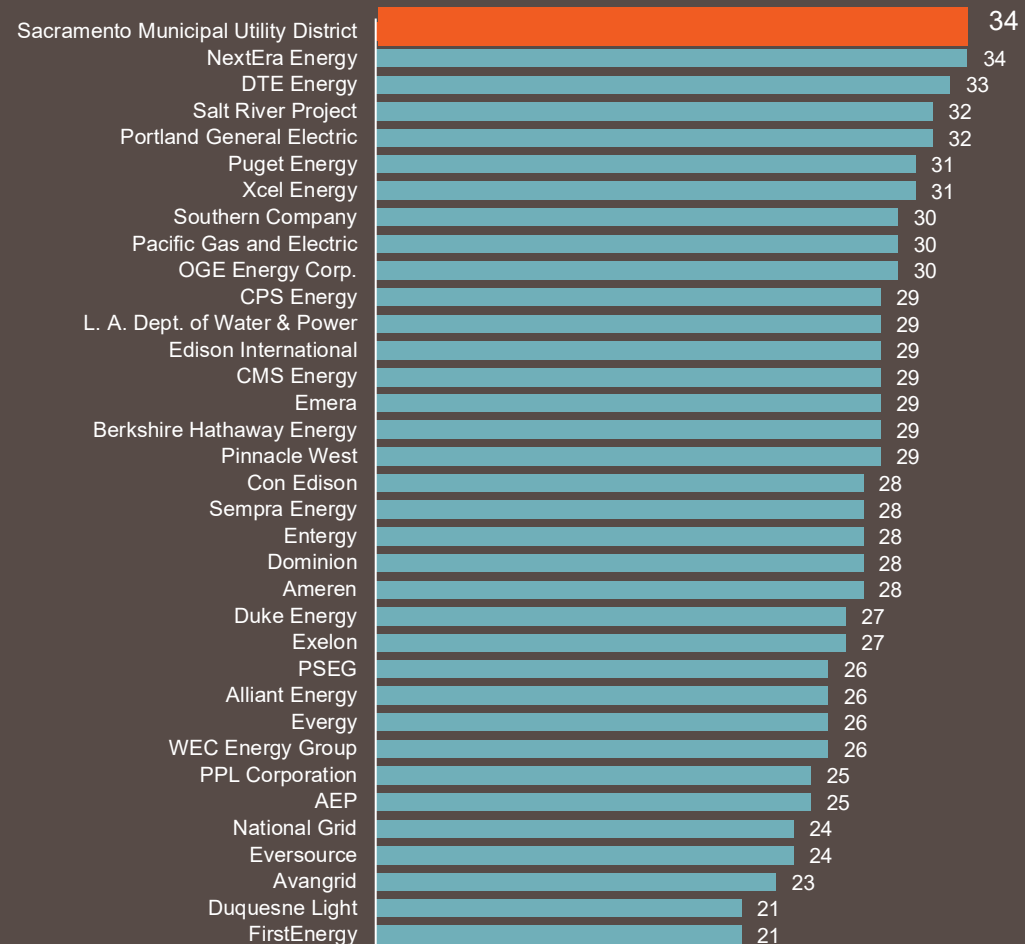
The annual J. D. Power Sustainability Index is a newer metric measuring customers' perceptions of the sustainability of their electric utility.

The J.D. Power Sustainability Index evaluates electric utility customer awareness, support, engagement and advocacy for their local utility's climate sustainability programs and goals.

The index applies to the 35 largest U.S. electric utility companies and cities, each serving 500,000 or more residential customers and is based on responses from 71,959 business and residential electric utility customers and was fielded from June 2021 through May 2022.

** The index is available for all utilities; the public rank chart is limited to parent companies where at least one utility serves 500,000 or more residential customers.*

Sustainability Index 2022 (100-point scale)



Thank you

Sacramento, California

March 15, 2023

The Board of Directors of the Sacramento Municipal Utility District met in regular session simultaneously in the Auditorium of the SMUD Headquarters Building at 6201 S Street, Sacramento, and via virtual meeting (online) at 6:02 p.m.

Roll Call:

Presiding: President Sanborn

Present: Directors Rose, Bui-Thompson (6:04 p.m.), Fishman, Herber, Kerth, and Tamayo

Present also were Paul Lau, Chief Executive Officer and General Manager; Steven G. Lins, Deputy General Counsel and Assistant Secretary, and members of SMUD's executive management; and SMUD employees and visitors.

Director Fishman shared the environmental tip.

President Sanborn called for approval of the agenda. Director Fishman moved for approval of the agenda, Director Kerth seconded, and the agenda was unanimously approved.

Director Fishman, Vice Chair, presented the report on the Strategic Development Committee meeting held on March 7, 2023.

Director Tamayo, Chair, presented the report on the Policy Committee meeting held on March 9, 2023.

Director Kerth, Chair, presented the report on the Finance and Audit Committee meeting held on March 14, 2023.

President Sanborn then called for public comment for items on the agenda, but none were forthcoming.

President Sanborn then addressed the consent calendar consisting of Items 3 through 8. Vice President moved for approval of the consent calendar, Director Fishman seconded, and Resolution Nos. 23-03-02 through 23-03-07 were unanimously approved.

RESOLUTION NO. 23-03-02

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

That this Board hereby approves Board member compensation for service rendered at the request of the Board (pursuant to Resolution 18-12-15) for the period of February 16, 2023, through March 15, 2023.

Approved: March 15, 2023

INTRODUCED: DIRECTOR HERBER				
SECONDED: DIRECTOR FISHMAN				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON	X			
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			

RESOLUTION NO. 23-03-03

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

This Board accepts the monitoring report for **Strategic Direction SD-6, Safety Leadership**, substantially in the form set forth in **Attachment A** hereto and made a part hereof.

Approved: March 15, 2023

INTRODUCED: DIRECTOR HERBER				
SECONDED: DIRECTOR FISHMAN				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON	X			
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			

SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Board of Directors

DATE: February 22, 2023

FROM: Claire Rogers *CR 2/22/23*

SUBJECT: Audit Report No. 28007600
Board Monitoring Report; SD-06: Safety Leadership

Audit and Quality Services (AQS) received the SD-06 *Safety Leadership* second-half 2022 Biannual Board Monitoring Report and performed the following:

- Selected a sample of statements and assertions in the report for review.
- Interviewed report contributors and verified the methodology used to prepare the statements in our sample.
- Validated the reasonableness of the statements in our sample based on the data or other support provided to us.

During the review, nothing came to AQS' attention that would suggest the items sampled within the SD Board Monitoring report did not fairly represent the source data available at the time of the review.

CC:

Paul Lau

Board Monitoring Report 3rd and 4th Quarters, 2022

Strategic Direction SD-6, Safety Leadership



1. Background

Strategic Direction SD-6, Safety Leadership states that:

Creating a safe environment for employees and the public is a core value of SMUD.

Through best practice methods and continuous improvement, SMUD will be recognized as a leader in employee safety while also assuring the safety of the public related to SMUD operations and facilities. SMUD commits to a proactive approach, including the active involvement of SMUD leadership, employees, contractors, and the community, as well as comprehensive monitoring of organizational and public safety performance.

Therefore, SMUD will continue to improve safety results to:

Workplace Safety

- a) Reduce SMUD's injury severity incidents to 13 or less than by 2025, as measured by OSHA's Days Away Restricted Time (DART), a rate that demonstrates top quartile safety performance for similar size utilities using the Bureau of Labor Statistics (BLS) work-related safety data.
- b) Provide timely, quality health care for injured employees that aids their recovery while maintaining positive financial performance of the workers' compensation program.

Contractor Safety

- a) Support contractors to reduce and eliminate potential hazards for Serious Injuries and/or Fatality (SIF) when conducting high risk work.

Public Safety

- a) Track and report injuries to the public related to SMUD operations or facilities.
- b) Implement measures to protect the public from injuries related to SMUD operations or facilities.

2. Executive Summary

SMUD is in compliance with the SD-6 direction and is in alignment with SMUD's new 5-year strategy of working toward a zero-incident culture.

Workplace Safety

SMUD recorded 26 OSHA Recordables injuries in 2022. This is a 42% decrease from last year (45 OSHA Recordables). Of the 26 injuries, 10 were DART (4 Lost Time & 6 Modified Duty injuries). This is a 38% decrease from last year (16 DART cases). These 10 DART cases result in a 0.48 DART historic low rate. This represents a continued decrease in injuries which allow us to meet our 2025 Target (See Appendix A).

Quality care of injured employees is measured through the Workers' Compensation program's performance, which is assessed annually by an independent actuary. SMUD continues to have a reduction in claims over the past three years, a reduction in injury frequency rates, and a reduction in indemnity benefits as presented below. *All rates noted are currently at historic lows. (See Appendix A).

This year has continued to present challenges with COVID-19. COVID -19 has not only impacted the way SMUD is getting work done but has also resulted in new and emerging legislation surrounding paid leave and workers' compensation liabilities for COVID related injuries. Despite these challenges SMUD's program remains strong and continues to lead when compared with similarly situated organizations. No COVID-19 claims were made in 2022. This positive trend has continued for SMUD throughout the pandemic.

Contractor Safety

Safety has completed **268** contractor site safety field visits thru the 4th Quarter of 2022. These visits focus on high hazard work performed on SMUD projects focusing on construction safety hazards, such as excavation, working at elevations, and in confined spaces to verify safe working practices by our contractor to reduce the potential for serious injuries or property damage. Contractor reported incidents require an investigation to be completed and typically will warrant additional site safety visits to verify corrective measures have been put into place to reduce further occurrences.

Public and Community Safety

SMUD tracks public and community incidents in the Safety Incident Tracking System (SITS) involving car-pole, electrical contact, dig-in incidents, and injuries to the public that are related to SMUD's operations or facilities. For 2022, there have been 313 incidents where the public struck a SMUD asset with a vehicle, with one fatality from such events. Ten electrical contacts were reported with one minor injury, and 96 dig-ins with no reported injuries.

During Q4, a new public safety campaign was established on Work Zone Awareness for SMUD employees. We will have posted throughout the service territory on 6 different outdoor billboards. The billboard slogan was, "Avoid distraction, crews in action." The Marketing and Communications team collaborated with Safety to develop a "Connections" Newsletter, an ENN Article, Social Media Posts and information on the lobby monitors, in the Customer Service Center. Feedback of the campaign was positively received.

3. Additional Supporting Information

The new SD-6 Safety Direction became effective February 2021. Our goal is to achieve the desired performance objectives by year-end 2025. This report summarizes the first half of the 2022 safety performance.

Safety Leadership. The Safety Team continues with its integration efforts to support Executive Leadership's 5-year plan that emphasizes zero incidents and injuries and a focus on a zero incident safety culture. SMUD's Chief Executive Officer (CEO) Paul Lau, re-emphasized the need to improve safety at SMUD with a greater focus of developing a "Safety for Life" culture, reducing the risk of serious injuries and fatalities, implementing a safety management system, and improving the analysis of injury and incident trends. These goals are outlined in SMUD's Safety Road Map.

Safety Management System (SMS). Five applications within the Safety Management System were activated in 2022. They include the following modules; Contractor Manager, Safety Data Sheets (SDS), Industrial Hygiene, Initial Injury Reports and Incident & Measurements which will replace core functions of the legacy Safety Incident Tracking System (SITS).

Safety Standards Development. The Safety Team has continued their efforts to improve the process of routing new or updated Health & Safety Standards to appropriate Directors for review, utilizing the SMS "Doc Manager" application. The first standard routed, utilizing this process was the PCB Health & Safety Standard. After identifying challenges from Directors using the SMS "Doc Manager", the Core Standards Team is actively pursuing the routing process used by the Sacramento Power Academy, at this time. In addition, the Team implemented updates issued from Cal/OSHA on the COVID-19 requirements, to ensure our Injury Illness Prevention Program (IIPP) and COVID-19 Appendix contains the most up-to-date regulatory requirements and is provided to all SMUD personnel in a timely manner.

Supervisor-Employee Interactions. Safety continues to strengthen its supervisor-employee interaction quality program. Improvements included moving data to the new Safety Management System (SMS). Emphasis is placed on field visits for work with the highest hazard potential. Team Members continued visiting various crews throughout SMUD, to assist with employee safety concerns, processes, procedures and equipment. For office personnel, an emphasis is placed on observing personnel pertaining to ergonomic risk, and slip/trip/fall hazards in walking areas. During 2022, a total of 14,574 Supervisor-Employee interactions were complete, which is 159% of the target amount.

Near Miss Reporting. Leadership continues to support and encourage near miss and positive observation/good catch reporting. During 2022, the Safety Incident Tracking System (SITS) and applications within the new Safety Management System, provided a method to track near miss and positive observation/good catch reporting. The goal of this process is to identify opportunities for learning, prior to an incident occurring. 87 near miss incidents were reported in 2022, 26 through the SITS applications and 61 in the new Safety Management System.

Contractor Safety. SMUD continues to use the ISNetworld system to evaluate our contractor's safety record and safety program. The Contractor Safety program focuses on SMUD contractors in Power Generation, Environmental Services, Line, Substation, and Vegetation management contractors that perform high risk work, such as high voltage work, working at heights, vegetation management, confined spaces, excavations, etc. Additionally, we have begun to integrate the use of the SMS system for use with SMUD

contractors, primarily for incident tracking, reporting and investigations as we move away from SITS.

SMUD currently has 80 contractors in the ISN system. During the past year we have expended our site safety evaluations performed on our high-risk contractors validate safety performance on the jobsites. For year end of 2022, 268 site safety evaluations have been completed and SMUD exceeded the 2022 target of 150 evaluations. We are also continuing to validate our pre-qualification criteria for contractor selection. SMUD's pre-qualification criteria focuses on Contractor Fatality History, OSHA Citation History, DART and Total Recordable Incident Rates (TRIR), Insurance Experience Ratio, Safety Culture Questions, and Safety Program Review.

In addition, SMUD Procurement and Safety have partnered together working on enhancing contract language as it relates to contractor safety requirements, Request for Proposal (RFP) templates for high-risk work and incorporating contractor safety as part of the onboarding process.

Safely Conducted Observations Reduce Common Hazards (SCORCH). A total of 2615 safety observations were completed by Office & Professional employees with an additional 2934 by field employees. Safety awareness campaigns related to **Eye Strain and Head/Neck Posture** were implemented to positively influence a change in behavior. Risk mitigation tips to promote elevated awareness for these behaviors included proper monitor and desk height, viewing distance recommendations, font, and display adjustments steps, setting reminders for micro stretch breaks and application of the 20-20-20 rule. (Every 20 minutes, look at an object 20ft away for 20 seconds)

Field employee campaigns focused on **Situational Awareness** from both an office ergonomic and surrounding environment perspective. Posture awareness tips and smart setup when attending virtual meetings or perform PC related task from the cab of the vehicle. This was due to a cultural shift in which employees were working remotely from their vehicles on a more frequent basis. It also included elevating behavior awareness for scanning and frequently updated information for potential moving and/or changing conditions related to the surrounding work environment or location. The value of early recognition for a potential hazard (vehicle, pedestrian, stray dogs, or weather related) can provide employees the space, visibility, and time to safely react to situations.

SCORCH Safety for Life promotions included its first Spring Cleaning event along with a Summer and Fall/Holiday photo contest. These events are geared to continuously promote SMUD's Safety for Life culture, expand use of behavior awareness beyond the work environment while providing non-process participating employees an influencing/fun-filled introduction to use of the (SMS) Safety Management System. Best practices obtained from attending Dekra's Safety in Action conference have been shared in team meetings and will be implemented as part of SCORCH's influencing behavior campaign set to start first quarter 2023.

4.0 Challenges

COVID-19. The safety of our employees is of utmost importance, we continue to monitor SMUD COVID-19 cases and manage prevention efforts. In 2022 SMUD Safety, People, Services, & Strategies, along with Communications revised the COVID-19 guidance to meet

regulation changes within the Cal-OSHA COVID non-emergency standard around facial covering, testing programs, quarantine, and isolation guidelines to protect employees, contractors, and the public. SMUD continues to provide employees with antigen testing at our EC-OC clinic. All employees are offered voluntary vaccines through company supplied medical providers such as Kaiser and United Health Care. Our third-party vendor Axiom Medical continues to handle employee contract tracing and the process has been working well. In 2022 over 550 onsite and hybrid employees reported positive cases.

Chronic Muscular Injuries. The SMUD Safety Team continues to work with business units to reduce all incidents. This year, the following actions were taken to focus on a reduction to chronic muscular injuries: SMUD leadership and employees worked together to continue to build trust. Safety continued to partner with SCORCH (behavior-based) committees to utilize data from home observations and what at-risks were trending. Safety then used this data for areas to focus on during ergo evaluations and quarterly safety meeting topics.

Safety has successfully rolled out the Concern Reporting app. to replace Service Now for ergonomic evaluation requests. Virtual and onsite evaluations have continued to meet the needs of the worker.

Safety continued crew and contractor safety field visits, getting eyes on work and ensuring our employees, contractors, customers and community are safe. The Safety team has made additional updates to safety standards and trainings both in person and virtual. In addition, SMUD progressed with its Injury Prevention Outpost program with continued implementation with Line division as well as expanded application into the Substation/Network, Warehouse and Power Generation work groups.

Wildfire Smoke. This year, in May and June, Safety held several Tabletop Exercises with our various leadership teams who have outdoor workers, to prepare for the use of the Purple Air monitoring system and reporting, in cab vehicle air filters, PPE, scheduling, and training as a different method to inform and assist with response of poor air quality days, should the need arise. We sent a voting email to all leadership to determine the need and interest of receiving Wildfire Smoke Alerts throughout the organization for these events. This year, to date, we have had 5 days of notifications, of which, were only provided to the UARP personnel due to the Oak and Electra Fires.

5. Recommendation

SMUD is committed to becoming a recognized leader in safety. Both SMUD's leadership team and employees recognize that to achieve success we must integrate safety into all that we do. It is recommended that the Board accept the Monitoring Report for SD-6.

6. Appendices - Business Segment Safety Program Improvement Initiatives

Energy Delivery and Operations (EDO). Grid Assets leadership is continuing its efforts to achieve World Class Safety with ongoing efforts, of encouraging field staff input and participation in Business Unit and Work Group specific Joint Labor Management Safety Committees (JLMSCs), which include representatives from Field, Supervision, Union, Warehouse, Fleet and Safety in attendance. The Quarterly Business Segment JLMSC continues with an “All field teams’ approach” at SMUD, allowing for the sharing of ideas and mitigation controls, of similar risks. Due to COVID-19 impacts, these meetings continue to be held via Teams. A few of the subjects addressed this year which directly affect field staff have been SMS roll out of the Concern Report App, SCORCH Observation App, and Monthly Vehicle Inspections and Housekeeping Inspections in the Inspection Tool App; FR Clothing product substitution with like products (in response to global supply chain issues) and vendor deliveries in the ECOC Yard vs. crews driving to the vendor store locations (a savings of over 200+ individual trips back and forth by crew members); procurement of a healthier electrolyte alternative and cooling hard hats for high heat in the summer months. Field crew response continues to be positive, for the safety improvements being made, recognized, and appreciated. Safety has continued to partner with ED&O field operations to roll out a highly effective, innovative field focused ergonomics program. Instead of having staff come in from the field to interact with the ergonomics specialist, the expert is going out to the job site. During this crew specific, 1-1 discussions various stretching techniques, ergo support tools are provided, and awkward postures are identified. This program started with the Line department and is quickly moving throughout the organization, including Fresh Pond and Warehouse.

Safety has continued to work with the SMUD Power Academy, through the COVID pandemic, reviewing internal and external safety training programs, to ensure continued consistency and quality. This year, the SMUD Power Academy has been invited to participate and collaborate in the Health & Safety Standards update reviews, for input and identification of training opportunities.

The Safety Team continues to provide required health and safety training to field employees, utilizing smaller class sizes, updated signage, use of temperature stations, improved sanitization, PPE, and pre shift wellness checks. This adjustment to the safety training delivery has prevented any COVID related illnesses spread or outbreaks by the field crews during their participation in SMUD Safety training at the Power Academy, ECOC, Fresh Pond, or other SMUD reporting facility.

Safety for Life. The Safety for Life events scheduled for 2022 were again postponed due to COVID-19. To ensure the Safety for Life culture continues to evolve during this time of social distancing and remote work, more emphasis will be placed on Safety for Life communications and testimonials. There were two employee shares this year in our Employee Safety for Life Newsletter. One newsletter was a personal share about how the wildfire smoke affected her and how she safely evacuated her home and the other was a share about an employee’s son being bitten by a rattlesnake bite which offered information about myths and how to keep others safe. The Safety team hosted three driving rodeos this year for the Telecom, Meter Reading and Energy Specialist teams and has one more scheduled in fourth quarter for the Facilities teams. Safety for Life Sparky’s Crew for SMUD children consisting of birthday cards, safety newsletters, postcards, and the safety calendar with children’s artwork, has continued throughout the pandemic.

Health and Wellness. Employee health and wellness has been top of mind with mental well-being becoming a main focus. Remote and hybrid work offered freedom and flexibility, but came with it, some barriers and challenges. During the pandemic, we learned about some unintended consequences of remote and hybrid work such as, developing unhealthy habits of living a more sedentary lifestyle. What's more, the isolation of working and living at home full-time left people wanting a stronger sense of community for support. Whether it's focused on sleep, nutrition or stress management, employees are seeking a more holistic approach to their health. Luckily, our wellness program embraces a holistic approach that includes physical, financial, social, spiritual, and emotional wellness to support positive behavioral changes. As more employees returned to the office, we provided the space for them to resume their routine towards a healthier and mentally balanced lifestyle. Health and Safety partnered with People, Services & Strategies to safely re-open the group exercise rooms and fitness centers. The group exercise room at East Campus and the Power House Trailer at HQ was updated to accommodate employees to come and perform stretching and light workouts. The fitness center was opened to allow more movement and activities to meet fitness goals. Wellness program activities focused on improving overall health, through on-line stretch breaks, workouts, nutritional seminars, and cooking demos, all to support physical health.

Zero Carbon Energy Solutions (ZCES). While COVID-19 restrictions have relaxed to a certain extent, Power Generation continues to prioritize employee safety while ensuring that critical work is completed.

Power Generation employees continued with their Savvy FIT Daily Dozen for soft tissue injury reduction and in Q3-4, ROC Injury Prevention specialists began meeting with Hydro employees at Fresh Pond and at the power plants during overhauls. As a result, soft tissue injuries continue to trend down.

In addition to the COVID-19 Pandemic, Power Generation has also responded to extreme high heat and wildfire smoke events. Multiple employees have been fit tested for N95 respirators, so they are able to respond to emergency call-outs.

In September 2022, Hydro Operations engaged with a 3rd party contractor to conduct an annual VPP comprehensive survey, a requirement to maintain Cal/OSHA VPP Star status. VPP is designed to recognize employers and their employees who have implemented safety and health programs that effectively prevent and control occupational hazards. These programs go beyond minimal Cal/OSHA standards and provide the best feasible protection at the site. Achieving this status ensures that Hydro will continue with safety process improvements with annual comprehensive safety audits performed by a third party.

Management commitment and employee participation are key elements in achieving VPP recognition. VPP establishments are considered leaders in the field of workplace safety and health.

Some of the major projects completed by Hydro employees include the Camino unit 1 generator repair; Slab Creek Dam tram access ladder and platform installation; Loon Lake fire system upgrade; Union Valley camera project completion; Loon Lake unit breaker replacement; Jaybird heaters upgrade and building automation; installation of Buck Island gate actuators

Customer & Community Services (CCS). Safety continues to work closely with CCS and Security to maintain safe operations of the CSC lobby. Safety was actively engaged in the parking lot construction project happening just in front of the lobby. Safety collaborated with CCS leadership, Security and Facilities to relocate the payment drop box over to the customer parking lot. We also teamed up with graphics to develop signs and posters that would direct customers to safely enter the parking lot and the CSC lobby. The security kiosk was temporarily moved for a project to update and reseal the windows above and behind security. It required blocking off a portion of the lobby and realigning how customers would come in and out of the CSC lobby safely. The front parking lot and windows projects were both completed safely without any major incidents.

Corporate Financial and Administrative Services (CFAS). Facilities and Safety successfully completed re-entry efforts. Facilities also continues to support Home-Based Agent workspace installations to ensure ergonomic comfort for employees working at home. Safety and Facilities printed individual QR Codes and placed inside SMUD Facilities vehicles for easy access to the Monthly Vehicle Inspections on SMS. Safety also hosted a Driving Rodeo for the Facilities work group in October and added an additional station to integrate the SMS Monthly Vehicle Inspection to provide one-on-one training. Facilities completed the ECOC Admin Building Roof Project and installed permanent anti-slip mats on the roof walkways to prevent slipping hazards on the roof due to cold weather and moisture. Facilities continues to support the SMUD 2030 Zero Carbon goal by supporting the installation of EV Charging infrastructure throughout SMUD campuses as a united effort with SMUD contractors.

The Sacramento area experienced record-breaking high temperatures throughout the region this year. Warehouse partnered with Safety in heat-illness prevention mitigations to ensure all field employees have access to cool water, portable shade, and UV skin protection. During days with high heat hazards, Warehouse provides electrolyte-replenishing beverages to field employees. Safety and Warehouse have collaborated with various business units to pilot new products to help combat heat illness. Hard-hats with advanced ventilation designs were piloted in an effort to improve the comfort of our field employees wearing mandatory personal protective equipment while performing essential work in high heat environments. Another piloted product was a different brand of electrolyte-replenishing powder packets convenient for field forces that offered greater hydration. Safety and Warehouse also collaborated on inspecting and purchasing new personal fall protection equipment for the Sacramento Power Academy Climbing School as a joint effort to ensure Climbing School students are using safe, effective, and readily available fall protection equipment.

Fleet and Safety collaborated in planning a fleet metric dashboard using data from Fleet's upcoming switch to Geotab as their new fleet tracking system. Fleet employees are participating in EV training courses customized to suit SMUD's needs in preparation for the transition to an all-electrified fleet by 2030.

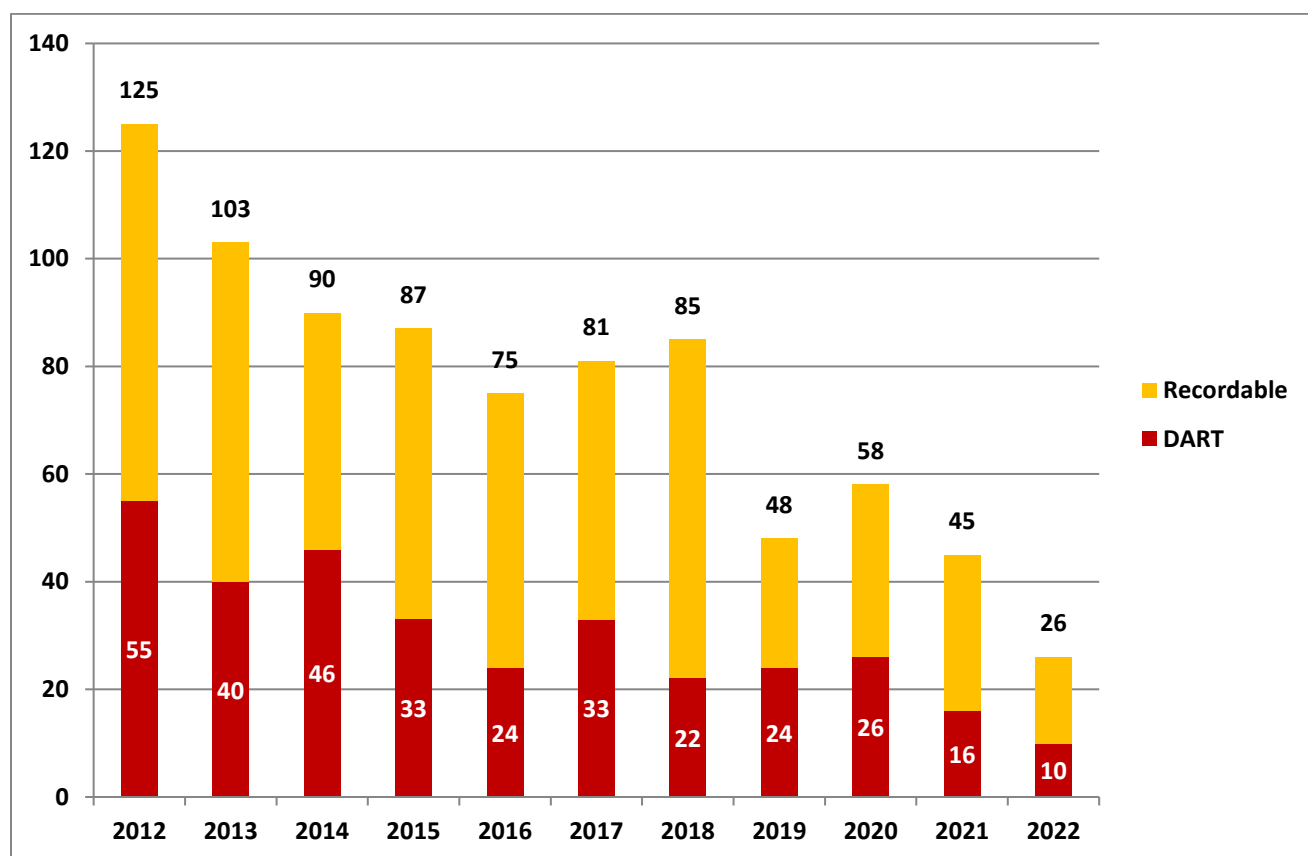
All business units continue to partner in a consultative collaborative development of a World Class Safety program as One SMUD. One project that continues to support onsite personnel and operations by the Facilities department is installation of a passive HVAC ionization system called, needlepoint bipolar ionization (NPBI). Thus far DSO and SPA operations have units installed. With additional areas of the campus being assessed. These

units have demonstrated performance in reducing indoor air particles during smoke wildfire events.

Driver Safety. As some COVID-19 requirements were lifted, there was an increase of in-person and face to face events and activities. Supervisors engage in more side by side ride alongs and safety was able to provide additional in-person class room and behind the wheel Smith System training. Driving Rodeos were in high demand and the new partnership with Safetyville turned out to be a big success. In 2022 Safety hosted four Driving Road events for Telecomm, Energy Specialists, Meter Techs and Facilities. The plan is to continue providing Driving Rodeos at Safetyville and having safety representatives for the participating business unit be present and actively engage with their work groups. Safety partnered with Security, Claims and IPPS to update the accident form to accurately reflect the reporting procedures and to dial 9-1-1 directly.

Appendix A

DART Count and OSHA Recordable 2012-2022



Workers' Compensation

	2018	2019	2020	2021	2022
No. of Claims	120	85	89	59	54*

(Medical & Indemnity)					
Incident rate per 100 employees	5.06	3.6	2.3	2.4	2.2*
Rates per \$100 payroll	0.98	0.94	0.94	0.85	0.67*

RESOLUTION NO. 23-03-04

WHEREAS, the **California Public Employees' Retirement System (CalPERS)** requires Board approval of the terms by which SMUD provides uniform allowances so that the amounts SMUD has reported in the past (and going forward) will continue to be treated by **CalPERS** as special compensation; and

WHEREAS, items of special compensation are added or included to a retiree's pension benefit calculations; and

WHEREAS, SMUD has been reporting employee uniform allowances as special compensation; and

WHEREAS, **CalPERS** will resolve its concerns with SMUD related to these reported items if the procedures that require SMUD's Board to approve the terms of the uniform allowances are met; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

Section 1. That this Board approves the side letter agreement between SMUD and the **International Brotherhood of Electrical Workers Local Union 1245 (IBEW)** related to the terms by which SMUD will pay towards employee uniform allowances for the purchase of flame-resistant clothing in substantially similar form as set forth in **Attachment B**.

Approved: March 15, 2023

BY

INTRODUCED: DIRECTOR HERBER				
SECONDED: DIRECTOR FISHMAN				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON	X			
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			



Heidi Sanborn
President of the
SMUD Board of Directors



March 2, 2023
LR 23-006

Lou Mennel
Business Representative
PO Box 2547
30 Orange Tree Circle
Vacaville, CA 95696

SUBJECT: Letter Agreement – Flame Resistant Clothing

Dear Mr. Mennel,

This side letter memorializes an agreement reached between Sacramento Municipal Utility District ("SMUD") and International Brotherhood of Electrical Workers, Local Union 1245 ("IBEW") to modify Article 31 – Miscellaneous, Section 4 – Flame Resistant Clothing to the 2022-2025 Memorandum of Understanding ("MOU") between the parties. All other terms and conditions of the existing MOU, including under Article 31, Section 4, shall remain in full force and effect.

Under Article 31, Section 4, the following employees receive vouchers for Flame Resistant ("FR") clothing made from protective fabric as part of their uniform:

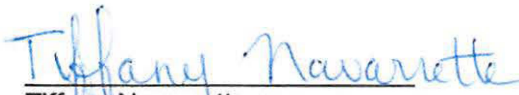
Apprentice Cable Splicer/Electrician • Apprentice Electrician • Apprentice Electrical Technician • Apprentice Facilities Stationary Engineer • Apprentice Lineman-woman • Apprentice Meter Technician • Apprentice Plant Mechanic • Cable Locator • Cable Splicer/Electrician • Cable Splicer/Electrician Foreman-woman, Light • Combustion Turbine Technician • Electrical Technician • Electrician • Facilities Stationary Engineer • Fault Locator • High Voltage Test Technician • Hydro Operator • Line Construction Foreman-woman • Line Equipment Operator • Line Equipment Operator Assistant • Line Foreman-woman, Light • Line Subforeman-woman • Lineman-woman • Maintenance Carpenter • Meter Technician • Network Electrical Foreman-woman, Light • Plant Mechanic • Plant Mechanic Foreman • Revenue Protection Representative • Senior High Voltage Test Technician • Senior Meter Technician • Senior Troubleshooter • Substation Subforeman-woman • Substation Foreman-woman, Light • Telecom Technician • Troubleshooter.

Eligible employees identified above will receive the following voucher amounts:

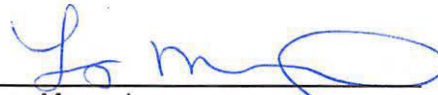
- Upon hire, eligible employees will receive an amount not to exceed \$2,000 for the initial purchase of clothing items determined by their Business Unit.
- In 2022 & 2025, all eligible employees received up to \$2,000 for the purchase of approved FR clothing items.
- In 2023 through 2024, all eligible employees will receive up to \$1,000 per year for the maintenance and additional replacement of approved FR clothing items.

SMUD and IBEW agree to incorporate the above language into the 2022-2025 MOU.

It is understood that this side letter of agreement is of no force and effect whatsoever until the SMUD Board of Directors adopts the side letter.



Tiffany Navarrette
Principal Employee Relations Analyst



Lou Mennel
IBEW Business Representative

RESOLUTION NO. 23-03-05

WHEREAS, the **California Public Employees' Retirement System (CalPERS)** requires Board approval of the terms by which SMUD provides uniform allowances so that the amounts SMUD has reported in the past (and going forward) will continue to be treated by **CalPERS** as special compensation; and

WHEREAS, items of special compensation are added or included to a retiree's pension benefit calculations; and

WHEREAS, SMUD has been reporting employee uniform allowances as special compensation; and

WHEREAS, **CalPERS** will resolve its concerns with SMUD related to these reported items if the procedures that require SMUD's Board to approve the terms of the uniform allowances are met; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

Section 1. That this Board approves the side letter agreement between SMUD and the **Organization of SMUD Employees (OSE)** related to the terms by which SMUD will pay towards employee uniform allowances for the purchase of flame-resistant clothing in substantially similar form as set forth in **Attachment C**.

Approved: March 15, 2023

BY

INTRODUCED: DIRECTOR HERBER				
SECONDED: DIRECTOR FISHMAN				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON	X			
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			



Heidi Sanborn
President of the
SMUD Board of Directors



March 2, 2023
LR 23-005

Danette Shipley, President-Executive Director
Organization of SMUD Employees
PO Box 279013
Sacramento, CA 95827

SUBJECT: Side Letter Agreement – Flame Resistant Clothing

This side letter memorializes an agreement reached between the Sacramento Municipal Utility District ("SMUD") and the Organization of SMUD Employees ("OSE") to modify Article 20 – Miscellaneous, Section 1 – Flame Resistant Clothing to the 2022-2025 Memorandum of Understanding ("MOU") between the parties. All other terms and conditions of the existing MOU, including under Article 20, Section 1, shall remain in full force and effect.

Under Article 20, Section 1, the following employees receive vouchers for Flame Resistant ("FR") clothing made from protective fabric as part of their uniform:

Customer Service Field Representative
Construction Management Inspectors

Eligible employees identified above will receive the following voucher amounts:

- Upon hire, eligible employees will receive an amount not to exceed \$1,500 for the initial purchase of clothing items determined by their Business Unit.
- In 2022, all eligible employees received up to \$1,500 for the purchase of approved FR clothing items.
- In 2023 through 2025, all eligible employees will receive up to \$300 per year for the maintenance and additional replacement of approved FR clothing items.

SMUD and OSE agree to incorporate the above language into the 2022-2025 MOU.

It is understood that this side letter of agreement is of no force and effect whatsoever until the SMUD Board of Directors adopts the side letter.

Christopher Martin
Digitally signed by Christopher Martin
Date: 2023.03.02 14:03:34 -08'00'
Christopher Martin
Senior Labor Relations Analyst

Danette Shipley
Digitally signed by Danette Shipley
Date: 2023.03.02 14:07:38 -08'00'
Danette Shipley
President-Executive Director, OSE

RESOLUTION NO. 23-03-06

WHEREAS, since 1990, in collaboration with **Sacramento Tree Foundation**, SMUD has provided free shade trees to customers to, among other things, reduce their summer cooling costs and help reduce summer peak demand for electricity; and

WHEREAS, over the years, additional benefits realized have included community plantings, mitigation of urban heat island effects, air quality improvements, and carbon sequestration; and

WHEREAS, **Sacramento Tree Foundation** is a local, non-profit, community-based organization with a mission to grow healthy, livable communities in the Sacramento region by building the best regional urban forest in the nation; and

WHEREAS, **Sacramento Tree Foundation** has over 40 years of experience in urban forestry management practices and over 30 years of experience in delivering the Shade Tree program for SMUD in the greater Sacramento area; and

WHEREAS, SMUD desires to include a greater emphasis on community plantings and focus on increasing the tree canopy in under-canopied, under-resourced neighborhoods; and

WHEREAS, **Sacramento Tree Foundation** is uniquely positioned in the Sacramento region with extensive long-term relationships with local and regional tree growers, retail nurseries and urban community foresters; and

WHEREAS, there are no other urban forestry organizations in the region who could deliver this type of urban tree planting program for energy efficiency benefits; and

WHEREAS, the contract pricing is aligned with prior contracts and is considered fair and reasonable; and

WHEREAS, it would not be productive or in the best interest of SMUD to advertise for competitive bids for the services referred to above because **Sacramento Tree Foundation** is the only urban forestry organization of its type in the region; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

Section 1. The Chief Executive Officer and General Manager, or his designee, is authorized, on behalf of SMUD, to execute a sole source contract with **Sacramento Tree Foundation** to provide shade trees to SMUD customers during the period May 1, 2023, through April 30, 2026, for a not-to-exceed amount of \$3,876,000.

Section 2. The Chief Executive Officer and General Manager, or his designee, is authorized to make future changes to the terms and conditions of the contract that, in his prudent judgment: (a) further the primary purpose of the contract; (b) are intended to provide a net benefit to SMUD; and (c) do not exceed the authorized contract amount and applicable contingencies.

Approved: March 15, 2023

INTRODUCED: DIRECTOR HERBER				
SECONDED: DIRECTOR FISHMAN				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON	X			
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			

RESOLUTION NO. 23-03-07

WHEREAS, by Resolution No. 18-02-08, adopted on February 15, 2018, this Board authorized the Chief Executive Officer and General Manager to award Contract No. 4600001124 to **Open Systems International, Inc. (OSI)** for an advanced distribution management system for a contract term from February 19, 2018, through February 18, 2028, in the amount of \$10,256,189; and

WHEREAS, the original contract provided initial license costs for the **Outage Management System (OMS)** pending the successful implementation of the **Advanced Distribution Management System/Distributed Energy Resources Management System (ADMS/DERMS)** and additional due diligence by SMUD; and

WHEREAS, staff conducted an in-depth analysis for the **OMS** replacement or upgrade project and determined that **OSI's** product is the only product that supports the long-term strategy of a fully integrated platform and offers the required functionality to support SMUD's long-term objectives; and

WHEREAS, moving forward with the single integrated **ADMS/OMS** platform will replace the current end-of-life **OMS**, resulting in an improved customer and workforce experience, upgraded cybersecurity, increased functionality, and process efficiencies; and

WHEREAS, SMUD negotiated a discount of approximately \$2,600,000 (23%) and the pricing is considered fair and reasonable; and

WHEREAS, it would be in the best interest of SMUD to increase the contract amount by \$12,550,000 to ensure adequate funding to support implementation, as-needed enhancements, licenses, maintenance and support of the **OSI OMS**; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

Section 1. That this Board hereby authorizes the Chief Executive Officer and General Manager, or his designee, to increase the contract amount by \$12,550,000, from \$10,256,189 to \$22,806,189 to Contract No. 4600001124

with **Open Systems International, Inc. (OSI)** for the addition of a new outage management system.

Section 2. Maintenance fees for future years will be approved by this Board with the approval of the annual budget.

Section 3. The Chief Executive Officer and General Manager, or his designee, is authorized to make future changes to the terms and conditions of the contract that, in his prudent judgment: (a) further the primary purpose of the contract; (b) are intended to provide a net benefit to SMUD; and (c) do not exceed the authorized contract amount and applicable contingencies.

Approved: March 15, 2023

INTRODUCED: DIRECTOR HERBER				
SECONDED: DIRECTOR FISHMAN				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON	X			
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			

President Sanborn then turned to Informational Item 9, to provide the Board an informational overview of an opportunity for SMUD to partner with Calpine Corporation on a grant application under which SMUD would purchase the output of a proposed Carbon Capture and Storage project at the Sutter Energy Center.

Bryan Swann, Director of Resource Strategy, and Jon Olson, Director of Energy Trading & Contracts, gave a presentation on Item 9. A copy of the slides used in their presentation is attached to these minutes.

Rick Codina of 350 Sacramento read from a prepared statement, a copy of which is attached to these minutes.

Peter Mackin commented that some things were not made clear in the presentation such as 1) there are losses associated with the carbon capture, 2) when accounting for upstream natural gas, even if 100% carbon is captured coming out of the stack, there is still only 50% carbon capture equivalent, so the upstream issues need to be accounted for somehow, and 3) there are health benefits from less carbon in the air and less climate change, but how is the actual air breathed made better with this process.

Dwight MacCurdy commented that as the proceeding moves forward, he would encourage staff to share the full due diligence and be as transparent as possible.

Public comment on Agenda Item 9, copies of which are attached to these minutes, was also received from the following members of the public:

- Lee Miller
- Marshal McKittrick
- Jane Lamborn
- Megan Shumway
- Derek Cressman
- Mark Heckey

President Sanborn then called for statements from the public regarding items not on the agenda.

Dwight MacCurdy commented that microphones in the Auditorium are very directional, so when speakers turn their heads while speaking, virtual attendees such as him are not able to hear what is being said.

President Sanborn then turned to Directors' Reports.

Director Rose reported on his attendance at the Folsom Chamber Legislative Reception where he was able to connect with Congressman Kiley and Assemblymember Hoover. He then reported on his attendance at the Downtown Sacramento Partnership State of Downtown, the Coalition for Clean Air's "A Toast to Clearing the Air" reception, and the *Sacramento Business Journal's* Most Admired CEO dinner where Paul Lau had been honored.

Vice President Herber reported on her attendance at the Toast to Clearing the Air, the *Sacramento Business Journal's* Most Admired CEO dinner, and the National Public Utilities Council (NPUC) Decarbonization Solutions Forum, the latter of which Chief Zero Carbon Officer Lora Anguay was a speaker. She reported on her attendance at the Roberts Family Development Center dinner and commended Derrell and Tina Roberts for their work in the community. She thanked SMUD employees for raising \$3,800 to support the Lavender Library in downtown Sacramento, which has the largest collection of LGBTQ books, videotapes, newspapers and recorded stories. She closed by reporting on her attendance at the Elk Grove Chamber Membership and Luncheon event. She noted the Elk Grove Food Bank is struggling and encouraged anyone with the opportunity to support it.

Director Fishman reported on his attendance at the opening of the Asian Pacific Islander Desi American Student Center at his alma mater, Sac State, as well as his presentation on the 2030 Zero Carbon Plan, along with President Sanborn, at the Arden Oaks Neighborhood Association meeting, which spans both their wards. He then reported that he also gave a presentation on the 2030 Zero Carbon Plan to the Sacramento Sons in Retirement and noted that his father, Saul Fishman, was a member of the Petaluma group prior to his passing. He reported on his attendance at the Roberts Family Development Center dinner and stated Derrell and Tina Roberts do great work in Sacramento. He closed by advising that Sacramento Regional Transit (SacRT) was offering rides on lightrail and fixed bus routes to the National Collegiate Athletic Association (NCAA) tournament at Golden 1 Center on Thursday, March 16th and Saturday, March 18th.

Director Kerth reported on his participation in the meeting of Woodlake Neighborhood Association, which had suffered eight days of power outage at the beginning of the year, where they discussed that undergrounding power lines would be unlikely due to the cost but ended on a positive note by speaking about the 2030 Zero Carbon Plan. He then reported on his attendance at the Sacramento Downtown Partnership State of the Downtown where the economic impacts of COVID continue and strategies to draw people in.

Director Tamayo reported on his attendance at the American Public Power Association (APPA) Legislative Rally in Washington, DC, where he and President Sanborn were able to have successful visits with SMUD's Congressional delegation, including new Congressman Kiley. He then reported on his tour of Sacramento Manor, an affordable housing community that SMUD had helped to retrofit gas appliances to electric appliances as well as to implement efficiency features. He thanked former SMUD employee Rick Codina for the invitation. He then reported on his meeting with the Alpha Kappa Alpha, an African American sorority based on community service, in Oak Park. He closed by thanking Councilmember Mai Vang for inviting him to the community conversation where he was able to speak about the 2030 Zero Carbon Plan and interact with constituents.

President Sanborn reported on her attendance with Director Fishman at the Arden Oaks Neighborhood Association meeting where they had expressed their appreciation for one of SMUD's linemen who had went above and beyond to help get the power back on. She reported on her participation in a neighborhood walk in North Highlands where she and SMUD staff went door-to-door to speak with residents about efficiency and repair options provided by SMUD. She reported on her attendance at the APPA Legislative Rally and thanked Congresswoman Matsui and Congressman Bera for meeting with them. She reported on her attendance a press conference for Solar for America, a solar panel manufacturer in McClellan Business Park who is planning an expansion that will result in hiring up to 400 people. She reported on her participation in the kickoff lunch for the Walk for Mental Health at William Land Park, which she will

be co-chairing with Supervisors Rich Desmond and Patrick Kennedy. She congratulated Paul Lau for his award from the *Sacramento Business Journal*, and she reported on her participation in the Sacramento Kings Women's Empowerment Night where she presented an award to Dr. Linda Farley of the Girl Scouts. She reported on her attendance, along with Chief Legal Officer Laura Lewis, at the Equal Pay Day hosted by First Partner Newsom, and noted SMUD was one of the first 111 companies to sign a pledge to ensure the same wages are paid to women for the same work performed by men. She closed by announcing that the Board's Special Assistant, Donna Lofton, would be retiring after a 31-year career at SMUD, the last 15 of which she had been the Board's Special Assistant. She thanked Ms. Lofton on behalf of the Board for her many years of honorable service.

Paul Lau, Chief Executive Officer and General Manager, congratulated Ms. Lofton and thanked her for her many years of wonderful service. He then reported on the following items:

- 1) **Women's History Month.** I would like to start tonight's report by recognizing Women's History Month. SMUD's Women's Employee Resource Group (WERG) is helping our employees celebrate Women's History Month and continues to do a great job providing leadership training, connection opportunities and resources to support professional development for all employees. Yesterday was Equal Pay Day, and I am proud to say SMUD has taken the California Commission on the Status of Women and Girls' pledge for equal pay. This month, an all-female SMUD volunteer team participated in Habitat for Humanity's Women's Build Day. In fact, it was the first Women's Build Day of 2023. Despite less-than-ideal weather conditions and lots of mud, the 46-member team rolled up their sleeves and got to work. They painted, installed siding and more to support the development of low-income, affordable housing areas in our community at the Cornerstone

development in South Sacramento. This is the second year that SMUD Cares has partnered with Habitat to celebrate Women's History Month and encourage their participation in the trades.

2) **Weather Update.** And now an update on this seemingly never-

ending wet weather that all began back on New Year's Eve. I would like to acknowledge our crews for working safely and quickly to restore power during yesterday's storm. We had high sustained wind gusts that reached 60 miles per hour in some areas. The storm caused 108 scattered outages that impacted 52,400 customers. We were down to 11 outages by about 9:30 p.m. last night, and all were restored by early this morning. As always, we are grateful to our customers for their patience during these storms. As you know, while we would love a reprieve from the windy weather, the rain is good for hydro. At Fresh Pond, March precipitation through this past Monday was 13 inches, which is 146% of the March average of about 9 inches. Precipitation for the water year-to-date is around 69 inches, which is 162% of average to date, and 119% of the entire water year average of 57 inches. I think this is the first time in six years that we have had anything over 50 inches.

3) **Youth Energy Summit.** This month we invited some young

scholars to join us here on campus for the Youth Energy Summit. High school juniors and seniors gathered here over three days to learn about climate and sustainability issues. One hundred twenty-six students from 12 local schools learned about what SMUD is doing to move toward a more sustainable environment. The 37 student teams will spend the next few months designing and executing a community service project that focuses on our Zero Carbon future. I cannot wait to see these projects! I know this is exactly the kind of thing we need to help make Sacramento a Clean PowerCity.

4) **SMUD Awards.** SMUD was honored with several awards.

SMUD is a 2023 top midsize employer in the country by *Forbes* magazine! *Forbes* conducts an annual survey to rank America's best midsize employers. SMUD made the list once again, placing 2nd highest among all utilities in the country – and ranking 11th overall. That is up four spots from last year. To get an idea of how significant this award is: about 45,000 employees across the nation, working at businesses with at least 1,000 employees, took part in the independent survey. And across 25 industry sectors, only 1,000 employers out of the 45,000 were awarded – 500 large employers and 500 midsize employers. What a huge accomplishment for SMUD. We take great pride in creating a terrific workplace so this feather in our cap is especially meaningful.

5) **Most Admired CEO.** And, finally on the topic of awards, I was humbled and honored to be recognized as a Most Admired CEO by the *Sacramento Business Journal* last week. I was thrilled to be able to share the evening with Board members, members of our executive team and staff. The honorees were selected by a group of our peers based on professional accomplishment, community engagement and efforts to go beyond our job description. For me, it was a very special night. I was honored to stand alongside so many experienced CEOs with passion and commitment to their work and for our community.

6) **Board Video.** Tonight's video is about the new Station G and all the ways its technology is setting it apart from anything we have done before. As the Board knows, this substation is an important investment in infrastructure to continue to serve load growth.

President Sanborn requested the Summary of Board Direction.

Deputy General Counsel Lins stated with regard to Agenda Item 9, the Board would like to hear more about earthquake issues and overall emissions changes related to the project.

President Sanborn added the Board would like to hear about any chemicals used as well.

No further business appearing, President Sanborn extended her condolences to the family of SMUD Accountant Brooke Lee, who had passed away unexpectedly, and adjourned the meeting in honor of Brooke Lee at 7:49 p.m.

Approved:

President

Assistant Secretary

Exhibit to Agenda Item #9

Provide the Board an informational overview of an opportunity for SMUD to partner with **Calpine Corporation** on a grant application under which SMUD would purchase the output of a proposed **Carbon Capture and Storage** project at the **Sutter Energy Center**.

Board of Directors Meeting

Wednesday, March 15, 2023, scheduled to begin at 6:00 p.m.

Auditorium, SMUD Headquarters Building

Meeting objectives

- Inform the SMUD Board and community of a partnership opportunity with Calpine Corporation for a Carbon Capture and Sequestration (CCS) project that may be eligible to apply for a U.S. Department of Energy grant as well as federal tax credits.
- Discuss alignment with our 2030 Zero Carbon Plan.
- Share the public outreach process, schedule, and next steps.

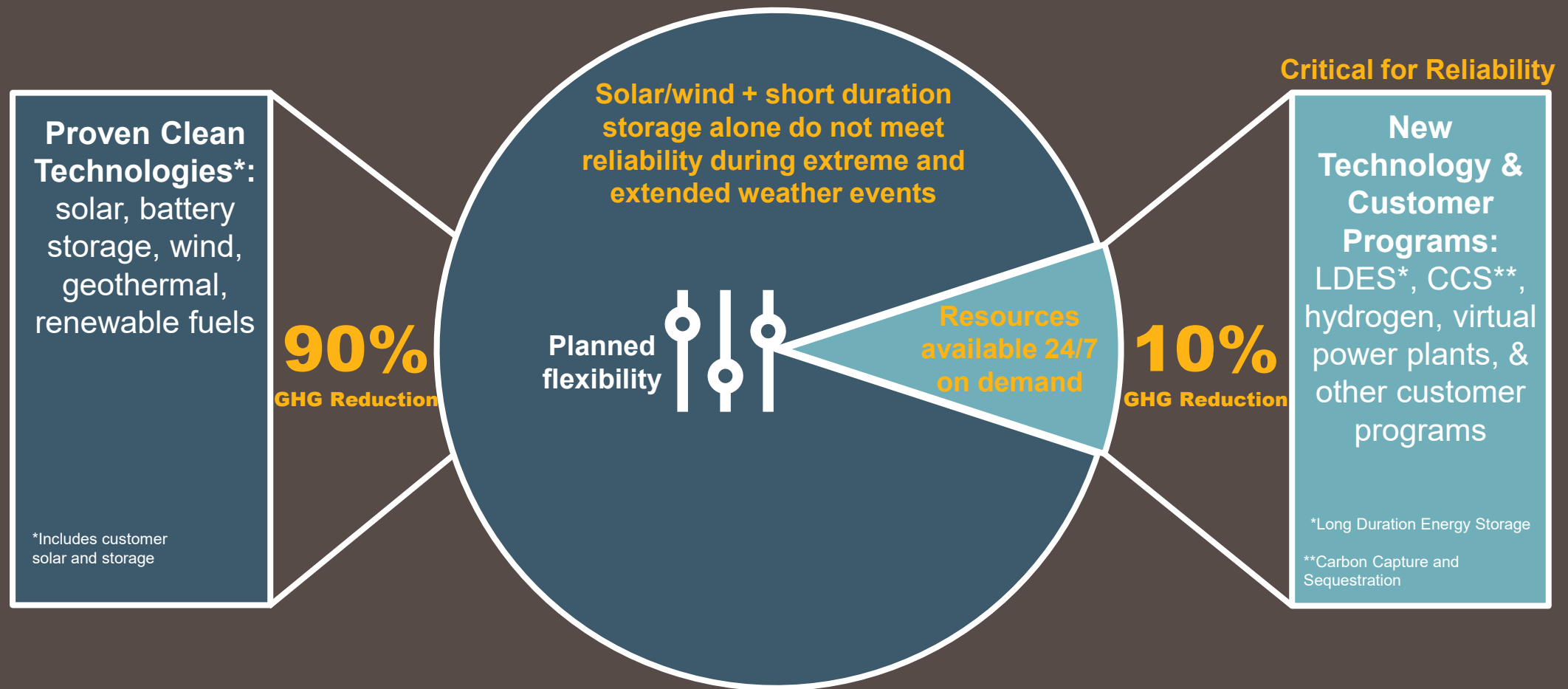
2030 Zero Carbon Plan overview

Affordable . Reliable . Equitable



2030 Zero Carbon Plan – the 10% gap

It Takes a Portfolio Approach to Achieve Zero Carbon



Current Power Purchase Agreement with Sutter Energy Center

- Commercial operation in July 2001.
- Located in Sutter County.
- Highly efficient, natural gas-fired, ~550 MW combined-cycle facility.
 - SMUD's current PPA: ~250MW, expires in 2026.
- First air-cooled, zero-liquid discharge plant in CA.
- Located within Balancing Authority of Northern California (BANC).
- 77-acre project site zoned industrial.

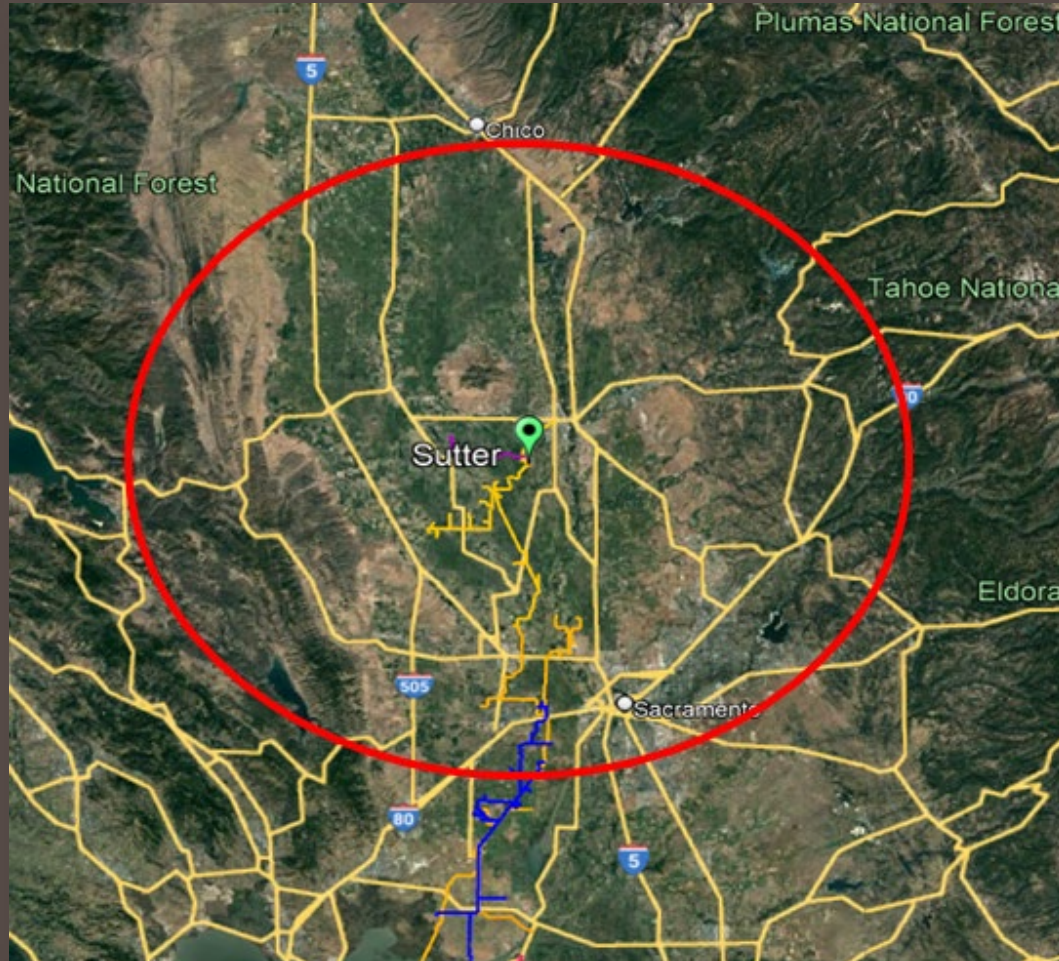


Sutter Energy Center- CCS Opportunity

- Calpine is interested in SMUD/BANC partnership on a U.S. Dept of Energy CCS grant opportunity.
 - Seeking a 12-year term with SMUD.
 - Conversion of existing Natural Gas plant to include CCS.
- CCS Project Details:
 - Online date Jan. 1, 2027.
 - Up to 400 MW.
 - Up to 1.5 million metric tons GHG sequestered per year.
 - Capture expected to be 95-98%.
 - Air-cooled.
- Transport pipeline will look to use existing rights of way.
- Sequestration partner to develop, build, own and operate sequestration site.



Sutter CCS retrofit is well-situated



Excellent geology

According to LLNL* study, the area around Sutter can store ~ 1,655 million tons of CO₂.



Nearby sequestration site

Opportunities for storage locations within 15 miles of the Sutter Energy Center.



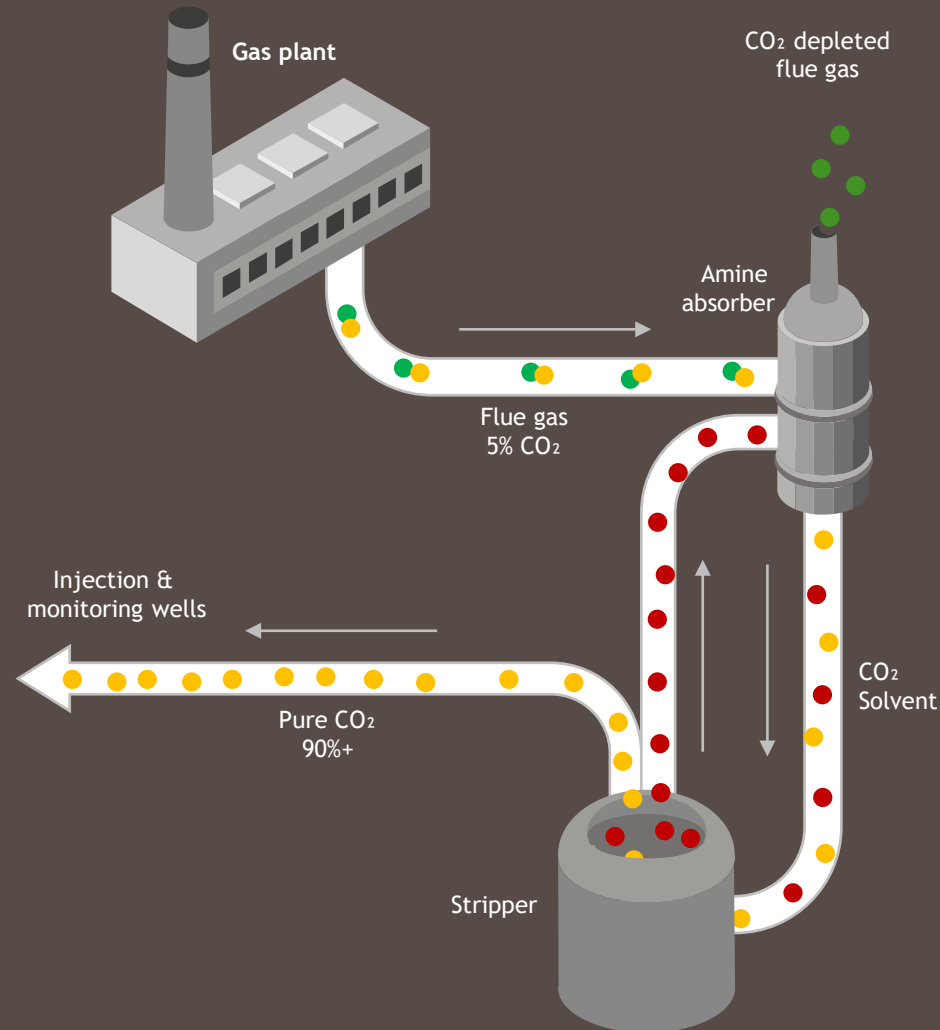
Existing rights-of-way

Transport pipeline will look to use existing rights of way.

*Lawrence Livermore National Laboratory

Carbon capture and storage

Critical in meeting California's climate goals.



Capture technology is mature.



California's geology is ideal for storage.



Substantial federal and state support exists.



Power sector CCS enables hub development.

Project portfolio benefits



Reduces GHG emissions in Sacramento sooner benefitting the communities surrounding our plants.



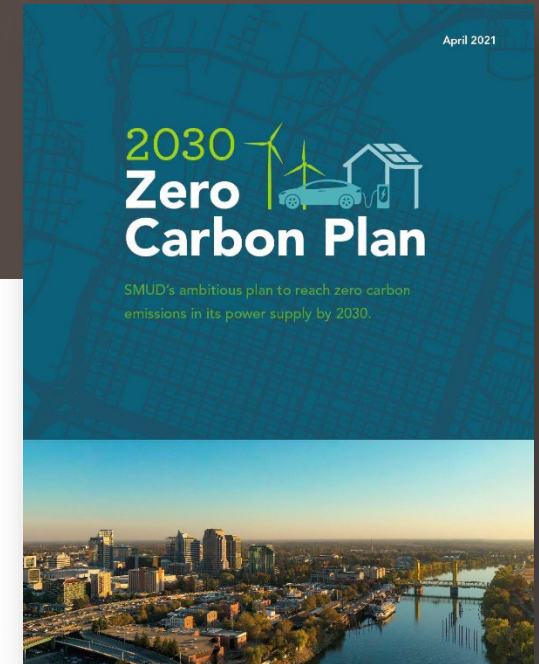
Provides a transitional clean resource to hydrogen and other clean fuels and technologies not yet mature.



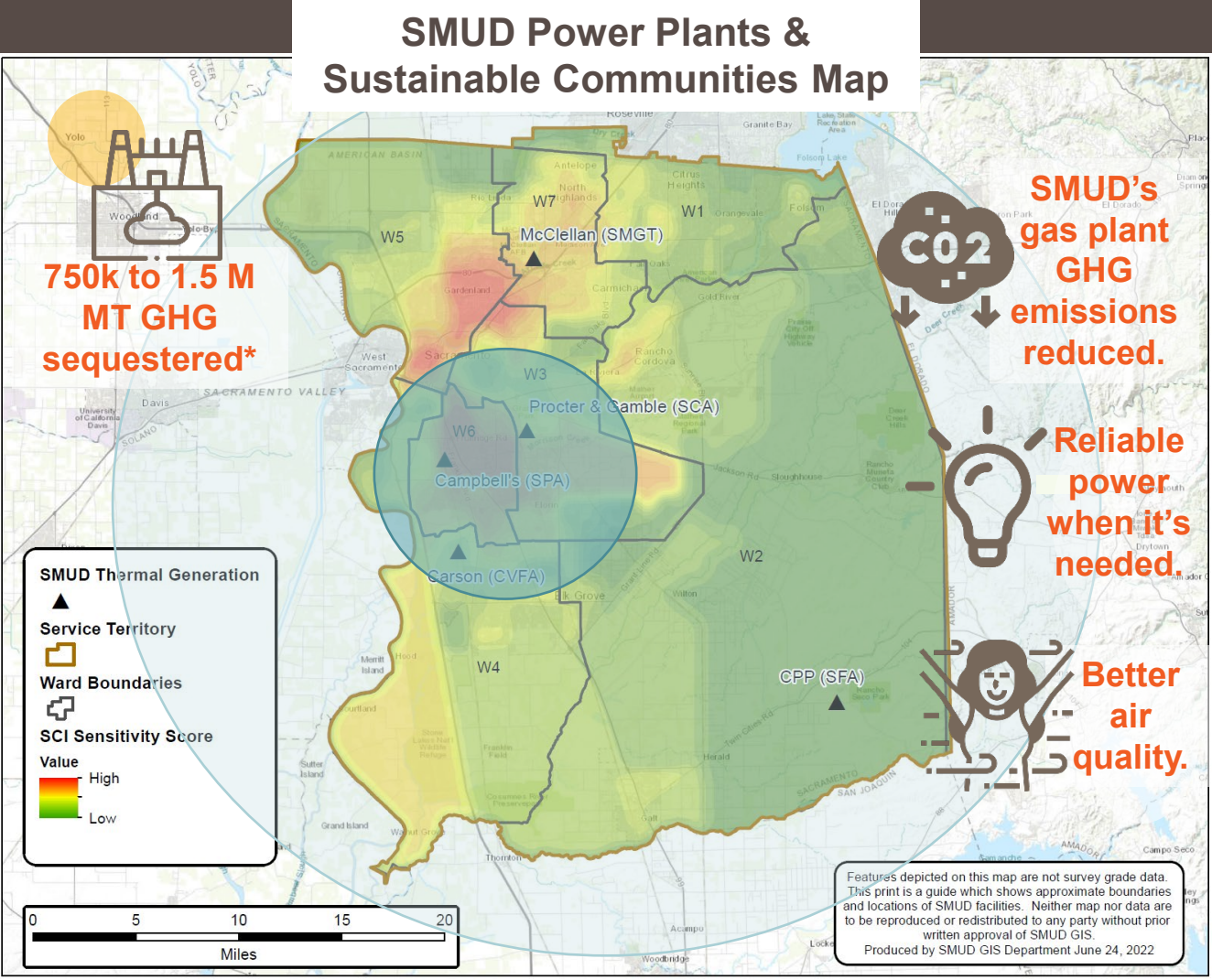
Supports SMUD's local reliability needs with clean, reliable, efficient, flexible 24x7 generation.



DOE funding opportunity significantly reduces the cost of this resource to SMUD.



Emissions reduction potential



**Equivalent to removing 250k to 500k gas cars from the road.*

Public outreach process & schedule

April 2023

- Public workshop to discuss CCS and other 2030 Zero Carbon Plan technologies/programs.

May 2023

- Board Committee meeting update, including report out on the project and feedback from public engagement.
- Board decision on CCS grant partnership and letter of intent to enter into offtake agreement.

From: coyote1@surewest.net
To: [Public Comment](#)
Subject: [EXTERNAL] Comments on Item #9 March 15th Board Meeting
Date: Wednesday, March 15, 2023 10:32:29 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Comments on SMUD's Proposed Partnership on the Calpine Carbon Capture and Sequestration Project

SMUD Board Meeting Informational Item #9, March 15, 2023

The Calpine carbon capture and sequestration (CCS) proposal promises to deliver a reliable, baseload source of carbon-free power by the end of this decade, all but ensuring that SMUD will meet its Carbon Zero goals for 2030. We recognize this significant potential achievement, along with the many other possible benefits this project would bring, including the following:

- **Reliability.** It offers 24-hour reliability during extended weather events and other times when renewable power such as solar and wind are unavailable. The January 2023 storms, for example, lasted weeks diminishing the usefulness of these intermittent resources and short-duration batteries.
- **Land Preservation.** By repurposing an existing generation unit, the project will add carbon-free power without the loss of agricultural or other valuable land otherwise required for a new renewable utility-scale power plant.
- **Financial Soundness.** Calpine and its partners will assume all the risk of construction of the carbon capture equipment and its sequestration at a nearby Class VI site. SMUD's project involvement would be limited to contracting for the carbon-free power at a price staff believes will be competitive with solar + storage pricing.
- **Transitional Flexibility.** The project contract will be limited to a relatively short-term of 10-12 years. This will allow SMUD to pursue other longer-term carbon-free, replacement power sources with technologies still under development that are truly free of fossil fuel.

Concerns Over the Project. Despite these many possible benefits, we believe the CCS proposal poses several areas for concern. These include the following :

- **Due Diligence.** With this March informational presentation, an April public workshop, and a likely May approval date, we fear that this proposal is on a fast-track for acceptance with insufficient time for SMUD and community review. Staff should provide the schedule for the project through contract acceptance, DOE grant submission, CEQA review, project initiation and completion. Will there be time later to evaluate SMUD's due diligence for potential risk and liability, including sharing any available technical and financial data, including contract terms?
- **Carbon Capture Is a Nascent Technology.** Carbon capture at gas power plants is a relatively new technology with mixed success to date. The La Porte Texas facility, for example, closed in 2020 after capturing only a fraction of the carbon at that site. And Chevron's Gorgon plant in Australia, the world's biggest CCS project, reportedly captured only 30% of its promised five-year CO₂-capture target of 80%. We are encouraged by new technology developments, in particular ION's CCS demonstration project at the Los Medanos gas power plant in Pittsburg, California. But what factors will ensure success at the Calpine Sutter plant?
- **Sequestration Is Also New to California.** Currently, the EPA has not authorized any Class VI sequestration injection sites in the state, although several are under review. Can SMUD provide assurance on the geologic stability of the potential storage sites?
- **Not True Carbon-Free.** We should be aware that, even after sequestration, the Calpine electricity will not be completely carbon-free since the gas-fired power plant will remain burdened with methane emissions (Scope 3) from the upstream pipeline and extraction processes. With methane's climate impact 80 times that of CO₂, these fugitive emissions can

be considerable and SMUD should consider finding an offset for them over the contract term.

- **Financial Risks.** The 12-year contract will result in SMUD dependence on the Calpine power plant until the 2040's for a large part of its energy requirements and carbon reduction goals. What contingencies does SMUD have for failure of the plant or the carbon capture equipment? Aside from equipment failure, is SMUD protected from future rising natural gas prices or other operational cost increases?
- **How Will the PPA Affect Future Renewables?** The proposed contract with Calpine will be particularly useful when intermittent renewable resources are not available. But what about the flip side when SMUD's solar, wind, hydro and geothermal power are abundant? Will the contract be take-on-demand, or will it require SMUD to purchase the power, regardless of whether it has other available options from existing renewable sources or emerging opportunities such as off-shore wind? The contract needs to have very clear off-ramps to ensure that SMUD is not burdened by changes in energy markets, and has the freedom to switch to more attractive renewables that may be cheaper and may not have upstream emissions or other negative factors .

Recommendation. SMUD should seriously consider this opportunity to add the Calpine CCS to its portfolio of Carbon Zero solutions. But it should enter into the contract warily with sufficient safeguards, a backup plan, a commitment to continuing pursuit of true renewable sources, and an intent to provide offsets for the plant's continuing upstream emissions.

Thank you,

Rick Codina and Peter Mackin

On behalf of SMUD Watch, 350 Sacramento



From: [Lee Miller](#)
To: [Public Comment](#); [Heidi Sanborn](#); [Brandon Rose-Contact](#); [Dave Tamayo](#); [Rob Kerth External](#); [Rosanna J. Herber](#); [Gregg Fishman](#); [Nancy Bui-Thompson](#)
Subject: [EXTERNAL] Public Comment for SMUD board meeting March 15, agenda item 9 Calpine Carbon Capture and Storage Partnership Opportunity
Date: Friday, March 10, 2023 5:47:54 PM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear SMUD board members

The world is facing a climate crisis, and it's time for us to take action. One of the most popular solutions being discussed by governments around the world is carbon dioxide (CO2) sequestering, which involves capturing CO2 emissions from power plants and other sources before they can enter the atmosphere. While this may seem like an effective solution on paper, it has some major drawbacks that make it far from ideal.

First off, CO2 sequestering does nothing to reduce our dependence on fossil fuels or close down dirty coal-fired power plants as promised; instead of investing in renewable energy sources such as solar power that would actually reduce our reliance on fossil fuels over time, we are simply choosing to bury away our problem rather than solving it at its source. Furthermore, there are safety concerns regarding storing large amounts of CO2 underground. If not done properly, these sites could become dangerous due to leakage or explosions caused by pressure build-up within them.

Finally, many experts have raised doubts about whether sequestration technology will work effectively at scale given how expensive and complicated implementation can be. Much more research must be done before any meaningful progress can be made here. To address climate change, we need real solutions, such as closing down existing polluting facilities while investing heavily in renewables. Anything else is just kicking the can further down the road without making any difference.

This is not the way to achieve carbon neutrality. The board of SMUD decided to close down its fossil fuel plants by 2030. Do the right thing instead of wasting our money.

Sincerely
Ms. Lee Miller
Ward 3

From: [Marshal McKittrick](#)
To: [Rosanna J. Herber](#)
Cc: [Public Comment](#)
Subject: [EXTERNAL] Reduce fossil fuel usage within the SMUD district
Date: Saturday, March 11, 2023 4:27:10 PM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Rosanna Herber,

I appreciate SMUD's commitment to quit using fossil fuel sources by 2030 for its five natural gas plants (SMUD Carbon Zero plan), either through power plant conversion with alternative fuels or replacement with renewable power generation. The proposed investment in the carbon sequestration project at Calpine (item 9 on Mar 15 agenda) concerns me because it will allow the natural gas plant to continue to operate past 2030, and the potential for methane leaks from the plant itself and development and the transmission of methane will continue to pollute our atmosphere. We want SMUD to continue to serve as and be seen as a leading light for a Carbon Zero energy future.

Sincerely,
Marshal McKittrick
SMUD customer

From: [Jane Lamborn](#)
To: [Nancy Bui-Thompson](#)
Cc: [Public Comment](#)
Subject: [EXTERNAL] Item 9, March 15th Meeting
Date: Sunday, March 12, 2023 5:37:00 PM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Bui-Thompson,

I am writing because the plan for a carbon sequestration project at Calpine is not a substitute for a real commitment to reduce and eliminate the emissions that are causing climate warming.

SMUD has committed to quit using fossil fuel sources by 2030 for its five natural gas plants (SMUD Carbon Zero plan), either through power plant conversion with alternative fuels or replacement with renewable power generation. The proposed carbon sequestration project at Calpine (item 9 on Mar 15 agenda) will allow the natural gas plant to continue to operate past 2030, and the potential for methane leaks from the plant itself and the development and transmission of methane will still be present. These emissions will continue to pollute our atmosphere.

I ask that SMUD reconsider the actions it is proposing to take to reduce carbon emissions, and that it commit to actual reductions in carbon emissions.

Sincerely,

Jane Lamborn
Resident of Ward 2
9401 Montevideo Drive
Wilton, CA 95693

From: [Megan Shumway](#)
To: [Gregg Fishman](#); [Public Comment](#)
Subject: [EXTERNAL] Carbon sequestration, Item 9 on March 15, 2023
Date: Sunday, March 12, 2023 6:58:53 PM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Greg Fishman:
cc: SMUD Directors

I want to make it clear that I am not against carbon sequestration as a way to clean up burning methane. There are many ways to sequester Carbon. I am all for turning CO2 into inert solid forms that may have other uses. What I am against is pumping CO2 under pressure underground even if it is below "stable" rock layers as proposed in the Calpine Project. First of all, anything under pressure will seek areas of lower pressure. Second, earthquakes either natural or secondarily caused by this method may fracture this "stable rock and allow the CO2 to migrate upwards. If CO2 leaks occur in this way or in the plant pipelines, it could endanger human lives and wildlife. CO2, being heavier than oxygen, can pool in a cloud near the ground when significant releases occur. Additionally, that CO2 will then be released into the atmosphere. California has experienced CO2 migration above the soil level from volcanic activity that caused the death of campers in their tents. I fear seeing this become people in their beds.

These methods are only expected to decrease carbon emissions by 60% and often don't perform better than 30% reductions. So, not a Zero Carbon reduction.

Another reason I don't favor this method is the chemicals involved could migrate to poison and pollute the aquifer.

This method has too many risks for too little return and is not the way to Carbon Zero. I don't want SMUD to think it can cook the books to make it appear they are Carbon Zero, all the while continuing to burn methane releasing Carbon and other toxins as usual. I expect truly clean energy and energy storage that doesn't endanger the environment or human lives.

The way to CarbonZero is to **stop burning Fossil Fuels**. The old saying: *If you are in a hole, stop digging!*

Sincerely,
Megan Shumway B.S.N.

--

Megan Shumway

From: dc.derekcressman.com
To: [Public Comment](#)
Subject: [EXTERNAL] public comment regarding agenda item 9, Calpine Carbon Capture
Date: Tuesday, March 14, 2023 2:17:19 PM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear SMUD Board members,

Because fugitive methane leaks are as great, if not a greater, contribution to the immediate term climate crisis as carbon dioxide emissions from power plants, Calpine can only truthfully claim its electricity to be carbon zero if it ensures zero methane leaks from its fuel sources. Will SMUD require Calpine to burn only recaptured methane from biogas, manure, or landfill sources or otherwise certify that its fuel comes from sources with zero fossilized methane emissions or flaring? How will SMUD ensure that no methane leaks during pipeline transport to the Calpine plant, or during plant operations?

On the upside, should Calpine achieve leak free operations and burn only biogas generated through plants capturing CO₂ from the atmosphere before being processed through a compost heap, landfill, cow, or human, and then sequester its CO₂ emissions, the Sutter plant could become carbon negative and possibly receive additional revenue through the cap and trade or other programs. SMUD should prioritize purchasing power from the Sutter plant during winter periods of low solar availability and assist in supplying non-fossil methane during those periods.

I encourage the board and staff to review the following documents and ensure that any electricity produced is truly cradle-to-grave carbon zero before approving any carbon sequestration power purchase agreements.

Sincerely,

Derek Cressman

Reuters, 9/29/22 “Explainer: How methane leaks accelerate global warming”
<https://www.reuters.com/business/environment/how-methane-leaks-accelerate-global-warming-2022-09-27/>

“Scientists normally compare the warming effects of methane and carbon dioxide over one century, and over that timescale methane is 28 times worse. Over 20 years, however, methane is 80 times worse, according to recent research.” <https://www.reuters.com/business/environment/how-methane-leaks-accelerate-global-warming-2022-09-27/>

Power Engineering, “Methane emissions: Not just NO_x and CO anymore.” 11/21/22
<https://www.power-eng.com/emissions/using-controls-to-accurately-measure-fugitive-and-exhaust-ghgs/>

“Methane measurement and tracking is distinctly different than traditional exhaust emissions. In all likelihood, methane will require reporting on the amount of fuel that comes into a facility, how much was combusted, and how much methane leakage has been collected for reuse. It will probably usher in an era of real-time measurement. Official or agreed-upon standards for all of this have yet to materialize. There is a lack of independent bodies that can certify compliance. Traditional monitors and controls are not set up to accurately measure methane.”

Thibault Laconde, *Climate Chance-2018 Annual Report*, “Fugitive emissions: a blind spot in the fight against climate change,” <https://www.climate-chance.org/wp-content/uploads/2019/03/new-fugitive-emissions-a-blind-spot-in-the-fight-against-climate-change.pdf>

“These data, although incomplete and partly obsolete, show that fugitive emissions account for a significant share of global greenhouse gas emissions: at least 2GtCO₂e i.e. 5% of the total. It also

shows a correlation between countries with high emissions and those with a large oil, gas or coal industry.

While fugitive emissions can occur in any activities handling greenhouse gases - refrigeration (HFCs, CFCs), electricity (SF₆), health (N₂O), etc. - they occur mainly during the extraction, transport, storage and processing of fossil fuels and largely consist of CH₄ (methane or "natural gas").

NPR, 2/3/22, "A satellite finds massive methane leaks from gas pipelines"

<https://www.npr.org/2022/02/03/1077392791/a-satellite-finds-massive-methane-leaks-from-gas-pipelines>

"According to the researchers, the large releases of methane that they detected accounted for 8-12% of global methane emissions from oil and gas infrastructure during that time.

[Steven Hamburg](#), chief scientist for the Environmental Defense Fund, which has focused on the problem of methane emissions, says these massive releases are dramatic. But it's also important to remember the "ordinary" leaks that make up the other 90% of emissions from oil and gas facilities. "They really matter," he says."

The Guardian, 3/3/2023 "Revealed, 1,000 super-emitting methane leaks risk triggering climate tipping points," <https://www.theguardian.com/environment/2023/mar/06/revealed-1000-super-emitting-methane-leaks-risk-triggering-climate-tipping-points>

"The International Energy Agency said last year that methane emissions from the [fossil fuel sector were about 70% greater](#) than those actually declared by governments. The IEA estimates that, to have an even chance of keeping below 1.5C of global heating, these methane leaks must fall by 75% by 2030."

From: [Mark Heckey](#)
To: [Public Comment](#)
Subject: [EXTERNAL] Item 9, Discussion CalPine Agreement and Carbon Sequestration
Date: Wednesday, March 15, 2023 4:48:00 PM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to ask if there are any water quality impacts associated with underground storage of the carbon by product from the plant.

Mark Heckey

Freelance Writer

Read my short stories, essays, and poems at

www.markheckey.com

916 722 7384 or Cell 707 249 5748

Sacramento, California

April 11, 2023

The Board of Directors of the Sacramento Municipal Utility District met in special session concurrently with the Board Strategic Development Committee in the Auditorium of the SMUD Headquarters Building at 6201 S Street, Sacramento, and via virtual meeting (online) at 6:00 p.m.

Roll Call:

Presiding: Nancy Bui-Thompson,
Chair of the Strategic Development Committee

Present: Directors Rose, Fishman, Herber, Kerth,
Tamayo, and Sanborn

Prior to the meeting, Director Rose had notified the Board that he had a contagious illness and would participate remotely for just cause.

Present also were Frankie McDermott, acting Chief Executive Officer and General Manager; Laura Lewis, Chief Legal & Government Affairs Officer and General Counsel and Secretary, and members of SMUD's executive management; and SMUD employees and visitors.

Mr. McDermott announced that Purple Fever had hit Sacramento, with the Kings securing their first playoff in 16 years. He stated that SMUD is a longtime supporter of the Kings, and was thrilled to be celebrating this year's successful season and playoffs by lighting some of SMUD's buildings purple. He noted that purple lights at the Headquarters and Customer Service buildings will come on at dusk each night throughout the Kings' playoff run. He also stated that for every Kings win, home and away, SMUD's newest substation, Station G, will be lit in purple. He said the creative design and lighting for Station G is helping SMUD redefine our relationship with public spaces while contributing to energy conservation and artistic expression and noted the lighting in particular was designed to highlight the streetscape and the architectural personality of the structure in the urban downtown area. He encouraged all to check out the lighting on campus when leaving that evening.

Committee Chair Bui-Thompson turned to Discussion Calendar Item 1, to approve changing the time of the April 20, 2023, regular Board of Directors meeting from 6:00 p.m. to 5:30 p.m.

President Sanborn stated some Board members would be attending a Sac State event and moving the meeting up to 5:30 p.m. from 6:00 p.m. would allow for more Board member participation.

No public comment was forthcoming on Discussion Calendar Item 1.

There being no discussion, Director Fishman moved for approval of Discussion Calendar Item 1, Vice President Herber seconded, and Resolution No. 23-04-01 was unanimously approved.

RESOLUTION NO. 23-04-01

WHEREAS, the **Meeting Procedures of the SMUD Board of Directors**, Rule 1.0(a) sets the time of days and times of the Board meetings;
and

WHEREAS, some Board members are scheduled to attend the Green & Gold Gala, Sacramento State's signature fundraising event; and

WHEREAS, moving the meeting would allow for greater participation by the Board to ensure a quorum and accordingly the Board wishes to change the start time of the regular Board meeting to be held on April 20, 2023, from 6:00 p.m. to 5:30 p.m.; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

The April 20, 2023, Board meeting will be rescheduled to begin at 5:30 p.m. rather than 6:00 p.m.

Approved: April 11, 2023

INTRODUCED: DIRECTOR FISHMAN				
SECONDED: DIRECTOR HERBER				
DIRECTOR	AYE	NO	ABSTAIN	ABSENT
SANBORN	X			
ROSE	X			
BUI-THOMPSON	X			
FISHMAN	X			
HERBER	X			
KERTH	X			
TAMAYO	X			

Committee Chair Bui-Thompson then turned to Agenda Item 2, to brief the Board regarding impacts of recent unprecedented storms and mitigation efforts to improve storm response and restoration, and noted Mr. McDermott would make some brief introductory comments.

Mr. McDermott stated that the presentation on storm operations would come in several phases to inform on what SMUD is doing today, things that will be done in the short- and mid-term to be ready for the next storm season, as well as what would be implemented in the future. He noted a lot of information would be presented that would hopefully answer a lot of questions about what happened in January and what SMUD will be doing going forward.

Maria Veloso Koenig, Director of Distribution Planning and Operations, provided a presentation on Agenda Item 2. A copy of the slides used in her presentation is attached to these minutes.

No public comment was forthcoming on Agenda Item 2.

Committee Chair Bui-Thompson then turned to Agenda Item 3, statements from the public regarding items not on the agenda, but none were forthcoming. She stated that written comments received on items not on the agenda would be provided to the Board electronically and placed into the record if received within two hours after the meeting ended.

Committee Chair Bui-Thompson requested the Summary of Committee Direction.

Ms. Lewis stated staff would provide a memo to the Board with results from our customer service surveys after major storm events.

Committee Chair Bui-Thompson noted that Director Tamayo had also requested information on the costs to SMUD and the costs to the community.

Jennifer Davidson, Chief Financial Officer, stated that Lisa Limcaco, Director of Accounting & Controller, had been listening to the meeting and had provided her information that costs to SMUD were currently \$30-\$40 million. She further stated that staff had checked to see if insurance would pay for some of the cost, but the damage to infrastructure was below all of SMUD's

deductibles. She noted that the bulk of the cost was in restoration and mutual aid, and SMUD would apply to the Federal Emergency Management Agency (FEMA) for potential reimbursement.

Committee Chair Bui-Thompson directed staff to provide information about costs to the community, noting that an estimate based on modeling might be necessary.

No further business appearing, Committee Chair Bui-Thompson adjourned the meeting at 7:23 p.m.

Approved:

Committee Chair

Secretary

Exhibit to Agenda Item #2

Brief the Board regarding impacts of recent unprecedented storms and mitigation efforts to improve storm response and restoration.

Board Strategic Development Committee and Special SMUD Board of Directors Meeting

Tuesday, April 11, 2023, scheduled to begin at 6:00 p.m.

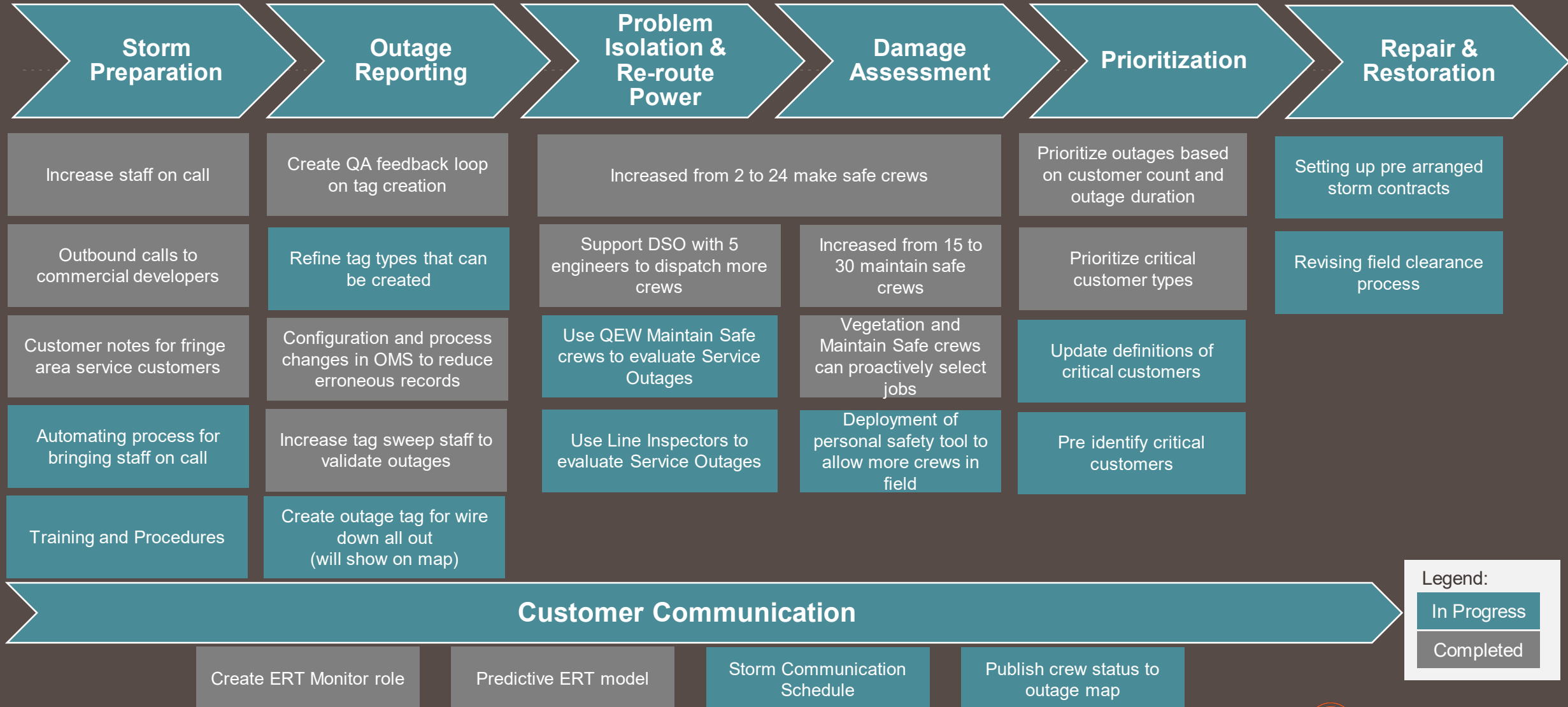
SMUD Headquarters Building, Auditorium

Storm Update

Agenda

- Emergency Operations Process Overview
- January 2023 Storms
 - Challenges
 - Overview
 - Response highlights
- Next Steps
- Resiliency

Current Improvements



Emergency Operations Process

Purpose

- Ensure a coordinated response across SMUD during a significant event

Goal

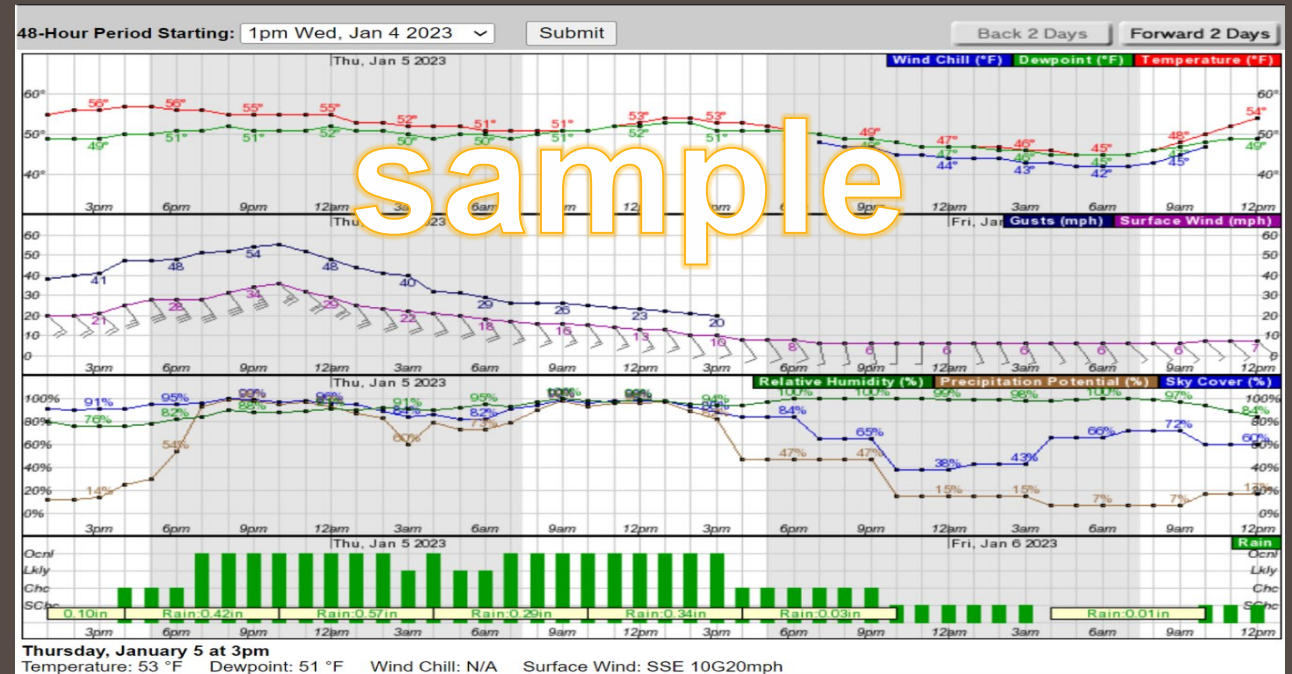
- Maximize utilization of resources to safely and efficiently restore power
- Provide coordinated, timely and accurate information to drive decision-making
- Provide timely and accurate estimated restoration times to our customers

Triggers/Key Considerations

- Weather forecast - primary driver to mobilize resources and communicate to stakeholders ahead of weather event
- Distribution system status
- Other considerations

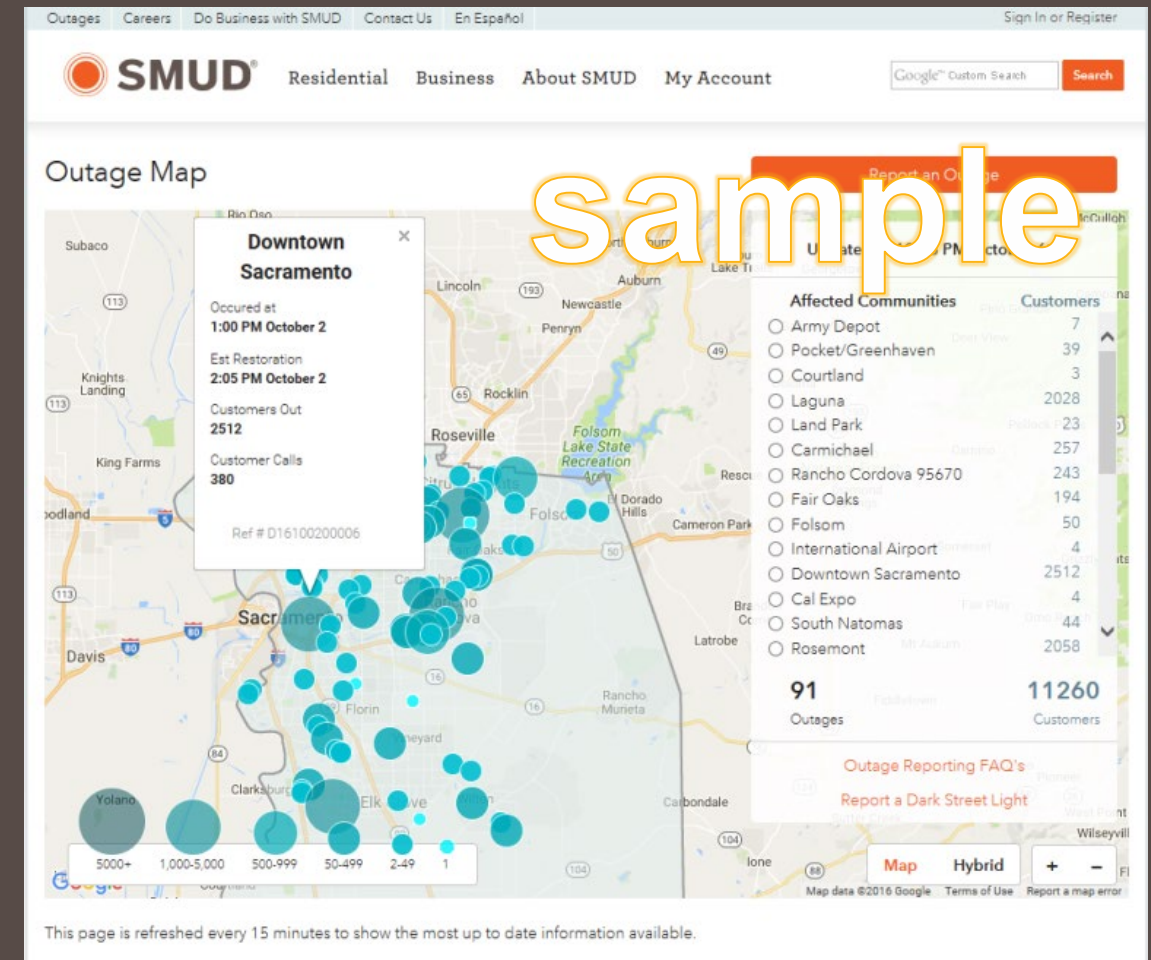
Trigger for Emergency Operations - Weather Forecast

- Sustained wind speeds forecasted to exceed 30 mph
- Wind gusts forecasted to be at least 35 mph
- Ground saturation levels, expected rainfall



Trigger for Emergency Operations - Distribution System Status & Other Considerations

- When existing resources are not sufficient to respond to the size of emergency
 - *Need to mobilize additional resources*
- Duration of event is anticipated to go beyond 12 hours
- Extensive inquiries expected from customers, media and/or governmental agencies



Pre-Storm Communication

Typically a day ahead, SMUD provides

- Update to the Board about expected conditions, staffing and resources to respond to event
- Communications to customers
 - News release
 - Social media
 - Smud.org alerts
 - Internal speaking points
 - Commercial account outreach
 - Automated calls, texts and emails
 - Interactive Voice Response (IVR)

Before a storm

In addition to these tips, become familiar with your service panel location and how to operate the main circuit breaker.

Check your storm kit

Prepare a basic emergency kit and store it in an accessible place. The kit should contain:

- Portable cell phone charger
- Flashlight
- Fresh drinking water
- Extra batteries
- Manual can opener
- Battery-operated radio

Preparing year round

Our crews perform maintenance activities such as tree trimming and equipment replacement year-round to help prevent outages.

We have also increased our efforts to replace old underground cable, which will significantly lower the number of cable-related outages.

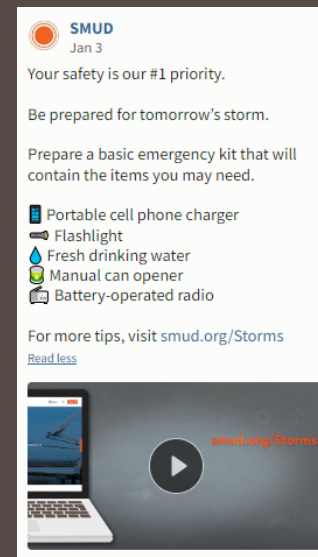
Get more information about how we prepare and restore power during an outage.

Storm tips brochure

The information on this page is also available in brochure form in several different languages.

- English
- English Commercial
- Spanish
- Chinese
- Vietnamese
- Hmong
- Russian

If you would like a brochure mailed to you, please call SMUD Customer Service at 1-888-742-7683.



SMUD
Jan 3

Your safety is our #1 priority.

Be prepared for tomorrow's storm.

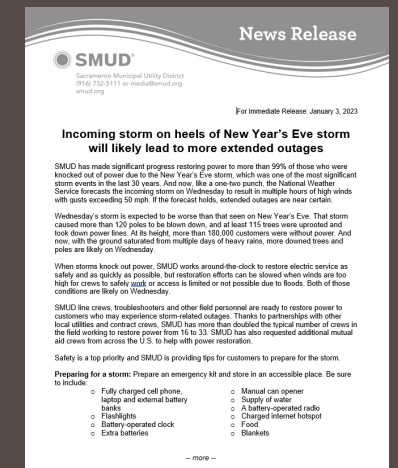
Prepare a basic emergency kit that will contain the items you may need.

- Portable cell phone charger
- Flashlight
- Fresh drinking water
- Manual can opener
- Battery-operated radio

For more tips, visit [smud.org/Storms](https://www.smud.org/Storms)

[Read less](#)

[smud.org/Storms](https://www.smud.org/Storms)



SMUD
Sacramento Municipal Utility District
(916) 733-5111 or media@smud.org
[smud.org](https://www.smud.org)

For Immediate Release: January 3, 2023

Incoming storm on heels of New Year's Eve storm will likely lead to more extended outages

SMUD has made significant progress restoring power to more than 99% of those who were knocked out of power due to the New Year's Eve storm, which was one of the most significant storm events in the last 30 years. And now, like a one-two punch, the National Weather Service forecasts the incoming storm on Wednesday to result in multiple hours of high winds with gusts exceeding 50 mph. If the forecast holds, extended outages are near certain.

Wednesday's storm is expected to be worse than that seen on New Year's Eve. That storm caused more than 120 poles to be blown down, and at least 115 trees were uprooted and took down power lines. At its height, more than 180,000 customers were without power. And now, with the ground saturated from multiple days of heavy rains, more downed trees and poles are likely on Wednesday.

When storms knock out power, SMUD works around the clock to restore electric service as safely and as quickly as possible, but restoration efforts can be slowed when winds are too high for crews to safely work or access is limited or not possible due to floods. Both of those conditions are likely on Wednesday.

SMUD line crews, troubleshooters and other field personnel are ready to restore power to customers who may experience storm-related outages. Thanks to partnerships with other local utilities and contract crews, SMUD has more than doubled the typical number of crews in the field working to restore power from 16 to 33. SMUD has also requested additional mutual aid crews from across the U.S. to help with power restoration.

Safety is a top priority and SMUD is providing tips for customers to prepare for the storm.

Preparing for a storm: Prepare an emergency kit and store in an accessible place. Be sure to include:

- Fully charged cell phone, laptop and external battery
- A battery-operated radio
- Flashlights
- Battery-operated clock
- Extra batteries
- Manual can opener
- Supply of water
- A battery-operated radio
- Charged internet hotspot
- Food
- Blankets

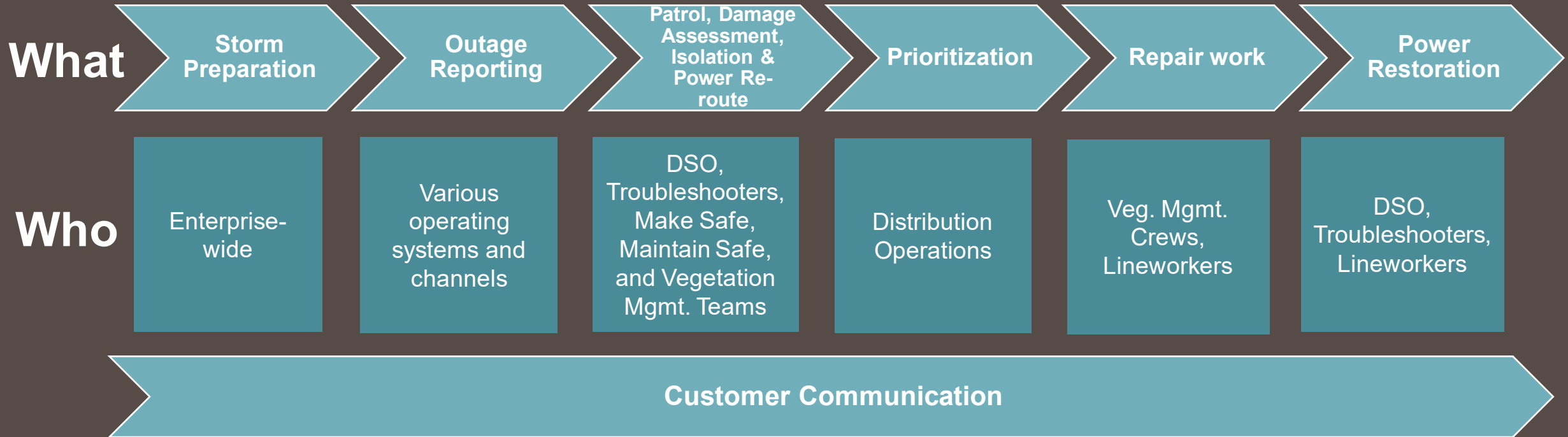
-- more --

Transition to Emergency Operations

1. Distribution System Operations (DSO) declares emergency operations
2. Call for additional support areas as needed
 - Emergency Operations Center (EOC)
 - Line & Substation Assets (including contractors)
 - Make Safe
 - Maintain Safe
 - Vegetation Management
 - Engineering support
 - Customer Care
 - IT
 - Corporate Communications
 - Government Affairs
3. Change standard Estimated Restoration Times (ERT)
4. Communications with customers and other stakeholders in real time based on field and operational conditions



Current Response & Restoration Steps



** As many customers as possible are restored during power re-route*



January Storms

January 2023 Storms – Unprecedented Challenges

Number one challenge was **communicating timely and accurate estimated restoration times (ERT)** to our customers

- *Delays in providing ERT's*
- *ERT's changing*

Customers could not rely on the ERT's



January 2023 Storms – Unprecedented Challenges

Weather Forecast missed New Years Eve storm

Extent of damage

- Over 2,300 outages across our service area
- 941 outages (40%) impacted single customers
- 1,000+ tree-related incidents, 1,250+ wire down incidents

Resources

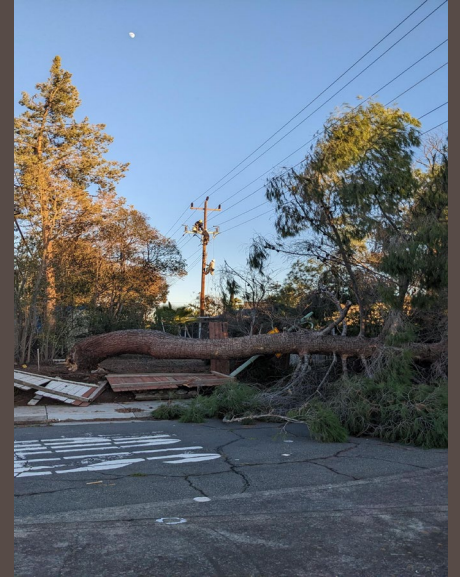
- Needed significantly more damage assessors, repair crews and support staff

Technology

- Outage Management System (OMS)
 - System limitations
 - Data discrepancies
- Automated outbound customer communication platform down

Process

- Management of outages
- ERT's
- Work prioritization



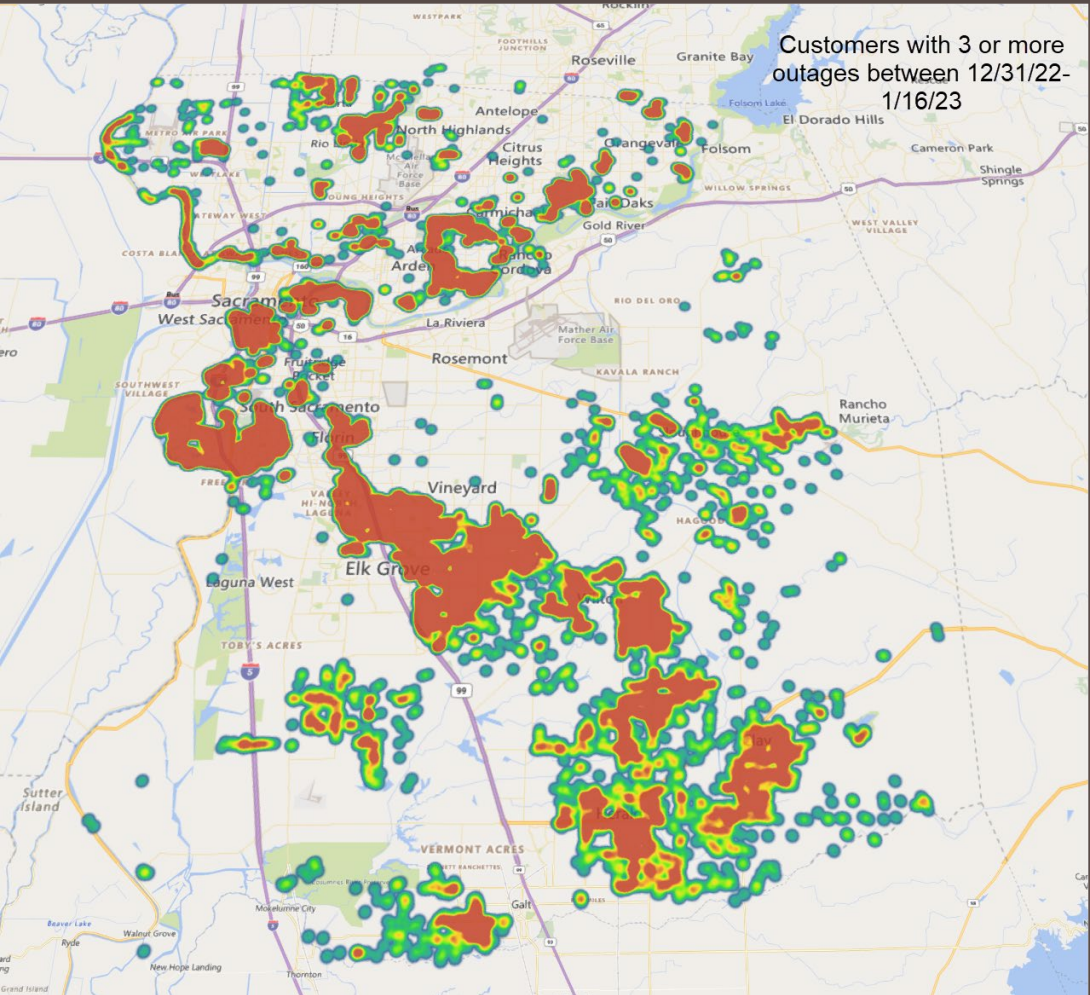
January 2023 Storms – Overview

	Dec. 31, 2022 – Jan. 1, 2023	Jan. 4, 2023	Jan. 7 – Jan. 8, 2023	Jan. 14, 2023
Sustained Wind (mph)	46	37	49	37
Wind Gust (mph)	59	51	64	56
Customers Impacted	257,459	37,947	287,999	43,834
% Customers Restored within 24 hours	94	99	89	100

- Emergency operations from New Year's Eve through January 16, 2023
- EOC activated for the full duration and worked in partnership with the County and State OES

January 2023 Storms – Widespread Impacts

New Year's Eve – Jan. 16, 2023



Number of customers with 3 or more outages

Legend:



January 2023 Storms – Historical Comparison

Unprecedented string of storms caused the most significant damage to SMUD's system, ever.

	Jan. 4-7, 2008	Jan. 26-30 2021	Dec. 31, 2022 – Jan. 16, 2023
Sustained Wind (mph)	58	50	49
Wind Gust (mph)	70	67	64
Customers Impacted	492,156	254,579	632,227
% Customers Restored within 24 hours	95%	93%	93%
# of Single Customer Outages	378	146	941
# of Wire-Down Events	320	501	1,262

January 2023 Storms - Response

- Largest response effort in SMUD's history
- 24/7 emergency operations for 17 days
- Mobilized additional Make Safe, Maintain Safe, and Vegetation Management crews to conduct damage assessments
- Mobilized additional staff to support DSO and field operations
- Over 100 crews worked around the clock including 39 contract crews & mutual aid from other utilities—the most ever in SMUD's history



Mutual Assistance - Thank You!



Customer Care and Communications

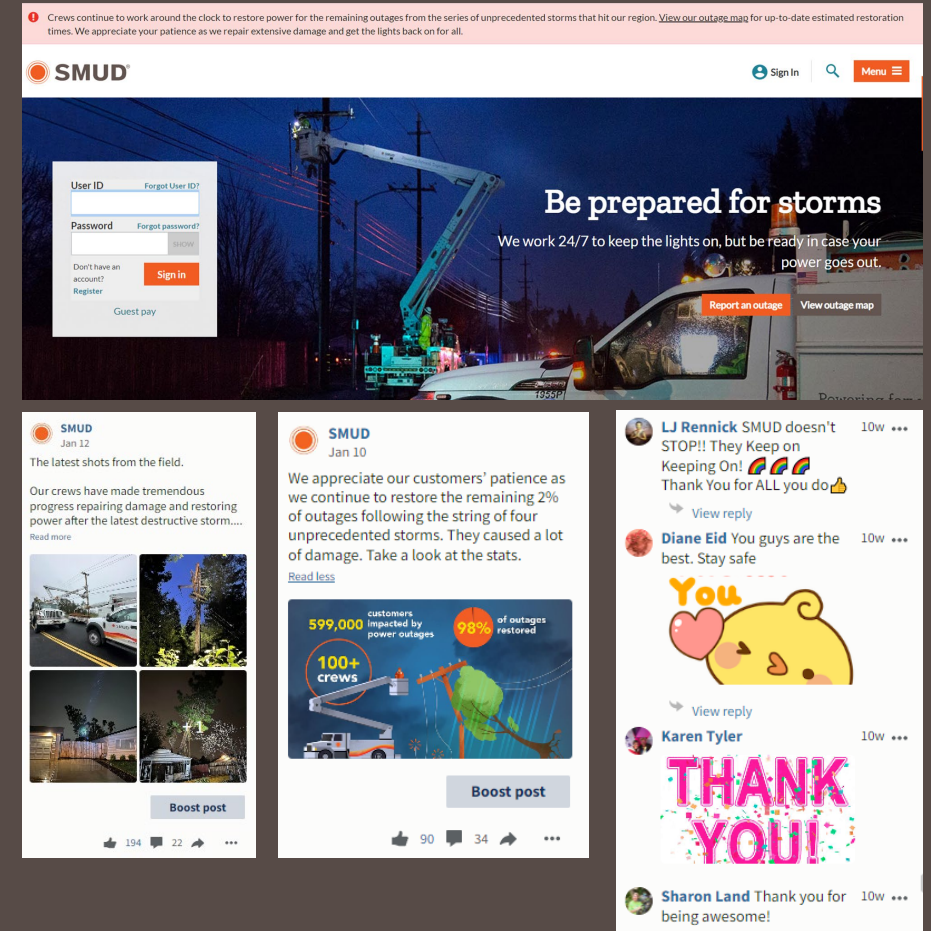
- Around the clock Contact Center support
- Commercial customer outreach
- Support provided to our most vulnerable customers
 - Partnered with Raley's and the Salvation Army to deliver essentials



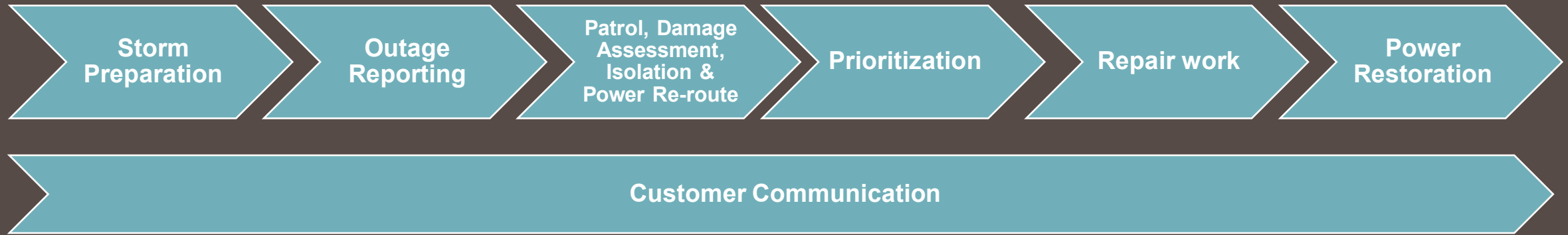
Customer Care and Communications

Frequent messages were sent based upon field conditions:

- 32 separate outbound call campaign scripts
- 12 IVR messages
- 5 News releases
- Dozens of media interviews
- 150 Social media posts
- 21 different Web alerts
- Personal outreach to business customers and government stakeholders



Emergency Operations – Improvement Areas



- Accuracy of outage data
- Accelerating damage assessments
- Method for calculating and communicating estimated restoration times (ERTs)
- Restoration priorities
- Central hub – status of outages and crews, across all assignments
- Customer communications

Best Practices Benchmarking



Research - Technologies and Products & Services

Accelerate Damage Assessments

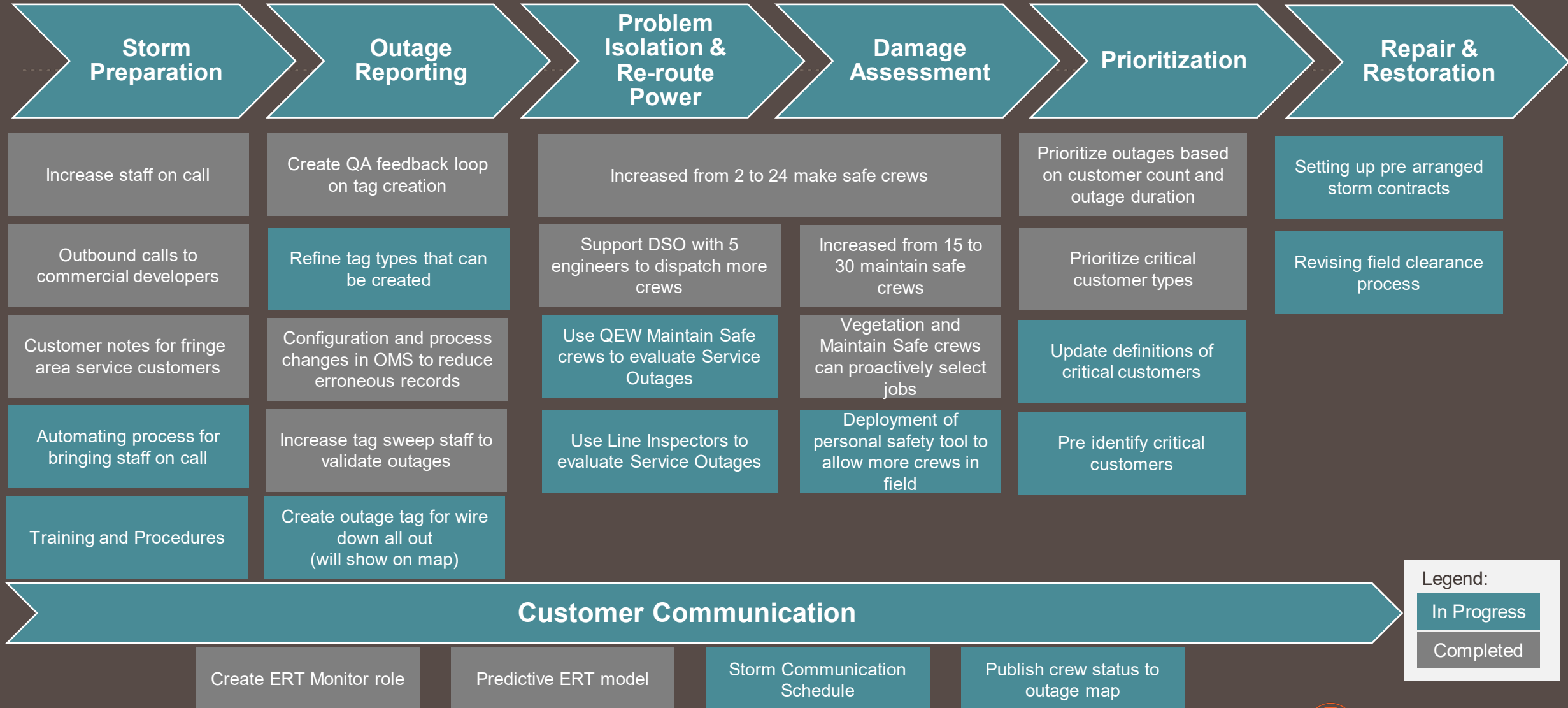
- Automated crew callout solutions
- Personal voltage detector
- Contract crews for damage assessment, vegetation management, and repair work
- Drone technology

Emergency Operations – Current Improvements

Launched Enterprise-wide Team, with three current sub-teams

- Damage Assessments
 - Identified additional resources for Make Safe functions and damage assessments
 - Significantly expanded list of available workers for Maintain Safe functions
 - Streamlined tag creation and management
- Estimated Restoration Times (ERTs)
 - Created method for estimating longer-range ERTs based on workload and crew availability
 - Enhancing storm communications plan
- Restoration Prioritization
 - Defining categories of critical customers
 - Identifying specific customers
 - Designing data flow to manage critical customers during storm

Current Improvements



Legend:

In Progress

Completed

April 11, 2023

24

Board Strategic Development Committee and Special SMUD Board of Directors Meeting



Current Improvements – Storm Preparation



Completed

- **Increased number of staff on call** – Troubleshooters, Dispatchers, Line Workers, Vegetation Management, Support Staff
- **Outbound calls to commercial customers** – Let them know processes for new services/upgrades may be disrupted
- **Customer Notes for Fringe Service Agreements** – Proactively identify customers whose outages require repair by third parties, to route their calls appropriately

In Progress

- **Use automated tools for on call staff notification** – Automate the calling of 100+ employees
- **Training and Procedures** – Revising training to increase pool of qualified storm workers; increasing scope of work each group can handle
- **Mock Storm** – Planning mock storm event in September/October to ensure staff and management get hands on experience on systems and procedures prior to storm season
- **Activation Levels** – Reviewing response levels for various storm sizes, and how activation level is communicated across the organization.

Customer Communication

Current Improvements – Outage Reporting



Completed

- **QA Feedback Loop** – Improve quality and accuracy of outage event creation through continuous improvement and targeted training, with same-day feedback to respond to changing error types.
- **OMS Configuration and Process Changes** – changes resulted in fewer duplicate and erroneous records being created and increased system performance.
- **Increase Tag Sweep Staff** – Tag sweep staff validate outage information and help remotely detect the scope of an outage, allowing for faster damage assessment.

In Progress

- **Refine tag types** – Will reduce data entry errors and allow faster sorting and dispatching of tags to appropriate work groups.
- **Wire down outage tags** – Creating outage tags for these events will increase visibility in the outage map.

Customer Communication

Current Improvements – Problem Isolation & Damage Assessment



Completed

- **Increase Make Safe Crews** – augment troubleshooter resources to isolate problems and re-route power, to minimize number of impacted customers. Breaking up line crews allows an increase from 2 crews to 24 Make Safe crews available at the start of storm.
- **Increase from 15 to 30 Maintain Safe Crews** – Increasing the dispatch and crew capacity allows for more rapid collection of data on damaged equipment, accelerating ERTs.
- **Support DSO with engineers** – Additional support offloads some task from DSO and allows DSO to direct more crews to isolate problems and re-route power.
- **Proactive job selection** – crews self-assigning their own work allows DSO to dispatch more crews.

In Progress

- **Service Outage Assessment** – Electrically trained maintain safe crews and line inspectors can be used to assess service outages, reducing workload for troubleshooters and make safe crews.
- **Deploy new safety tool** – Using additional safety technology that can detect presence of live wires increases safety of damage assessors who are not regularly deployed to the field.

Customer Communication

Current Improvements - Prioritization



Restoration Priorities

1. Public and Employee Safety
2. Reliability of the SMUD's Transmission and Distribution System
3. Repair/replacement of system components that allows restoration to the largest number of customers, including essential and critical customers
4. Single customer outages

Customer Communication

Current Improvements - Prioritization



Completed

- **Prioritize based on customer count and outage duration** – Developed algorithm that automatically sorts outages based on number of customers are out and how long they have been out. This replaces manual prioritization and job selection.
- **Prioritize critical customers** – Algorithm takes into account critical customer types (pumps, hospitals, schools, etc.) to ensure timely repairs and restoration.

In Progress

- **Pre-identify critical customers** – Collecting information on critical customers and storing it in our customer systems allows for automatic prioritization of critical customers, rather than relying on manual escalation. Manual escalation can still be used as needed during a storm.
- **Review and update critical customer categories** - A comprehensive review of critical customer categories ensures key services are maintained during a storm. New prioritization algorithm allows more precise prioritization.

Customer Communication

Current Improvements – Repair & Restoration



Completed

- Improvements in other areas will improve crew readiness and data accuracy, improving restoration.

In Progress

- **Pre-arranged storm contracts** – Having pre-arranged contracts allows for faster response from contract crews at the time of a storm, and increases total pool of available resources.
- **Revising field clearance processes** – Allowing field crews to perform certain work with modified clearance procedures will increase speed of work and allow DSO to manage more crews.

Customer Communication

Current Improvements – Customer Communication

Storm Preparation

Outage Reporting

Problem Isolation & Re-route Power

Damage Assessment

Prioritization

Repair & Restoration

Completed

- **ERT Monitor** – Putting dedicated staff to monitor ERTs helps ensure ERTs are accurate and not missed.
- **Predictive Model for ERTs** – Prior ERT model was based primarily on outage type. New ERT model takes into account customer prioritization, crew availability, and damage assessment information from field.

In Progress

- **Storm Communication Schedule** – Improving internal coordination will ensure customers have access to the best information SMUD has about their outage.
- **Crew Status on Outage Map** – Publishing the status of job assessment and crew assignment will provide customers with a better sense of the progress made, and the factors that could move the ERT.

Customer Communication

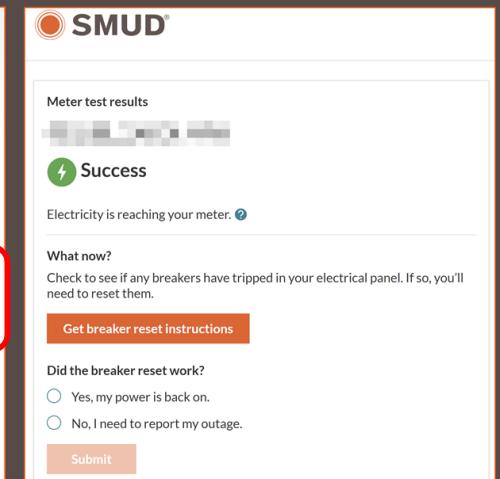
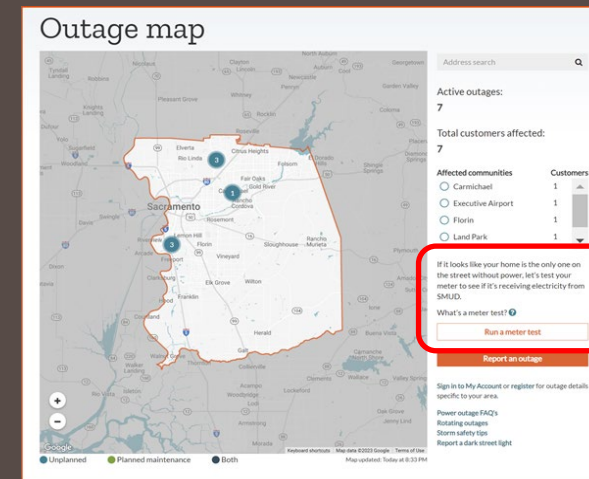
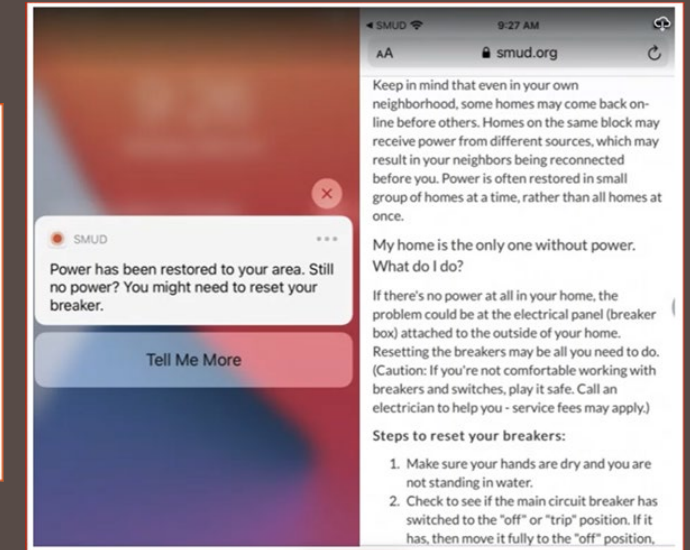
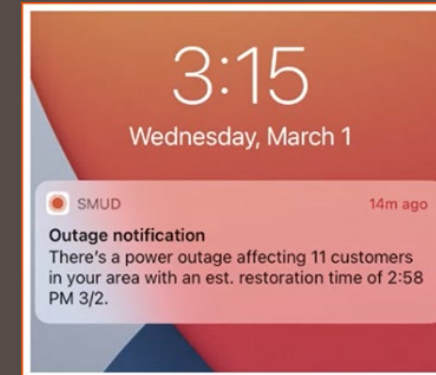
Emergency Operations - Work to Date

Customer Care & Communications

Continued implementation of the Customer Outage Communications Roadmap.

Enhancements completed since the January storms:

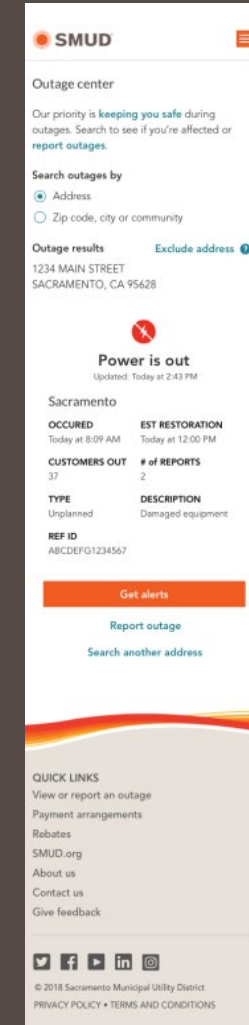
- Mobile app push notifications
- Digital Emergency Operations – notifies customers we are prioritizing outage related inquiries
- Outage text and e-mail alerts now sent 24 hours a day
- Outage details now shared in Interactive Voice Response (IVR) to mirror MyAccount experience (outage cause as an example)



Emergency Operations – In Progress

Customer Care & Communications

- Make it easier for customers to sign-up for and maintain outage communication preferences
- Two-way texting for outage reporting and updates
- Unauthenticated address search on outage map – to see if power is out at a particular address
- Outage map user experience design improvements
- Improve claims process
- Crew status



SMUD

Outage center

Our priority is **keeping you safe** during outages. Search to see if you're affected or [report outages](#).

Search outages by

☒ Address
☐ Zip code, city or community

Exclude address [?](#)

Outage results

1234 MAIN STREET
SACRAMENTO, CA 95628

Power is out
Updated: Today at 2:43 PM

Sacramento

OCCURED Today at 8:09 AM	EST RESTORATION Today at 12:00 PM
CUSTOMERS OUT 37	# of REPORTS 2
TYPE Unplanned	DESCRIPTION Damaged equipment

REF ID
ABCDEFG1234567

[Get alerts](#)

[Report outage](#)

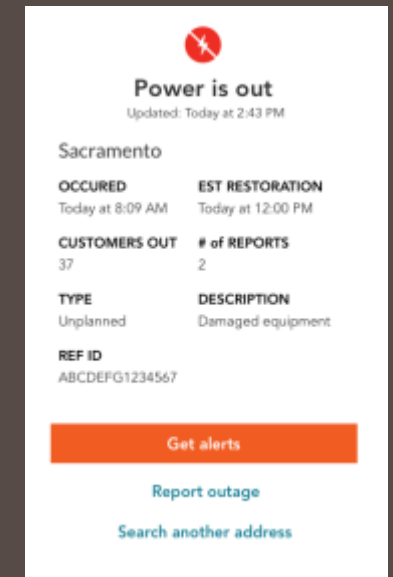
[Search another address](#)

QUICK LINKS

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Power is out
Updated: Today at 2:43 PM

Sacramento

OCCURED Today at 8:09 AM	EST RESTORATION Today at 12:00 PM
CUSTOMERS OUT 37	# of REPORTS 2
TYPE Unplanned	DESCRIPTION Damaged equipment

REF ID
ABCDEFG1234567

[Get alerts](#)

[Report outage](#)

[Search another address](#)

New Outage Management System (OMS)



Improved Customer Experience:

- Advanced Estimated Restoration Time (ERT) features and functionality
- Availability of meaningful data for better job and crew status visibility and customer communications
- Deliver dashboards and improved reporting
- Transparency & collaboration



Operational Excellence & Efficiencies:

- Attachments via mobile app (e.g. photos of storm damage)
- Enhanced Advanced Meter Infrastructure (AMI) integration for verifying customer restoration
- Ability to assign multiple jobs to the same multiple set of crews
- Support planned outages to allow for pro-active communications

Resiliency Considerations

Continue Robust Vegetation Management

- Pruning
- Targeted Tree removals
- Targeted Tree replacement

Distributed Energy Resources – Batteries

Targeted Undergrounding

- ~ 10,700 miles of lines: ~ 6,900 miles (64%) underground, ~3,800 miles overhead
- ~ 144,000 poles
- > \$7.6 billion to underground 3,800 miles of overhead lines (> \$2 million/mile)
- Impacts to affected property owners (e.g: convert existing electrical panel to take underground service; provide space on property for above ground equipment)
- Does not eliminate all outages (e.g. flooding, damage from excavations)

Questions?



SSS No. E,S,RES 23-03

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date

Policy – 04/12/23

Board Meeting Date

April 20, 2023

TO				TO			
1.	Emily Bacchini			6.	Brandy Bolden		
2.	Ellias van Ekelenburg			7.	Farres Everly		
3.	Joel Ledesma			8.	Suresh Kotha		
4.	Frankie McDermott			9.	Legal		
5.	Jennifer Davidson			10.	CEO & General Manager		
Consent Calendar		Yes	X	No If no, schedule a dry run presentation.		Budgeted	X
FROM (IPR)		DEPARTMENT		No (If no, explain in Cost/Budgeted section.)		Yes	
Amy Spitzer		Environmental Services		MAIL STOP	EXT.	DATE SENT	
				B209	5384	3/21/2023	

NARRATIVE:

Requested Action: Certify the California Environmental Quality Act (CEQA) Country Acres Solar Project (Project) Final Environmental Impact Report (FEIR), including adoption of the Findings and Statement of Overriding Considerations; adopt the Mitigation Monitoring and Reporting Program for the Project; and approve the Project.

Summary: SMUD's proposed Country Acres Solar Project is located on approximately 1,170 acres of land in southwestern Placer County, west of the City of Roseville, north of Baseline Road and east of South Brewer Road. The Project would deliver a reliable, long-term supply of solar and battery storage for up to 344 megawatts (MW) of electrical capacity located near SMUD's existing transmission system. The Country Acres Solar Project would support the Board of Directors' directive of using dependable renewable resources to meet SMUD's 2030 Zero Carbon Plan.

The Project site would generally comprise photovoltaic (PV) solar modules, foundation piles, racking, direct current (DC) collection, alternative current (AC) collection, fencing, roads, inverters, medium voltage transformers, an interconnection line between the generation substation and switch station, battery storage equipment, and interconnection lines to the existing SMUD transmission system. The Project layout has been sited to minimize and avoid natural resources and will integrate compatible agricultural activities such as grazing, agricultural production, and pollinator habitat into solar operations.

Project alternatives included a wetland reduction alternative, a reduced farmland impact alternative, and a no-project alternative. Given the proximity of the Project area to existing transmission lines, the scarcity of unencumbered land in the northern portion of SMUD's transmission system, and the willingness of the property owners to sell or lease land to SMUD for the project, the preferred alternative is to build a solar and battery energy storage project as described in the EIR. If the Project is approved, Country Acres Solar would be operational in 2025.

As required by CEQA, a Notice of Preparation was made available for public review November 19, 2021, and a public meeting was held on December 8, 2021. The Draft EIR was subsequently prepared and issued September 13, 2022. Notice of Availability letters were sent to relevant agencies and members of the public within 1/2 mile of the Project and a public meeting was held on October 13, 2022. Public comments received during the 45-day public review period were addressed in the Final EIR. Responses to comments and issues raised during the comment period were made available to commenters on March 3, 2023, for a 10-day review period. The Policy Committee and SMUD Board of Directors meetings will be noticed by email to agencies and the parties that commented on the Draft EIR.

The EIR identifies potentially significant impacts that may result from construction and operation of the Project. Most impacts (e.g., biological, archaeological, historical, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, and Tribal cultural resources) can be mitigated

to a less-than-significant level. Impacts to agricultural resources and air quality cannot be reduced to a less-than-significant level even with mitigation and would remain significant and unavoidable.

Due to potential significant and unavoidable impacts to agricultural resources and air quality, the SMUD Board of Directors cannot approve the Project without first making a Statement of Overriding Considerations. This statement declares that the public benefits of the Project outweigh any potential significant and unavoidable impacts. Staff recommends that a Statement of Overriding Considerations be adopted for this Project.

Board Policy: (Number & Title) The proposed Project supports the following Board adopted policies: SD-4, Reliability; SD-7, Environmental Leadership, and SD-9 Resource Planning. The Project supports Policy SD-4 by generating power using dependable renewable resources. The Project supports Policy SD-7 by ensuring SMUD compliance with CEQA. The project supports SD-9 by securing long-term dependable energy generation.

Benefits: SMUD needs new renewable and carbon-free resources to meet California's mandate for renewable procurement (60% by 2030) and to meet its Board-directed goals. In July 2020, SMUD's Board declared a climate emergency and adopted a resolution calling for SMUD to take significant and consequential actions to eliminate its greenhouse gas emissions by 2030 and directed staff to develop a plan to achieve this goal. SMUD's 2030 Zero Carbon Plan calls for the addition of up to 2,300 MW of new renewables and 1,100 MW of batteries by 2030. The 2030 Plan calls for maximizing new cost-effective utility-scale renewables within or adjacent to our service territory (up to 1,500 MW utility solar). SMUD's transmission planning and grid operations teams have indicated that generation in the northern part of the service territory is a priority.

Thus, the fundamental purpose of the Country Acres Solar Project is to contribute to a diversified energy portfolio that will aid in the continued improvement of air quality in the Sacramento Valley Air Basin by decreasing reliance on fossil fuel combustion for the generation of electricity and reduce SMUD's exposure to price volatility associated with electricity and natural gas. The Project would assist SMUD in achieving its Zero Carbon Plan. The Project would deliver a reliable supply of up to 344 MW in the northern part of our transmission system and is a key component of SMUD's efforts to meet a carbon-free energy portfolio by 2030.

Cost/Budgeted: The 2023 budget approved for the project is \$82.7M and includes capital expenses for acquisition of land, land mitigation, permitting and environmental review, development fees, engineering and engineering oversight, SMUD labor, construction oversight costs, and the initial payment for the switchyard to the developer. 2024 and 2025 forecasted costs are \$24.1M and \$3.9M, respectively.

Alternatives: 1) Certify the EIR for the SMUD Country Acres Solar Project, adopt the Findings and Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program, and approve the Project; 2) return the CEQA analysis to staff for further study; or 3) reject the CEQA analysis and the Project.

Affected Parties: SMUD Power Generation and Environmental Services; US Army Corps of Engineers, State Water Quality Control Board, US Fish and Wildlife Service, California Department of Fish and Game, Placer County, Placer Conservation Authority, and the public

Coordination: Power Generation, Environmental Services, Real Estate Services, Local Government, Legal

Presenter: Ellias van Ekelenburg, Director, Environmental, Safety & Real Estate Services

Additional Links:

A copy of the EIR is posted at:

<https://www.smud.org/en/Corporate/About-us/Company-Information/Reports-and-Statements/CEQA-Reports>

SUBJECT

Country Acres Solar Project

ITEM NO. (FOR LEGAL USE ONLY)

7

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

Sacramento Municipal Utility District Country Acres Solar Project

Final Environmental Impact Report • April 2023

State Clearinghouse #2021110307



Sacramento Municipal Utility District

Country Acres Solar Project

Final Environmental Impact Report

State Clearinghouse #2021110307

April 2023

Lead Agency:

Sacramento Municipal Utility District
6201 S Street, MS B209
Sacramento, CA 95817

or

P.O. Box 15830
Sacramento, CA 95852-0830
Attn: Amy Spitzer
(916) 732-5384 Amy.Spitzer@smud.org

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Acronyms and Abbreviations

AB	Assembly Bill
ACC	Advanced Clean Car Program
ADLS	Asymmetric Digital Subscriber Line
AFB	Air Force Base
ALUC	Airport Land Use Commissions
APE	Area of Potential Effect
APP	Avian Protection Plan
ARB	California Air Resources Board
ASTM	American Society for Testing and Materials
ATV	all-terrain vehicle
BAAQMD	Bay Area Air Quality Management District
BBCS	Bird and Bat Conservation Strategies
BMP	best management practice
BO	biological opinion
Board	Board of Directors
CalEEMod	California Emissions Estimator Model
CARB	California Air Resources Board
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEC5	California Energy Commission
CERS	California Environmental Reporting Systems
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CRPR	California Rare Plant Rank
CTS	California tiger salamander
CURE	California Unions for Reliable Energy
CV	Central Valley
CWA	Clean Water Act

DHS	Department of Homeland Security
DNH	Determinations of No Hazard
DOD	Department of Defense
DOGGR	California Department of Conservation, Division of Oil, Gas and Geothermal Resources
Draft EIR	draft environmental impact report
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ESAs	environmentally sensitive areas
FAA	Federal Aviation Administration
FDCP	fugitive dust control plan
Final EIR	final environmental impact report
ft	feet
GHG	greenhouse gas
HDD	horizontal directional drilling
HMBP	hazardous materials business plan
HRA	health risk assessment
HSCERP	Hazardous Substance Control and Emergency Response Plan
ITP	incidental take permit
LED	light-emitting diode
LUPC	Land Use Planning Commission
m	meter(s)
MM	Mitigation Measure
MMRP	mitigation monitoring and reporting program
mph	miles per hour
MRT	Mitigation Response Team
MBTA	Migratory Bird Treaty Act
MTCO _{2e}	metric tons of carbon dioxide equivalent
MWh	megawatt hours
NAHC	Native American Heritage Commission
NAS	National Airspace System
NOTAM	Notice to Airmen
NOP	notice of preparation
NO _x	oxides of nitrogen

NPH	Notice of Presumed Hazard
NPDES	National Pollutant Discharge Elimination System
OEHHA	Office of Environmental Health Hazards Assessment
PHEV	plug-in hybrid electric vehicle
OSHA	Occupational Health and Safety Administration
PM	particulate matter
PM ₁₀	fine particulate matter
PV	photovoltaic
PRC	Public Resources Code
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SAA	State Aeronautics Act
SCADA	supervisory control and data acquisition
SCEMD	Sacramento County Environmental Management Department
SFB	San Francisco Bay
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utility District
SOC	Statement of Overriding Considerations
SOW	Scope of Work
SPCC	Spill Prevention, Control, and Countermeasure
SR	State Route
SWAPE	Soil/Water/Air Protection Enterprise
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
TAC	Technical Advisory Committee
TCR	tribal cultural resource
the Board	SMUD Board of Directors
UAIC	United Auburn Indian Community of the Auburn Rancheria
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VOC	volatile organic compound
WEAP	worker environmental awareness program
WTG	wind turbine generator
YSAQMD	Yolo-Solano Air Quality Management District
ZEV	Zero-Emission Vehicle

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1 INTRODUCTION

On September 13, 2022, the Sacramento Municipal Utility District (SMUD) released for public review the draft environmental impact report (Draft EIR) for the proposed Country Acres Solar Project (project). SMUD proposes to:

- construct a photovoltaic (PV) solar power and battery storage facility;
- construct interconnection facilities including a generation substation, switch station and interconnection lines;
- operate and maintain solar, battery storage, and interconnection facilities

At the end of the project's life (anticipated to be 30 to 35 years), the project and its assets would be decommissioned; however, SMUD may retain the substation, switching station, and battery storage facilities. Details about the decommissioning process are not known at this time, thus potential impacts from decommissioning cannot be analyzed in the Draft EIR. The project will prepare a decommissioning and reclamation plan prior to decommissioning that will detail the timeline for removal of the improvements and specific measures to return the site to agricultural capability. Additionally, prior to decommissioning, additional CEQA analysis would be performed.

1.1 Public Review and Response to Comments

In accordance with Sections 15087 and 15105 of the State CEQA Guidelines, the Draft EIR was circulated for public review and comment to lead and responsible agencies, as well as members of the public, for 45 days (September 13, 2022, through October 28, 2022). SMUD also held a public meeting on October 13, 2022, to receive comments on the Draft EIR. Written comment letters and oral comments received on the Draft EIR are provided in their entirety in Chapter 2, "Comments and Responses to Comments."

Responses to each of the comments received are provided in this document as part of the final environmental impact report (Final EIR). Although some of the comments have resulted in changes to the text of the Draft EIR (see Chapter 3, "Corrections and Revisions to the Draft EIR"), none of the changes constitute "significant new information," which would require recirculation of the Draft EIR. Significant new information is defined in Section 15088.5(a) of the State CEQA Guidelines as follows:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of these circumstances has arisen from comments on the Draft EIR; therefore, recirculation is not required.

The Draft EIR, Final EIR, and associated appendices are available for review online at: <https://www.smud.org/CEQA> and at the following locations:

Sacramento Municipal Utility District
Customer Service Center
6301 S Street
Sacramento, CA 95817

Sacramento Municipal Utility District
East Campus Operations Center
4401 Bradshaw Road
Sacramento, CA 95827

Placer County Community
Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

Roseville Public Library
225 Taylor Street
Roseville, CA 95678

As required by State CEQA Guidelines Section 15088(b), SMUD has provided an electronic copy (through SMUD's website; see prior discussion) to each public agency, organization, and individual that submitted written comments on the Draft EIR with written responses to those comments at least 10 days prior to certifying the Final EIR.

1.2 Organization of the Responses to Comments

Chapter 2 of the Final EIR consists of the written comments received on the Draft EIR and presents responses to environmental issues raised in the comments (as required by State CEQA Guidelines Section 15132). The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as required by Section 15088(c) of the State CEQA Guidelines.

Each comment letter has been reproduced with individual comments bracketed and numbered. Responses to the comments follow each letter. For example, the response to the second comment of the first letter would be indicated as Response to Comment 1-2. In some instances, clarifications of the text of the Draft EIR may be required. In those cases, the text of the Draft EIR is revised and the changes compiled in Chapter 3, "Corrections and Revisions to the Draft EIR." The text deletions are shown in ~~strikeout~~ and additions are shown in underline.

1.3 Comments that Require Responses

Section 15088(c) of the State CEQA Guidelines specifies that the focus of the responses to comments shall be on the disposition of significant environmental issues. Responses are not required on comments regarding the merits of the project or on issues not related to the project's environmental impacts. Comments on the merits of the proposed project

or other comments that do not raise environmental issues will be reviewed by SMUD's Board of Directors (the Board) before an action is taken on the project. The responses address environmental issues and indicate where issues raised are not environmental or address the merits of the project. In the latter instance, no further response is provided.

1.4 Project Decision Process

This document and the Draft EIR together constitute the Final EIR, which will be considered by the Board before a decision on whether to approve the project. If the Board decides to approve the project, it must first certify that the Final EIR was completed in compliance with CEQA's requirements, was reviewed and considered by the Board, and reflects the Board's independent judgment and analysis, as required by State CEQA Guidelines Section 15090. The Board then would be required to adopt findings of fact on the disposition of each significant environmental impact, as required by State CEQA Guidelines Section 15091. If significant and unavoidable impacts (those that cannot be mitigated to a less-than-significant level) would result from the project and the Board chooses to approve the project, the Board would need to adopt a statement of overriding considerations, pursuant to State CEQA Guidelines Section 15093, explaining the overriding factors that the Board deems important to allow the project to move forward.

The following are important considerations in the Board approval process. SMUD would be required to provide conservation easements or pay in-lieu fees for the conservation of Important Farmland, including Farmland of Statewide Importance and Unique Farmland. However, no new farmland would be made available, and a net loss of Important Farmland in the region would occur. There is no additional feasible mitigation available that would reduce impacts associated with the permanent conversion of agricultural land, including Farmland of Statewide Importance and Unique Farmland, to a less-than-significant level and this impact would remain significant and unavoidable and therefore would require a Statement of Overriding Considerations (SOC). Additionally, implementing air quality mitigation measures would reduce emissions associated with project construction. However, even after implementation of the recommended mitigation measures, the project's construction emissions would exceed applicable thresholds during certain months of construction. Therefore, this short-term construction impact would be significant and unavoidable and would also require inclusion in the SOC from the Board. In the SOC needed for project approval, the SMUD Board states in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The SOC would be included in the Notice of Determination (California Code of Regulations 15093 (b)) that will be filed with the State Clearinghouse if the project receives approval by the Board. A Mitigation Monitoring and Reporting Program, which is required by CEQA Guidelines Section 15091(d), has been prepared and is included in Chapter 4 of this Final EIR.

1.5 Revisions to the Draft EIR

As discussed in Section 1.1, "Public Review and Response to Comments," above, CEQA requires recirculation of an EIR when the lead agency adds "significant new information"

to an EIR, regarding changes to the project description or the environmental setting, after public notice is given of the availability of a draft EIR for public review under State CEQA Guidelines, California Code of Regulations (CCR) Section 15087, but before EIR certification (State CEQA Guidelines CCR Section 15088.5[a]). Recirculation is not required unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact in which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but that the project proponent declines to adopt (State CEQA Guidelines CCR Section 15088.5[a]). Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (State CEQA Guidelines CCR Section 15088.5[b]).

All revisions to the Draft EIR were minor and would not change any of the impact conclusion presented in the Draft EIR. Therefore, recirculation of the EIR would not be required.

1.5.1 Tribal Consultation

Assembly Bill (AB) 52 requires that lead agencies undertaking CEQA consult with California Native American Tribes upon the tribes' written request, and evaluate in the EIR the potential for projects to affect tribal cultural resources. Section 3.18, "Tribal Cultural Resources," of the Draft EIR describes the consultation that has occurred between the tribes and SMUD pursuant to AB 52. Specific language requested by the tribes was incorporated in the Draft EIR prior to circulation, and consultation has been completed.

2 COMMENTS AND RESPONSES TO COMMENTS

Letter 1**United States Department of the Interior**

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846
SFWO_mail@fws.gov



In Reply Refer to:
2022-0037237-S7-001

October 25, 2022

Amy Spitzer
SMUD Environmental Services
P.O. Box 15830 MS H201
Sacramento, California 95852-0830
Amy.Spitzer@smud.org

Subject: Service Comments on the Draft Environmental Impact Report for the SMUD
Country Acres Solar Project, Placer County

Dear Amy Spitzer:

This letter is in response to the Sacramento Municipal Utility District's (SMUD) September 13, 2022, *Notice of Availability of a Draft Environmental Impact Report (EIR) for Public Review* for SMUD's Country Acres Solar Project (proposed project). The U.S. Fish and Wildlife Service (Service) thanks you for the opportunity to provide our comments on the Draft EIR. The Service recognizes that eventually a Section 7 consultation under the Endangered Species Act will be conducted with the U.S. Army Corps of Engineers as appropriate. We hope that providing our comments earlier in the process can better facilitate the necessary conversations related to conservation measures for endangered species.

1-1

The proposed project is within the boundary of the Placer County Conservation Plan (PCCP), however, solar development is not a covered activity under the PCCP. Although the proposed project will therefore have to pursue various permits outside of the PCCP, the Service would like to ensure that the proposed project does not prevent the successful implementation of the PCCP's Conservation Strategy. Therefore, we recommend that the applicant for the proposed project coordinate with the Placer Conservation Authority (PCA) to develop conservation measures that are as close to the PCCP's conservation measures as is feasible. We recognize that this coordination has already begun, including meetings attended by the Service on April 27 and 28, 2022, and October 5, 2022, and we appreciate your efforts to be proactive.

1-2

The section of the Draft EIR titled "Impact 3.4-6" (pages 3.4-86–3.4-87) describes how the proposed project will provide compensatory mitigation for sensitive natural communities, waters of the United States, and the burrowing owl and Swainson's hawk (Mitigation Measures 3.4-8, 3.4-10, and 3.14-16), and that this mitigation will be met by paying into the PCCP's in-lieu fee program under a memorandum of understanding signed by SMUD and the PCA. The memorandum of understanding may also include mitigation for the loss of Farmland of Statewide Importance and Unique Farmland, which includes rice fields that the PCCP modeled as habitat for the giant garter snake. Table BR-2 in Appendix B of the Draft EIR further details

1-3



how SMUD believes the proposed project will be as consistent as possible with PCCP requirements.

The Service would like to reiterate our concern that the proposed project may impact the PCA's ability to successfully achieve the goals of the PCCP's Conservation Strategy. SMUD has included Mitigation Measures 3.4-8 and 3.4-10 that provide mitigation fees for impacts to the burrowing owl and Swainson's hawk, but SMUD is not proposing mitigation fees for other Covered Species in the PCCP that have modeled habitat within the proposed project area, such as the federally threatened giant garter snake. Because the PCCP's fees are structured to incorporate the cost of mitigation for all Covered Species, we recommend that the EIR include a mitigation measure committing to paying mitigation fees for each of the PCCP Covered Species that have modeled habitat within the proposed project area.

We are limiting our comments to the scope of the species included in the EIR's mitigation measures at this time. The Service works closely with the PCA on the implementation of the PCCP and we appreciate the work that SMUD has done so far to coordinate with the PCA on a potential memorandum of understanding regarding payment of mitigation fees. We encourage SMUD to continue to incorporate feedback from the PCA on the proposed project design. We look forward to continuing to work with SMUD, the PCA, and other federal and state resource agencies as this project moves forward.

If you have any questions regarding this letter, please contact Ian Perkins-Taylor, Senior Fish and Wildlife Biologist, by email (ian_perkins-taylor@fws.gov) or by phone at (916) 414-6585, or myself by email (megan_cook@fws.gov), by phone at (916) 414-6492, or at the letterhead address.

Sincerely,

Megan Cook
Sacramento Valley Division Supervisor

1-3
(Cont)

1-4

Letter 1 Response	Megan Cook, Sacramento Valley Division Supervisor United States Department of the Interior October 25, 2022
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1-1 Comment noted. No further response is required.

1-2 Commenter acknowledges that the PCCP does not apply to the project. The commenter, however, does request close coordination with the PCA, which has been ongoing since the start of the environmental review, and continues as the project moved into the permitting phase. All measures in the DEIR were developed to be consistent with the PCCP to the greatest extent feasible. Table BR-2 in Appendix BR-1 of the DEIR provides a side-by-side comparison of mitigation measures in this EIR with conservation measures in the PCCP. For additional details, please see Section 3.4.3.2 Consistency with the Placer County Conservation Program on page 3.4-55 of the DEIR.

1-3 As detailed in the DEIR, SMUD conducted a project specific assessment of the project area for giant garter snake, prepared by Eric Hansen, a well-known expert on the species. The assessment determined that it was highly unlikely for the species to occur in the project area, thus the EIR determined that no impact on the species would occur. For the purpose of consistency with the PCCP and at the request of Placer County and the PCA, SMUD included *Mitigation Measure 3.4-5. Conduct Pre-construction surveys for Giant Garter Snake and Implement Avoidance and Minimization Measures* as detailed on page 3.4-62.

As mentioned by the commenter, SMUD is proposing to mitigate for Farmland of Statewide Importance and Unique Farmland. This includes mitigation for all rice fields in the project area that will be impacted by the project. Rice fields are considered “modeled habitat” for the giant garter snake in the PCCP, though SMUD’s modeling of the project area identified no giant garter snake habitat. Nonetheless, it should be noted that mitigation for the loss of these specific types of farmland and the rice fields they support would be in the form of payment of in-lieu fees for land conversion to the PCA. The PCCP specifically allows for mitigation for activities not covered by the plan in Section 8.4.8. This section states that such lands may complement and augment conservation achieved by the plan, if the location and management of the lands is consistent with the HCP/NCCP goals and objectives. Funds paid to the PCA by SMUD in accordance with Section 4.8.4 would thus specifically be available to the PCA to use in advancing the goals of the PCCP. While these fees are not called “mitigation fees for modeled giant garter snake habitat” in the DEIR and such fees not are necessary because no impact to actual giant garter snake habitat will occur, the fees amount to the functional equivalent of compensatory mitigation as they mitigate for the conversion of rice habitat at a one-to-one ratio to the extent that the PCCP makes a blanket determination that all rice fields constitute giant garter snake modeled habitat. As mentioned by the commenter, the payment of land conversion fees provides compensatory mitigation for all covered species. Thus, while the lack of specifically called out compensatory mitigation for giant garter snake modeled habitat might initially appear to be inconsistent with the PCCP, SMUD firmly believes that with

payment of these land conversion fees for the loss of important farmland, the project will not keep the PCCP from achieving its goals.

To clarify the intent of the payment with regards to rice fields, the following has been added to the second paragraph discussing PCCP consistency on page 3.4-86 in the Biological Resources section of the DEIR:

However, in order to mitigate for project impacts, the project will provide compensatory mitigation as detailed above under sensitive natural communities, wetland and other waters of the United States, and burrowing owl and Swainson's hawk. In addition, as detailed in Mitigation Measure 3.2-1 Preserve Important Farmland on page 3.2-12 in the Agriculture and Forestry section of the DEIR, the project will also mitigate at a 1:1 ratio for the loss of Farmland of Statewide Importance and Unique Farmland, which include all rice fields in the project area. These impacts on aquatic resources, and PCCP covered species and their habitat, and farmland/rice fields in the project area, may be compensated through the payment of land conversion fees into the PCCP's in-lieu fee program consistent with Section 4.8.4 of the PCCP under a Memorandum of Understanding (MOU) with the PCA, as detailed under Mitigation Measures 3.4-8., 3.4-10, and 3.4-16 above, and Mitigation Measure 3.2-1 on page 3.2-12 in the Agriculture and Forestry Resources section of the DEIR. This mitigation includes a functional equivalent of payment for modelled habitat for giant garter snake, as it compensates for the loss of rice fields through payment of land conversion fees. Therefore, the proposed project contributes to the achievement of the goals of the PCCP as if it were paying for the conversion of modelled habitat.

This MOU would include terms and conditions ~~as needed to~~ that would ensure compensatory mitigation for the project does not conflict with the HCP/NCCP's conservation and mitigation strategy and is consistent with Section 8.4.8 of the PCCP which details the specifics of mitigation for activities not covered in the plan. The MOU ~~and would be approved~~ require approval by the PCA board and SMUD prior to issuance of improvement plans. Compensatory mitigation for the project would therefore help achieve the conservation goals of the PCCP, even though the project is not a covered activity and is not required to mitigate for impacts to giant garter snake habitat. Alternatively, in the event that SMUD cannot enter into an MOU with the PCA, the project ~~SMUD~~ may acquire credits from existing mitigation banks within the PCCP Plan Area which are approved by and in good standing with the U.S. Army Corps' Interagency Review Team, and implement other mitigation, as outlined in the mitigation measures above. Under this scenario, SMUD would seek alternative ways of mitigating for the conversion of Farmland of Statewide Importance and Unique Farmland with a strong preference for mitigation located within Placer County, that

include rice conservation for the benefit of species with modeled habitat in the project area, including giant garter snake.

Tricolored blackbird is a PCCP covered species with habitat in the project area. The Draft EIR includes a detailed discussion of tricolored blackbird in Western Placer County and in the project area and acknowledges that foraging habitat and very limited breeding habitat are present. Mitigation Measure 3.4-11 *Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction* addresses the protection of breeding habitat during project construction. Any loss of foraging habitat for the species (which forages in agricultural fields and grasslands) will be offset through implementation of Mitigation Measures 3.4-8., 3.4-10, and 3.4-16 above and Mitigation Measure 3.2-1 on page 3.2-12 in the Agriculture and Forestry Resources section of the DEIR. This mitigation compensates for the loss of rice fields and grassland (which also provides suitable foraging habitat for burrowing owls and Swainson's hawks) through payment of land conversion fees.

SMUD will continue to work closely with the County, PCA, and resource agencies, including CDFW and USFWS, to ensure that any mitigation is applied in a manner that advances and does not conflict with the goals of the PCCP and is consistent with the provisions of Section 8.4.8 (Mitigation for Activities not covered by the Plan).

1-4 SMUD also appreciates the opportunity to work with the PCA and resource agencies in finding mutually beneficial mitigation options and will continue to do so as the project moves into the permitting phase.

Letter 2

Development Services Department
Planning Division
311 Vernon Street
Roseville, California 95678-2649

October 25, 2022

Amy Spitzer, Environmental Services Department
6201 S Street, Mail Shop B209
P.O. Box 15830
Sacramento, CA 95952-0830
Amy.Spitzer@smud.org

Via: Email (Page 1 of 2)

Subject: SMUD Country Acres Solar Project – DEIR Comments, City of Roseville Comments

Dear Amy:

The City of Roseville has reviewed the Country Acres Solar Project Draft Environmental Impact Report (DEIR), dated September 2022. We offer the following comments based on the information provided.

- 1) The DEIR shows a plan to locate the solar panel farm within floodplains. New energy facilities, such as the proposed project, should be resilient to natural hazards. The project design should ensure the facility is flood-damage resistant. 2-1
- 2) The City of Roseville requests the following text change to the statement below (from second paragraph of Page 3.10-24), "Adding to this problem is an increase in drainage rates from the upper watershed from the cities of Roseville and Rocklin." The City of Roseville requires all modern development to mitigate its development, at the specific plan level, to pre-project conditions. Although this is achieved differently within each specific plan, no specific plan is approved without confirmation that the plan meets the City's drainage requirements. Unless there are specifics that can be cited, we request removing reference to the City of Roseville from this sentence. 2-2
- 3) The City's preference is that construction and operational vehicle routes be limited to Placer County roadways as shown in the DEIR, which identifies project-related vehicle routes via South Brewer and South Phillip Road. It appears that the site could also be accessed using Blue Oaks Boulevard on the north, and Santucci Boulevard on the south. The City requests that the transportation plan specifically cite that these City roads are not construction or operational routes for the project. 2-3



Country Acres Solar Project EIR
April 2023

SMUD Country Acres Solar Project – City of Roseville Comments Oct. 26, 2022
Page 2 of 2

Thank you for your consideration of these comments. If you have any questions regarding these comments please contact me at (916)774-5536 or tshirhall@roseville.ca.us.

Sincerely,

A handwritten signature in blue ink that reads "Terri Shirhall".

Terri Shirhall
Environmental Coordinator

cc: Stefanie Kemen, City of Roseville (skemen@roseville.ca.us)

**Letter
2
Response****Terri Shirhall, Environmental Coordinator
City of Roseville
October 25, 2022**

2-1 The project has been designed to ensure that the facility is flood-damage resistant. As discussed on page 3.10-44 in the Hydrology and Water Quality section, there is an existing dirt road crossing over the Curry Creek mainstem in the southern portion of the project site, which is below the 100-year water surface elevation based on FEMA floodplain modeling. This crossing may require minor improvements to reinforce the surface of the road to accommodate construction traffic; the project proponent is actively meeting with the County to determine how to specifically improve the crossing to match the existing FEMA model for the area. Any design solution worked out to meet County requirements will become part of the CUP.

Although on-site dirt and gravel access roads would be constructed, these roads would not require crossing the FEMA Regulatory Floodway. Furthermore, these improvements would not require in-channel work and would not affect floodplain hydraulics or impede flood channel flows, as modeled in the hydraulic analysis, because the access roads would not be raised above the FEMA 100-year surface elevation. During the winter rainy season, the access roads to some of the PV arrays may occasionally be temporarily inundated with water; however, project operation would accommodate the occasional periodic, short-term lack of availability of internal access roads to the PV arrays, which would rarely be used. The access roads to the substation, BESS area, switchyards, and project control buildings (in the southern portion of the project site, near Baseline Road) would not be constructed within any type of floodplain. As noted in Chapter 2, "Project Description," the PV panels would be mounted on driven steel pile foundations, which would provide the necessary anchoring to resist lateral forces generated by the movement of water where the piers would be installed in the floodplain, as required by Section 15.52.170 of the County's Flood Damage Prevention Ordinance. The PV arrays themselves would be raised above the 100-year flood water surface elevation; only the steel piers holding the PV arrays would be in the floodplain. Each steel pier is small and placement of a number of small piers is not expected to adversely impact floodplain capacity or hydrology. Similarly, placement of these poles is not considered "fill" of jurisdictional wetlands regulated under Section 404 of the Federal Clean Water Act (please see Title 33 Code of Federal Regulations § 323.3 Discharges requiring permits (c) pilings at the following link: <https://www.ecfr.gov/current/title-33/chapter-II/part-323/section-323.3>). This approach was recently used for SMUD's Rancho Seco II Solar Project in Sacramento County and the USACE has indicated in a pre-consultation meeting regarding the Country Acres Solar Project that the same approach would be applicable.

2-2 As requested by the City of Roseville, the following paragraph on page 3.10-24 has been edited:

Flood management for the Curry Creek and Pleasant Grove Creek watersheds is provided by Placer County and the PCFCWCD in the Placer County portions of the watershed, and Reclamation District No. 1000 for the Sutter County sections of the watershed (downstream and west of the project site). The lower watersheds flood regularly with water overtopping of the banks annually in some areas. This problem is caused by several factors that have occurred both locally in the Pleasant Grove and Curry Creek watershed and in the greater Sacramento River watershed. Starting in the early 1900s, levees and dikes were installed to protect landowners and assist farmers. This practice has resulted in a highly channelized and confined stream system, especially in the lower watershed, which has effectively eliminated the natural floodplain. The confined channels cause increased stream stage heights which then typically results in flooding of areas just upstream of bridges that have become undersized with respect to the increased stage heights. Adding to this problem is an increase in drainage rates from the upper watershed of Pleasant Grove and Curry Creek ~~from the cities of Roseville and Rocklin~~. Development typically increases the amount of impervious surfaces, such as roads, parking lots, and roofs, within a watershed. All of these impervious surfaces lead to increased runoff volumes and response times to storm events. The greatest single factor in increased flooding is elevated stage heights in the Sacramento River caused by development throughout the drainage basin. The increased stage heights create a pressure head differential which restricts flood waters that are draining from the watershed from entering the Sacramento River. This causes water to back up through the Natomas Cross Canal, up the Pleasant Grove Creek Canal, and into both Pleasant Grove and Curry Creeks (Foothill Associates 2006:2-39 through 2-42).

2-3 Comment noted. As discussed in Chapter 2, "Project Description," most of the construction traffic would likely originate from Baseline Road via Highway 99, but may also access the site from the east via Interstate 80 to Watt Avenue to Baseline Road. The project site may also be accessed from South Brewer Road to the west and Phillip Road to the north. However, specifics of the transportation roads are not known at this time. Mitigation Measure 3.17-2. *Prepare and Implement a Construction Transportation Plan* on page 3.17-13 of the Draft EIR has been amended to specifically allow Placer County to share the transportation plan with other interested parties, like the City of Roseville, to accommodate specific exclusions of certain roads, if warranted. The last sentence of that mitigation measure on page 3.17-14 has been revised as follows:

The construction contractor shall submit the CTP to Placer County for review and approval 30 days prior to commencing construction activities. Placer County may share the plan with other interested parties at its discretion and incorporate specific input from third parties into the plan comments as it deems appropriate.

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Letter 3

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 1, 2022

Amy Spitzer
SMUD Environmental Services
P.O. Box 15830 MS H201
Sacramento, CA 95852-0830

Dear Ms. Spitzer:

Subject: COUNTRY ACRES SOLAR PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2021110307

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from the Sacramento Municipal Utility District (SMUD) for the Country Acres Solar Project (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on December 17, 2021.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

3-1

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Country Acres Solar Project
November 1, 2022
Page 2

example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), SMUD may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The Project site is located on approximately 1,170 acres of land in unincorporated southwestern Placer County just west of the City of Roseville, north of Baseline Road and east of South Brewer Road. Primary access to the Project site would be provided by an entry road from Baseline Road to the south and Phillip Road to the north. The Project site includes grassland, agricultural rice fields, and almond orchards, with scattered seasonal wetlands, including vernal pools. The site also includes several drainages, including segments of upper Curry Creek.

The Project consists of the construction and operation of a photovoltaic (PV) solar power and battery storage facility and interconnection facilities, including a generation substation, switch station, and interconnection lines, that would provide new power production capacity of up to 344 megawatts delivered at the point of interconnection with the grid managed by SMUD. In addition, the Project also includes limited grading and vegetation removal and other minor site improvements to facilitate construction. Project construction would take approximately 18 to 24 months and is proposed to begin in spring of 2023. At the end of the Project's useful life (anticipated to be 30 to 35 years), the site would be decommissioned; however, SMUD may retain the substation, switching station, and battery storage facilities.

COMMENTS AND RECOMMENDATIONS

Over the past year, CDFW has participated in multiple coordination meetings with SMUD, the Placer Conservation Authority (PCA), Placer County, and other State and federal regulatory agencies to discuss the Project, including meetings on June 2, 2022, July 19, 2022, and October 5, 2022. Some of the comments below reflect discussions that occurred during those coordination meetings. CDFW offers these comments and recommendations to assist SMUD in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Placer County Conservation Program

The Project is largely located within the Valley Potential Future Growth Area of the Placer County Conservation Program (PCCP), with a 57.79-acre portion of the northern and western Project boundaries falling within the PCCP Reserve Acquisition Area (RAA).

3-1
(Cont.)

3-2

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The PCCP consists of three planning documents published by Placer County: the Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP), the Western Placer County Aquatic Resources Program (CARP), and the Western Placer County In-Lieu Fee Program (ILF). The PCCP was approved and adopted by the Permittees (Placer County, City of Lincoln, South Placer Regional Transportation Authority, Placer County Water Agency, and the PCA) and received corresponding HCP/NCCP permits and incidental take coverage for the fourteen (14) Covered Species from the Wildlife Agencies (CDFW, U.S. Fish and Wildlife Service, and National Marine Fisheries Service). In addition, the Central Valley Regional Water Quality Control Board, U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency are the permitting and oversight agencies for elements of the PCCP subject to the state Porter-Cologne Water Quality Act and the federal Clean Water Act, addressed by the CARP and ILF. Because SMUD is not a Permittee under the PCCP, and municipal power generation is not considered a Covered Activity under the PCCP, SMUD cannot receive coverage under the PCCP's incidental take permits or programmatic wetland permits as a Special Participating Entity.

DEIR Table 3.4-6 identifies the impact acreages to the vegetation communities/land cover types within the Project footprint based on an overlay of 10% design features, and crosswalks those impacts with the corresponding PCCP land cover types. The DEIR proposes Mitigation Measures 3.2-1, 3.4-8, 3.4-10, and 3.4-16 to provide compensatory mitigation for important agricultural lands (Farmland of Local Importance and Unique Farmland), sensitive natural communities, wetlands and other waters of the United States and waters of the State, western burrowing owl (*Athene cunicularia hypugaea*), and Swainson's hawk (*Buteo swainsoni*). These mitigation measures generally state that compensatory mitigation will take place via acquisition of in-kind conservation easements, purchase of mitigation bank credits or other agreements with 3rd party entities to fund acquisition and management of land/easements, or payment of fees to the PCA under a Memorandum of Understanding (MOU).

CDFW is concerned with the proposed Project's consistency with the PCCP, including how SMUD will ensure that the Project will not impede the PCCP's ability to meet its biological goals and objectives over the 30–35-year life of the Project. While the DEIR proposes mitigation for some of the impacted PCCP land cover types identified in Table 3.4-6 (impacts include approximately 832 acres of rice fields), the proposed species mitigation measures only address compensatory mitigation for the loss of western burrowing owl nesting and foraging habitat (Mitigation Measure 3.4-8) and Swainson's hawk foraging habitat (Mitigation Measure 3.4-10). CDFW recommends that the final EIR include compensatory mitigation for all PCCP Covered Species modeled habitat that will be permanently impacted by the Project, including giant garter snake (*Thamnophis gigas*). Additionally, CDFW recommends that any compensatory mitigation for impacts to PCCP Covered Species modeled habitat be as consistent as possible with the PCCP conservation strategy. Mitigation lands preserved for this project should also be located within the PCCP RAA.

CDFW encourages SMUD to continue working with the PCA, Placer County, and the State and federal regulatory agencies with permitting authority over the Project to develop a

3-2
(Cont.)

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mitigation strategy that is as consistent as possible with the PCCP's conservation strategy, biological goals and objectives, and conditions on covered activities.

3-2
(Cont.)**CESA Candidate Bumble Bee Species**

Project-related activities have the potential to impact habitat of the Crotch's bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis occidentalis*), both listed as candidate species under CESA. As candidate species, they receive the same legal protections afforded to endangered or threatened species (Fish and G. Code §§ 2074.2 and 2085). The DEIR does not analyze potential Project impacts to Crotch's and western bumble bee and associated habitats. Without appropriate avoidance and minimization measures for the bumble bees and their habitat, Project-related activities involving ground and vegetation-disturbance could result in significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, and direct mortality.

Due to the presence of suitable Crotch's and western bumble bee habitat within the Project site, CDFW recommends that the final EIR includes appropriate avoidance, minimization, and mitigation measures that will be implemented during the Project construction and operation. CDFW recommends that prior to vegetation removal and/or grading, a qualified entomologist familiar with the species' behavior and life history conducts surveys to determine the presence/absence of Crotch's and western bumble bee. Surveys should be conducted during flying season when the species are most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). During surveys, the qualified entomologist should flag inactive small mammal burrows and other potential nest sites to reduce the risk of take. Once Project activities begin, the qualified entomologist should continuously monitor potential nest sites and floral resources for Crotch's and western bumble bee activity for the duration of construction. If either species is detected, the qualified entomologist should notify CDFW immediately as further coordination may be required to avoid or mitigate significant impacts. Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities.

3-3

If "take" to Crotch's or western bumble bee cannot be avoided either during Project construction or over the life of the Project, SMUD should consult with CDFW to determine if a CESA incidental take permit is necessary prior to starting any construction activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

3-4

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FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

3-5

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

3-6

CDFW appreciates the opportunity to comment on the DEIR to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Patrick Moeszinger, Senior Environmental Scientist (Specialist) at (916) 767-3935 or patrick.moeszinger@wildlife.ca.gov.

Sincerely,

DocuSigned by:

A2AGASR157EC0465
Kevin Thomas
Regional Manager

ec: Juan Torres, Senior Environmental Scientist (Supervisor)
Patrick Moeszinger, Senior Environmental Scientist (Specialist)
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

Thorp, R. W., D. S. Homing, Jr., and L. L. Dunning. 1983. Bumble bees and cuckoo bumble bees of California. *Bulletin of the California Insect Survey* 23: 1-79.

Letter 3 Response	Kevin Thomas, Regional Manager California Department of Fish and Wildlife November 1, 2022
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3-1 Comment noted. No further response is required.

3-2 SMUD appreciates the frequent coordination with the Department over the past year and looks forward to a continued discussion as the project moves towards implementation.

As stated by the commenter, 57.79 acres of the project site overlap with the PCCP's reserve acquisition area (RAA). While this initially appears to be inconsistent with the goals of the PCCP, the project team has analyzed this area in more detail and determined that this section of RAA is fragmented, occurring south of Phillip Road. Habitat in this location consists of rice fields with ruderal vegetation present along the shoulder of Phillip Road. Coordination with the County and PCA determined that it is possible that this fragmented strip of land was included in the RAA due to its designation as a buffer to a conservation easement for the City of Roseville. The project is a solar project with a 30-35 year lifespan. Should this area be determined crucial for achieving the goals of the PCCP through maintaining the buffer of the City of Roseville's conservation easement, the habitat in this buffer area could be restored to open space as necessary at the end of the solar project's lifespan. As the commenter notes, SMUD has been working closely with the PCA, Placer County, and the state and federal regulatory agencies to ensure that the project, including the overlap into the RAA, is not considered to be in conflict with the goals of the PCCP.

With regard to mitigation for all PCCP covered species, including giant garter snake with modelled habitat in the project area, please see response to USFWS comment 1-3 above for additional detail on how the proposed mitigation measures will compensate for impacts to these species through the payment of land conversion fees consistent with Section 4.8.4 (Mitigation for Activities not Covered by the Plan) of the PCCP. Applying these land conversion fees to the acquisition of lands in the RAA and ensuring the greatest benefits to covered species will ultimately be up to the PCA as the recipients of these funds.

SMUD will continue to work closely with the Department, the USFWS and the PCA to avoid conflict with the goals of the PCCP.

3-3 Potential suitable habitat for Crotch's and western bumble bee in the project area is limited to natural vegetation, namely the annual grassland interspersed with vernal pools in the northwestern corner of the project area. Only a small area of this habitat will be used by the project and the impact footprint within this habitat is currently being refined as 30% design drawings are developed and will likely further decrease. The likelihood of either of these species occurring within the project area is very low. Crotch's bumble bee was historically common in the Central Valley of California; however, it now appears to be absent from most of it, especially in the center of its historic range where the project

area falls. Additionally, the project area does not fall within the 2002 to 2012 projected extent of occurrence for western bumble bee (Xerces Society 2018). Further, the decline of these species is largely attributed to the habitat loss resulting from conversion of grasslands and prairies to agricultural lands (Xerces Society 2018). Most of the project area is currently in use for agricultural purposes, with limited natural landscape remaining in small fragments. The natural landscape that could be suitable habitat for these species within the project area is scarce and surrounded by agricultural lands, making the remaining suitable habitat isolated from any potential nearby habitat. The greatly diminished range of this species in combination with the lack of suitable habitat makes occurrence of this species within the project area unlikely.

Please note that any grassland converted by the project would be compensated for, as the grassland serves as suitable foraging habitat for Swainson's hawk. As detailed in Mitigation Measure 3.4-10. *Compensate for the Loss of Swainson's Hawk Foraging Habitat*, SMUD will provide compensatory mitigation for loss of Swainson's hawk foraging habitat. Where this mitigation will occur in the form of annual grassland, it will also benefit native bumble bees and other pollinators. Furthermore, the project proposes grazing and native pollinator habitat in the extensive area to be covered by solar panels (currently mostly covered by rice). The presence of additional grazing and native pollinator habitat will largely increase the suitability of the project site for Crotch's and western bumble bee and other native pollinators compared to current conditions (i.e., rice fields). These changes should provide a net increase to the amount of habitat useable by native bumble bees. SMUD will continue to coordinate closely with the Department to ensure the project does not result in adverse impacts on Crotch's and western bumble bee.

3-4 Any special-status species found during project specific surveys will be reported to the California Natural Diversity Database.

3-5 SMUD will pay all applicable fees at the time of filing of the Notice of Determination for the EIR.

3-6 SMUD will notify CDFW of proposed actions and pending decisions and will continue to work closely with CDFW as the project moves into permitting. SMUD appreciates the Department's support.



Country Acres Solar Project EIR

April 2023



Plan Review Team
Land Management

PGEPlan **Letter 4**

September 20, 2022

Amy Spitzer
SMUD
6201 S Street, Mail Stop B209
Sacramento, CA 95817

Ref: Gas and Electric Transmission and Distribution

Dear Amy Spitzer,

Thank you for submitting the SCH#2021110307 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

4-1

**Attachment 1 – Gas Facilities**

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

4-2



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches $[24/2 + 24 + 36/2 = 54]$ away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

4-2
(Cont.)



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

4-2
(Cont.)

**Attachment 2 – Electric Facilities**

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

4-3



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

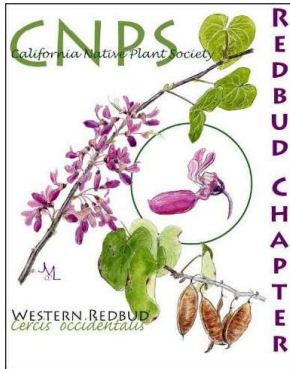
4-3
(Cont.)

Letter 4 Response	SMUD Plan Review Team—Land Management September 20, 2022
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4-1 Comment noted. SMUD will coordinate with PG&E regarding any PG&E owned property and/or easements to ensure compatible uses and activities near PG&E's facilities.

4-2 Comment noted. SMUD will coordinate with PG&E regarding gas transmission pipelines and/or facilities in the area.

4-3 Comment noted. SMUD will coordinate with PG&E regarding any PG&E owned property and/or easements to ensure compatible uses and activities near PG&E's electric facilities.

Letter 5**Redbud Chapter**
California Native Plant Society
Serving Placer and Nevada CountiesP.O. Box 266, Nevada City CA 95959
<https://chapters.cnps.org/redbud/>

October 26, 2022

Amy Spitzer
SMUD Environmental Services
P.O. Box 15830 MSH 201
Sacramento, CA 95852-0830Submitted via email to: Amy.spitzer@smud.org

Re: Response to DEIR for Proposed County Acres Solar Project

Dear Ms. Spitzer,

The California Native Plant Society is a Statewide non-profit organization seeking to preserve our state's unique botanical heritage, conserve special status plant species and sensitive natural communities, and increase understanding and appreciation of California's native plants. Thank you for the opportunity to comment on the Draft Environmental Impacts Report for SMUD's County Acres Solar Project (CASP).

Our comments raise several concerns and questions about gaps in the DEIR that must be addressed.

First, the surveys of plants conducted for the CASP do not meet the standards of the California Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations in several respects, including the absence of a complete list of all plants and natural communities detected in the project area, which makes it impossible to determine if special status plants were not correctly identified. In addition, the plant surveys that were conducted failed to search for several special status plants on the premise that there were no nearby populations of such plants.

5-1

5-2

5-3

In fact, there is documentation of three such species within the past year that was not available to the surveyors. Finally, none of the surveys were conducted at times when these special status species (and others) would be both evident and identifiable.

5-3
(Cont.)

Further, the DEIR does not address the destruction of carbon-sequestering grasslands, or the cumulative impacts of habitat loss resulting from this project.

5-4

As stated in the [California Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations](#), promulgated by the California Natural Resources Agency, Department of Fish and Wildlife, "The conservation of special status native plants and their habitats, as well as sensitive natural communities, is integral to maintaining biological diversity."

To this end, California's Plant Survey Protocols include requirements for surveying and evaluating impacts to plants and plant communities, including standards for botanical field surveys. Under these standards, field surveys must identify every plant taxon occurring in the area to the taxonomic level necessary to determine rarity and listing status. "More than one field visit is usually necessary to adequately capture the floristic diversity of a project area."

The field survey for the SMUD project does not appear to have the required list of "all plants and natural communities detected in the project area" and does not reflect multiple field visits. In fact, field surveys are required to be conducted "at the times of year when plants will be both evident and identifiable" which is usually during flowering or fruiting. As noted below, no surveys were done when certain special status plants were likely to be "evident and identifiable."

5-5

Because no floristic plant list is provided, no review of plants possibly misidentified can be conducted. Several taxa are likely to have been misidentified at the time of survey particularly those with long blooming periods for which localized blooming times may have been outside the time at which surveys were conducted. Navarretia, Juncus, Gratiola, and Brodiaea can be very difficult to identify. With no floristic survey list, we can't be sure that other plants in these genera were indeed found and then possibly misidentified.

The DEIR for the CASP found no evidence of rare or threatened plants within a 10-mile radius of the 1,180 acre project site. The Biological Resources Report, Appendix B to the DEIR, states that the "Amount of habitat present on site is not significant to support an ongoing population of this species [*Hibiscus lasiocarpus* var. *occidentalis*]."

Hibiscus lasiocarpus ssp. *occidentalis* is a California Rare Plant ranked 1B.2 (Rare and moderately threatened in California with 20 to 80% of occurrences threatened / moderate degree and immediacy of threat). In September, 2022, two populations of this species were found at 38.862782,-121.294561 and 38.878615,-121.284028, respectively, within approximately 8 miles of the project site.

Amy Spitzer, SMUD Environmental Services

Page 3

A voucher specimen was collected at the first location and documentation on CNDDDB is forthcoming. The habitat where these two occurrences were found is profoundly human-impacted. The habitat is marginal and small. Yet, healthy populations survive.

Further, another listed species has been documented within 10 miles of the project site in the past year but has not yet been collected or added to the CNDDDB. *Chloropyron molle* ssp. *hispidus* is a California Rare Plant ranked 1B.1 (Rare and seriously threatened in California with over 80% of occurrences threatened / high degree and immediacy of threat) .

The reasons given for not surveying for these species in the project area are not well supported and those surveys that were conducted were completed well before these species would be evident and identifiable. The surveys conducted do not meet protocol requirements for accurately determining whether these species do occur at the project site. We recommend the appropriate habitat for these species be resurveyed when they are blooming locally: the *Chloropyron* in July through August and the *Hibiscus* in September.

We look forward to receiving your responses to our comments.

Sincerely,

Shane Hanofee
President, Redbud Chapter
Redbudchapter@gmail.com

Leslie Warren and Jeanne Wilson
Co-Chairs, Conservation Advocacy Committee for Redbud Chapter
Redbudchapter@gmail.com

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5-5
(Cont.)

Letter 5 Response	Shane Hanofee Redbud Chapter October 26, 2022
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5-1 Comment noted. No further response is necessary.

5-2 It is unclear which survey report the commenter is referring to. The rare plant survey report prepared for the Country Acres Solar Project was not included in the DEIR. The biological resources section summarizes the results of the survey, and also includes a discussion by species as to why four of the six species originally identified as potentially occurring in the project area would not be impacted by the project (the project avoids all vernal pool and seasonal wetland habitat plus a 250-foot buffer). The survey conducted in support of the project followed CDFW protocols, and includes maps of the survey area, detailed reasoning of why specific target species were included or excluded, methods and results, a list of all taxa observed, and representative photographs. The survey was conducted by qualified botanists at a time of year (early May 2022) when the two target species (dwarf downingia and Sanford's arrowhead) would have been present and identifiable. As identified in Table 3.4-4 Special Status Plants with Potential to occur in the SMUD Country Acres Solar Project Area, the blooming period of dwarf downingia extends from March to May. Dwarf downingia was included in the target species because in addition to vernal pools (which will not be impacted by the project) it can occur in mesic areas which are present in limited areas of the project site. Sanford's arrowhead blooms from May through October, and would have been identifiable during the survey, both by its flowers, and by its characteristic leaves. In comment 5-4 the commenters mention the biological resources report in the DEIR and the dismissal of *Hibiscus lasiocarpus*. Appendix B of the DEIR includes biological resources related material, including a table of all special-status plant surveys with potential to occur. The table states that Hibiscus had not been documented within 10 miles of the project area. This statement is true for the time of publication of the DEIR. The commenters mention that the species has since been documented within 8 miles of the project area. We encourage the commenter to submit these data to the CNDDB so it will come up in future database searches for the area. Suitable habitat for *Hibiscus lasiocarpus* in the project area would occur in the marshy areas and along drainages in the project area. These areas will either be avoided by the project (marshes), or were surveyed for special-status plants (drainages) as they also provide suitable habitat for Sanford's arrowhead. Although the botanical surveys did not coincide with the blooming period of *Hibiscus lasiocarpus*, the shrub is easily identifiable outside of its blooming period due to visible characteristic features. No hibiscus shrubs were identified on the project site and their occurrence is unlikely. No further surveys are warranted.

5-3 Please also note that SMUD has been coordinating closely with the California Department of Fish and Wildlife on the biological resources analysis conducted in support of the DEIR and project permitting and consistency with the PCCP. The Department has not expressed any concerns about SMUD's approach to special-status plant impact analysis, or any of the species-specific surveys conducted in support of the project.

5-4 The commenter provides no basis for their claim that the project would result in destruction of carbon-sequestering grasslands. The loss of grassland resulting from the proposed project will be mitigated through the mitigation of Swainson's hawk foraging habitat. Furthermore, as stated in the Project Description of the DEIR, all areas under the solar panels will be re-vegetated with native grasses and pollinator habitat, which will allow the land to continue providing carbon sequestration functions.

With regard to the commenter's concern regarding cumulative impacts, please refer to Chapter 4 of the DEIR which discusses cumulative impacts, as mandated by CEQA.

5-5 See response to comment 5-2 above regarding specifics of the special-status plant survey conducted for the Project and the discussion of the potential for *Hibiscus lasiocarpus* to occur in the Project area. The special-status plant survey conducted for the project meets all regulatory requirements. No further revisions to the biological resources section are necessary and no further special-status plant surveys are needed at this time.

Letter 6

October 26, 2022

SMUD Environmental Services
P.O. Box 15830 MSH 201
Sacramento, CA 95852-0830
Attn: Amy Spitzer

Subject: County Acres Solar Project

Dear Ms. Spitzer,

The Alliance for Environmental Leadership (AEL) appreciates the opportunity to submit comments on the DEIR for the SMUD Community Acres Solar Project. We are an alliance of 16 environmental and civic organizations, several of which contributed content to this letter.*

What are the heat island effects of the project? How will these effects be mitigated? To what degree does the heat island effect contribute to warming in the mountains and loss of Sierra snowpack? What is the environmental and economic impact to Placer County's tourism-economy of waste heating in the short and long term? What alternative site development concepts would reduce heat island impacts?

6-1

While the CASP will provide carbon zero electricity to 80,000 homes, how much CO₂ will be generated in the fabrication, installation and servicing of the project? How much CO₂ sequestration value will be lost with the elimination of 1.176 acres of carbon sequestering habitat? Please break this out in a manner to facilitate analysis. For instance - identify cradle to grave carbon sources from making and transport of concrete foundation material to excavation of metals necessary for panel fabrication, to access road construction, VMT during construction and including materials transport from global sites, and materials, construction, etc. We are seeking information to ascertain if, when all inputs necessary for development are counted and grassland ecosystem services are recognized, if, there is, in fact, a net CO₂ benefit and what that is.

6-2

What ecosystem services (carbon sequestration, flood control, drought mitigation, species habitat etc.) does the site currently provide? Please describe what life forms will survive and

6-3

<p>what ecosystem services will be present after project completion. To what extent does the functioning grassland ecosystem function better for carbon sequestration than the solar farm? What is the total annual ecosystem service capacity of the site for carbon sequestration? What is the anticipated loss of carbon sequestration services from the site over the life of CASP and what is the net carbon benefit with the CASP? . Please compare this to solar farm generation predictions and create a net value considering not only flora, but water sequestration, the loss of ecosystem services necessary for all species (avian, mammal, amphibian etc.) that utilize the site permanently or as migrant visitors. Does SMUD have a caretaking obligation for habitat that is critical to the survival of non-human species - flora and fauna?</p>	<p>6-3 1 (Cont.)</p>
<p>Innovative technology and disruptive technologies can alter a society in a matter of a very few years. An example is how horses and buggies were displaced by automobiles in San Francisco in just 10 years. To what extent are new energy generation technologies anticipated to “disrupt” the need for vast solar farms in the near future?</p>	<p>6-4</p>
<p>Grasslands are among the most vulnerable ecosystems in the world. Over the last decade, millions of acres of grasslands have been lost to development, wildfire, fragmentation and other threats. While forests mostly store carbon in woody biomass and leaves, grasslands sequester most of their carbon in their roots underground. That makes grasslands a more reliable carbon sink than forests, which release their sequestered carbon back into the atmosphere when logged or when affected by wildfire. Globally, grasses sequester 3 gigatonnes of carbon per year - equivalent to reducing atmospheric CO₂ by 50 ppm over 50 years. Soil carbon makes up approximately 81% of total ecosystem carbon found in grasslands. How much soil carbon and below ground biomass sequestered carbon will be lost during each phase of the CASP and over the lifetime of the project? By extension, how does this carbon sequestration value compare to the CO₂ offsets anticipated with the CASP project. What is the “net” benefit of the CASP project if CO₂ generation in all phases of project development and CO₂ offsets are measured?</p>	<p>6-5</p>
<p>What policy guidance does the Governor’s Climate Action Strategy provide for soil-carbon conservation? How much soil sequestered carbon will be emitted into the environment during the construction phase?</p>	<p>6-6</p>
<p>How will the CASP affect achievement of revenue goals necessary to implement PCCP? Will SMUD meet PCCP mitigation ratios?</p>	<p>6-7</p>
<p>A 2007 Jones and Stokes report, prepared for the County of Placer, identified the area of the CASP as the winter home to the densest and most diverse raptor population in North America. The DEIR fails to address how cumulative losses of grassland will affect these bird species</p>	<p>6-8</p>

whose populations are in precipitous decline. Grassland bird populations are declining at the highest rate of all avian species due to habitat loss. What is the current status of grassland bird populations and what members of this community depend upon the project site for survival? Grassland sites are highly productive for wildlife because they act as insect nurseries and provide food necessary for all trophic level residents. What impacts will the project have on the precipitous decline of insect population?

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6-9
(Cont.)

With the approval of the Sunset Area Plan, the County of Placer has approved a massive urban development scheme for West Placer. What is the total acreage of Placer County grassland that has been and will be converted to urban uses since 1970?

6-10

How will conversion of this site to CASP affect the Federally-listed and special status species including:

- Swainson's hawk
- Western burrowing owl
- Tricolored black bird
- California black rail
- Vernal Pool branchiopods
- Valley elderberry longhorn beetle
- Western pond turtle
- Giant garter snake
- Western spadefoot
- Loggerhead shrike
- Bat species
- Dwarf downingia
- Boggs lake hedge-hyssop
- Sanford's arrowhead
- Other listed and non-listed species of special concern and migratory bird species

6-11

The Project area comprises a significant amount of active and inactive rice fields which also support vernal pool grasslands, and other natural and semi-natural lands. The rice fields include irrigated wetlands, the vernal pool grasslands include vernal pools, seasonal wetlands, and other waters. All of which provide habitat to listed and non-listed species. How is this project consistent with the Governor's Agricultural Lands Conservation Policy? Please describe how conversion of irrigated farmland to CASP meets the intention of this Policy.

6-12

What is the extent of wetland loss anticipated in the project? To what extent are these wetlands Vernal Pools? Over 95% of CA's historical vernal pool complexes are

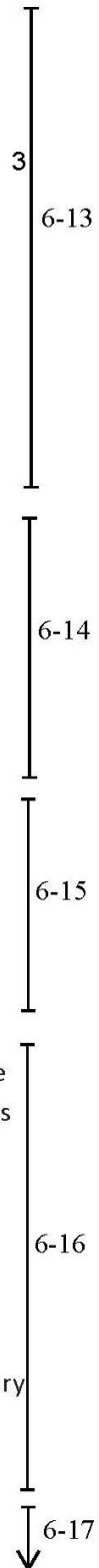
destroyed due to land conversion. As these remaining pools may be strongholds of genetic information, resources for drought adaptation strategies and stress, is SMUD utilizing best management practices in destroying them? Vernal Pools' shallow depressions contain unique soil, microbes and species unique in the world. They are essentially our own Galapagos Islands - only in reverse. What important secrets lie within these age-old biological libraries? Should they not be preserved because of the special status of species that depend upon them for survival? Is the project consistent with State policy for avoidance? What will this project contribute to cumulative Statewide yearly loss of vernal pool wetland?

What water quality and hydrologic impacts will the project have to Curry Creek and surrounding watersheds? What impacts will soil compaction and loss of plant life have on the grasslands natural ability to capture, filter and acclimate rainwater before it enters larger aquatic systems? What are the downstream flood implications? Please analyze all aspects of the change to plant cover, root systems, production and composition and the elimination of organisms living in the soil and the impact - direct and indirect on the downstream watersheds.

The State of CA's Essential Wildlife Connectivity Project identifies blocs of intact habitat that need to be maintained as corridors for wildlife. At least two of these corridors are on or proximate to the SMUD CARP site. How will SMUD accommodate wildlife movement through the CARP site? Will SMUD preserve these wildlife corridors should the CARP project be approved? How will secure wildlife mobility be preserved within the site and beyond?

Please describe the process SMUD utilized to establish that regionally, there are no alternative sites (with previously altered habitat) that are suitable, or more efficient, for redevelopment as a solar generation site. Is the choice to utilize agricultural and grassland actually the best and preferred choice? What methodology was utilized to undertake a regional survey of potential alternative sites? Certainly development is frequently more "difficult" than utilizing virgin ground; however as we experience climate catastrophe in "real-time", might there be net benefit to redevelopment; as compared to desertifying 1,176 acres of productive grassland habitat? What climate, social, benefits would be realized by utilizing an existing underutilized, abandoned, blighted site or sites vs establishing CARP on the proposed site? How was monetary consideration weighted against the existential considerations of climate change and the real value of habitat?

We are pleased to refer you to the Citizen Initiated Smart Growth Plan (www.enviro



[alliance.org](https://enviroalliance.org)) for a comprehensive analysis of natural systems, economic analyses and regional land use data to support your response to these questions.

↑ 6-17
(Cont.)

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Sincerely,

Leslie Warren
Alliance for Environmental Leadership
enviroalliance.org
chair@enviroalliance.org

Letter 6 Response	Leslie Warren Alliance for Environmental Leadership September 28, 2022
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6-1 The commenter asks a series of questions related to ecosystem services and environmental processes (heat island effects, mountain warming, snowpack loss, economic impacts, alternative concepts), but provides no evidence of impacts or basis for further analysis as a result of the project relative to those issues. Further, the proposed project includes revegetation under the solar panels following construction, which has been shown in limited studies to reduce the potential heat-island effects of the panels. It should be noted that SMUD is undertaking the project to meet its zero carbon goal by 2030. SMUD is taking on a leading role to achieve regional carbon neutrality at the earliest possible date in an effort to contribute to the climate change effects solution.

6-2 The kind of calculations requested by the commenter reach far beyond those required in a CEQA analysis. Furthermore, the commenter does not provide substantial evidence that these kinds of calculations would be necessary to further the analysis. Carbon emissions from construction traffic and project operation of the project are analyzed in Section 3.3 Air Quality and also taken into account in Section 3.8 Greenhouse Gas Emissions of the DEIR. Please note that the total habitat conversion is far below the total acreage of the 1,176 acres cited by the commenter. In fact, the entire acreage below the solar panels (more than 800 acres) will be re-vegetated following construction, and managed as grazing habitat including habitat for native pollinators, restoring the carbon sequestration capacity of these lands once construction is complete.

6-3 The commenter asks a series of questions related to ecosystem services, but provides no evidence of impacts or basis for further analysis as a result of the project relative to those issues. Detailed information on the habitat types currently present at the project site and the species using these habitats is provided in Section 3.4 Biological Resources of the EIR, and numerous protocol level surveys are underway as outlined in the mitigation measures in Section 3.4. Furthermore, SMUD is working closely with the wildlife agencies (USFWS, CDFW), Placer County, and the PCA to ensure the project is not in conflict with the goals of the PCCP.

6-4 The commenter asks a series of questions related to ecosystem services and environmental processes (carbon sequestration of solar farm vs. grassland, annual carbon sequestration capacity, solar farm generation predictions, water sequestration), but provides no evidence of impacts or basis for further analysis as a result of the project relative to those issues. Please also see response to comment 6-1 above regarding SMUD's leadership role in combatting the adverse effects of climate change. Please also see response to comment 6-3 regarding where in the DEIR to find information on ecosystem services such as wildlife habitat, wetlands functions, etc.

6-5 The commenter asks a rhetorical question. No further response is required.

6-6 Please see response to comment 6-1 through 6-4. Please also note that compared to current conditions, the grassland acreage in the project area will be increased following project implementation due to the conversion of rice fields to grasslands, as the area beneath and interspersed among all solar panels will be re-vegetated with native grass species following construction to provide opportunities for sheep grazing and native pollinator habitat.

6-7 The governor's climate action strategy is a broad scale document that covers the entire state and specific policies from statewide strategies and is not typically relied upon when making local scale land use decisions. SMUD is working closely with Placer County, the PCA, and the regulatory agencies to ensure consistencies with all local policies and with all relevant state and federal laws that apply to the project.

6-8 SMUD is working closely with the wildlife agencies and the PCA to ensure that the project is not in conflict with the goals of the PCCP, as detailed in the DEIR. Please also see response to comment 1-2 above.

6-9 Section 3.4 Biological Resources of the DEIR provides detailed information on the habitat types present at the project site and the wildlife values they provide, and a detailed analysis of the potential effect of the project on common and special-status species, including raptors that use the grassland in the project area for foraging habitat. The DEIR includes mitigation measures to offset loss of grassland (Swainson's hawk foraging habitat).

6-10 Quantifying grassland conversion in Placer County since 1970 is beyond the scope of the DEIR. The PCCP includes detailed information on future development zones in the County and the habitat that will be converted, and how regional conservation will be achieved in the PCCP's reserve area. SMUD's EIR was prepared in close coordination with Placer County and the PCA to ensure that the project is consistent with ongoing conservation efforts in Placer County across all habitat types, including grassland, and for covered species.

6-11 Section 3.4 Biological Resources of the DEIR provides detailed information on the habitat types present at the project site and the wildlife values they provide, and a detailed analysis of the potential effect of the project on common and special-status species, including all of those listed by the commenter. The Biological Resources Appendix of the DEIR provides further detail on the database searches conducted, information of all special-status species screened for and considered during EIR preparation, and a cross walk information to the PCCP.

6-12 Section 3.4 Biological Resources of the DEIR provides detailed information on the habitat types present at the project site including wetlands, rice fields etc. and a detailed analysis of the potential effect of the project on common and special-status species. Impacts on agricultural resources are analyzed in detail in Section 3.2 Agriculture and Forestry Resources of the DEIR. This includes a detailed analysis of state and local agricultural conservation policy consistency.

6-13 Section 3.4 Biological Resources of the DEIR provides detailed information on the habitat types present at the project site including wetlands such as vernal pools and seasonal wetlands, and a detailed analysis of the potential effects on these important resources. As detailed in Section 3.4, all vernal pools on the project site along with a 250-foot buffer around these important resources are avoided by the project footprint. This information informed the project design. As such, no impacts on vernal pools and associated species will occur as a result of project implementation.

6-14 Section 3.10 Hydrology and Water Quality provides a detailed analysis of impacts associated with these resources (i.e., Curry Creek and surrounding watersheds), as required by CEQA. Some of the resource topics mentioned by the commenter (changes to root systems, elimination of soil living organisms) are beyond the scope of the EIR, and the commenter does not provide substantial evidence of potential impacts that would necessitate the evaluation of these topics in the EIR. Habitat conversion acreages are detailed in Section 3.4 Biological Resources of the DEIR.

6-15 Please refer to Section 3.4.2.29 Connectivity and Migration Corridors and Section 3.4.2.30 Important Bird Areas and Flyways in the DEIR for a detailed description of these resources in the project vicinity. Please refer to *Impact 3.4-4. 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?* in the DEIR for a detailed analysis of the project on these resources which finds that specific impacts on waterfowl and raptors that use migratory corridors in the area and the PCCP connectivity corridors resulting from the project are less than significant.

6-16 SMUD went through an extensive screening process for a suitable site for the project using the following criteria:

- Sufficient space to accommodate a large scale project
- Sufficient capacity in the transmission/distribution network to minimize needed upgrades
- Within SMUD's service area or immediately adjacent to SMUD transmission lines just outside of SMUD's service area
- Area slated for future development (avoid greenfield development)
- Landowner willing to sell or lease the site
- Compatibility of existing land use zoning

SMUD settled on the proposed site after careful consideration of all of these topics. Re-development of a brownfield site for a utility scale solar project is not an option because there is no such site available that meets the above criteria. Financial considerations were not a driving factor in the selection of the site. Please see Chapter 6 Alternatives and specifically section 6.2.3 Alternatives Considered but not Evaluated Further for additional details regarding site selection, including consideration of offsite alternatives.

6-17 Comment noted, thank you for the resource referral.

Letter 7

From: [Jennifer Byous](#)
To: [Amy E. Spitzer](#); [Amanda Beck](#)
Cc: [Leigh Chavez](#)
Subject: [EXTERNAL] FW: [EXTERNAL] SMUD "Country Acres" Solar Project proposal to undermine the California Natural Communities Conservation Plan Act (NCCP) -- DEIR meeting comment
Date: Sunday, October 30, 2022 7:44:58 AM

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FWD. This should be included in public comment as it is time stamped
10/28/22 at 4:57. Thanks, Jen

From: Michael Garabedian <michaelgarabedian@earthlink.net>
Sent: Friday, October 28, 2022 4:57 PM
To: brandondrose@hotmail.com; nancy.bui@smud.org; gbfishman@gmail.com;
Rosanna.Herber@smud.org; rob@kerth.us; davetamayo2@gmail.com; Heidi.Sanborn@smud.org
Cc: Jennifer Byous <JByous@placer.ca.gov>
Subject: [EXTERNAL] SMUD "Country Acres" Solar Project proposal to undermine the California Natural Communities Conservation Plan Act (NCCP) -- DEIR meeting comment

Re: "There are no known areas of controversy at this time as SMUD has been working closely with Placer County and the Placer Conservation Authority regarding issues related to land use; utilities; public services, and conservation, including implementation of the Placer County Conservation Program." SMUD

TO: SMUD President and Directors

I lived south of Dixon for 12 years and participated in the effort that stopped the DOW Chemical proposal to extend its Contra Costa County chemical plant across the apex of river delta by pipeline to the waterfront of the Montezuma Hills. The proposal was stopped because it would have violated California's Williamson Act. SMUD's wind generation project in those hills that followed is a model of energy generation consistent with the rotation grazing and grain growing agriculture in those hills for generations.

Now comes a SMUD project hostile to agriculture, conservation, habitat, wildlife, and the NCCP, the misleadingly named Country Acres Solar Project. The State Fish and Game Code NCCP is not being meaningfully implemented here by state and federal agencies in the PCCP. NCCP requires landscape level ecosystem protection, not destruction by the highly secretive PCCP Placer County Authority.

DEIR October 13, 2022, CEQA Placer County Planning Commission meeting procedural legal

7-1

7-2

issue

The project name in itself seems a public relations gimmick and title for a project fragmenting five square miles of agriculture and precious habitat to provide power for destructive development proposed to follow.

The CEQA legal issue presented on on October 13 is if CEQA requires meaningful disclosure and description of a project's environmental impacts at the mandated CEQA meeting or hearing.

There were no maps, acreage or other meaningful project impact description and presentation in the county staff report and not in the County and SMUD power point presentations.

SMUD had a choice about what to present to the public at the meeting including decisions about where, when and how to have this meeting, along with what entity to have chosen to make the meeting and presentation. In making these decisions SMUD chose irresponsibly, and perhaps in violation of CEQA, to do little to nothing to present at the meeting the environmental impacts in a County overtly hostile to the NCCP, to the environment and to agriculture, a County that has a public public in the dark what Country Acres proposes to be as well as what the PCCP is.

CEQA law is all about procedure as are these hearing decision choices leaving the public in the dark.

SMUD chose Placer County for its hearing and the result of this choice was one person from the public, myself, speaking, and I was cut off by the Placer County Planning Commission chair after three minutes. No one else from the public spoke in person to this agenda item, nor by zoom or by telephone.

SMUD should plan and inform the public about and conduct another CEQA DEIR meeting with full, even honest impact information including photos and maps, not to meting honest presentation of project impacts. There would need to be an extended comment period after that. Referring people to the DEIR is not enough in the face of informational institutional nonchalance.

Placer County hostility to the NCCP is joined in by SMUD

The SMUD country acres project challenges the NCCP law. The PCCP is a 450 square miles with a core development area of wanton destruction of agriculture, habitat, wildlife vernal pool prairie. Ecological relationship between state and federal water uplands are wrecked.

Major precious areas are wiped out through the use in lieu fees.

It is impermissible under the NCCP for the county to completely develop the PCCP core area's protected state waters, all waters uplands and habitat, as this project proposes.

SMUD's proposed country acres project design and execution is unwise, unacceptable and hostile to agriculture and species conservation. SMUD as other projects have, including in Placer County staff reports, depending on which staff is presenting, needs to apply its own standards to its required environmental impact meeting presentation on Country Acres.

SMUD is urged to correct course and hold a public hearing correctly noticed

7-2

7-3

assuring the public is informed.

About the NCCP, look to the South Sacramento County HCP/NCCP as an example for comparison to the PCCP. South County has far more protected species and special areas of concern.

↑
7-3
(Cont.)

Michael Garabedian
Placer County Tomorrow
Pacific to American Divide
P.O. Box 1328
Lincoln CA 95648
916-719-7296

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**Letter
7
Response****Michael Garabedian
October 30, 2022**

7-1 The commenter's background and opposition to the project are noted. No further response is required.

7-2 The public meeting held during the DEIR comment period was conducted in close coordination with Placer County as a responsible agency and followed a standard protocol for such meetings in the County. All information requested by the commenter is included in the DEIR in detail. It is not the purpose of a public meeting to present detailed information on a particular topic, but to provide an overview of the project and its impacts and provide the public and agencies with a meaningful way to comment. No further response is required.

7-3 The Placer County Conservation Program (PCCP) is a joint Habitat Conservation Plan and Natural Communities Conservation Plan and has been fully adopted by the County. The PCA is its implementing agency. Throughout the planning and environmental review process, SMUD has been working closely (including weekly meetings) with the County and the PCA to ensure the project (while not a covered activity under the PCCP) is not in conflict with the goals of the PCCP. All measures in the DEIR were developed to be consistent with the PCCP to the greatest extent feasible. Table BR-2 in Appendix BR-1 of the DEIR provides a side-by-side comparison of mitigation measures in this EIR with conservation measures in the PCCP. For additional details, please see Section 3.4.3.2 Consistency with the Placer County Conservation Program on page 3.4-55 of the DEIR. SMUD has also engaged in extensive coordination with the resource agency on how to site, plan, review, and permit the project and to ensure that the project does not adversely affect the PCCP and its conservation goals. Please refer to DEIR Section 3.4 Biological Resources for extensive detail on the analysis and studies that went into preparing the DEIR and continue to go into project permitting.



Letter 8

From: Lyn Greenhill <lyn.greenhill@yahoo.com>
Sent: Friday, September 16, 2022 11:17 AM
To: Amy E. Spitzer <Amy.Spitzer@smud.org>
Cc: Country Acres Project <CountryAcres@smud.org>
Subject: [EXTERNAL] Country Acres Solar Project

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Amy,

I am strongly objecting to this proposed solar farm. I am flabbergasted that SMUD would want to dump what is an eyesore in a neighboring county. I see no benefit to Placer County and I'm stunned that Roseville would agree to be boxed in on their western boundary. There is plenty of worthless land in Sacramento County that SMUD should be looking at for such a project, rather than do a land grab in Placer County. This is prime farmland that you will be converting and your draft EIR just brushes over this significant change in land use. It ignores the regional university and potential future growth areas of the County's Specific Plan.

8-1
8-2
8-3

Lyn Greenhill
Rocklin

**Letter
8
Response****Lyn Greenhill
September 16, 2022**

8-1 The objection of the commenter is noted. The comment does not pertain to the adequacy of the DEIR. No further response is required.

8-2 Conversion of farmland is discussed in detail in Section 3.2 Agricultural and Forestry Resources of the DEIR. Specifically, Impact 3.2-1 on page 3.2-10 of the DEIR discusses conversion of agricultural land. The project area does not include Prime Farmland and thus there would be no impact. As detailed in Table 3.2-2. of the DEIR, the project would result in the conversion of 44.3 acres of Farmland of Statewide Importance and 858 acres of Unique Farmland. Mitigation Measure 3.2-1 on page 3.2-12 discusses the mitigation SMUD proposes to implement to offset this loss.

8-3 The Regional University Specific Plan (and other plans in the project area) were specifically considered during project siting, design and planning. The potential future growth area is discussed in Section 3.11 Land Use and Planning, and in Section 3.4 Biological Resources (with regards to the Placer County Conservation Program). Exhibit 3.11-1 on page 3.11-8 of the DEIR shows the project's relationship to the Regional University Specific Plan and all other specific plans in the area. Exhibit 3.4-1 on page 3.4-8 shows the Project's relationship to the potential future growth area, as described in the PCCP.

Letter 9

From: [Country Acres Project](#)
To: [Amy E. Spitzer](#)
Subject: FW: [EXTERNAL] Country Acres Solar project
Date: Tuesday, September 27, 2022 12:10:01 PM

From: Tom Tribur <tom.tribur@gmail.com>
Sent: Friday, September 23, 2022 9:40 PM
To: Country Acres Project <CountryAcres@smud.org>
Subject: [EXTERNAL] Country Acres Solar project

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

Why is this project in Placer County if it's for SMUD customers in Sacramento County? Just south of that area is a vast amount of land in Sacramento County that is more barren land that would suit a solar farm better than destroying farmland that enables California to be one of farm to fork leaders in the country. Save our farmland, rethink this plan, we can't just keep importing everything from China.

Tom

9-1

**Letter
9
Response****Tom Tribur
September 23, 2022**

9-1 The objection of the commenter is noted. SMUD went through an extensive screening process when siting the project, including ruling out land located adjacent to SMUD's existing transmission system that is already encumbered by Specific Plans for future development. SMUD has been working closely with Placer County to ensure that the project is compatible with local and regional plans. Please also see response to comment 6-16 above which discusses the screening process and response to comment 8-2 above which includes specifics about the agricultural farmland impacts.

Commissioner Comments at the October 13, 2022 Draft EIR Scoping Meeting

Commissioner DeMattei: Is agriculture not considered a cultural resource given the importance of agriculture in the region?

Jody Fessler: Agriculture is not considered a cultural resource; however, the EIR analyzes the agriculture impact. The project area is part of PCCP potential future growth area and is slated for long-term development.

Commissioner DeMattei: What is the life span of solar panels? What is the impact when they have to be replaced?

Amanda Beck: About 30 years with full decommissioning planned at end; property is leased; all infrastructure will be removed and land will go back to landowner; sheep grazing can help keep agricultural soils productive in the meantime; the project is also keeping the wells.

Commissioner DeMattei: Does the EIR analyze disposal impact of panels? Will we put this burden on another country?

Amanda Beck: Disposal of modules is covered in the hazardous materials section – panels are universal waste; there are rules of how to dispose of them; parts that can be recycled will be.

Commissioner DeMattei: Are we just trading one environmental impact for another one? As a farmer I want to preserve as much ag land as possible. Need to feed people before considering how lights come on.

Amanda Beck: That is why we chose this area in the future growth area.

Commissioner DeMattei: Still trying to serve as much ag as possible. Food costs are going up and we are trying to keep as much land in ag as possible to help our local population.

Commissioner Johnson: Will work in the University Specific Plan area require modification of USP?

Jen Byous: Yes, some panels are proposed on the south side; University Specific Plan requires a master plan; we will modify the specific plan to allow for this exception; project would be considered under its own entitlements.

Commissioner Johnson: Will the property owner still own the property?

Amanda Beck: Yes, north end of property will be leased from a couple of landowners; one of them is the USP landowner and SMUD is working with them; good source of income to fund their plans; property in question are north of campus.

Commissioner Johnson: Is wildfire an issue? When grass under panels dries out it becomes volatile – this can be an issue if not mitigated.

Amanda Beck: Wildfire is a key consideration in any design for power projects; SMUD works with local fire department; in touch with County Chief and Assistant Chief regarding design/setbacks; designing with appropriate setback distances; sheep are good grazers and will keep vegetation down; grazing plan will be adapted over time as part of maintenance needs.

Commissioner Johnson: Grazing could be presented as part of fire mitigation.

Commissioner DeMattei: Could solar panels be mounted on university buildings to not take up ag land?

Amanda Beck: SMUDs 2030 plan includes both mounted rooftop and regular solar; don't have density on rooftops to get the generation required.

Commissioner DeMattei: If we are taking land away from food, we are taking more out of production. Thank you!

3 CORRECTIONS AND REVISIONS TO THE DRAFT EIR

This chapter contains changes to the text of the Draft EIR in response to certain comments. These changes are generally referenced in the responses to comments in Chapter 2, or are provided to be consistent with changes referenced in Chapter 2. The changes are presented in the order in which they appear in the Draft EIR and are identified by Draft EIR page number. Text deletions are shown in strikeout (~~strikeout~~) and additions are shown in underline (underline). The changes identified below do not alter the conclusions of the EIR with respect to any of the significant impacts of the project and do not necessitate recirculation of the Draft EIR.

3.1 Revisions to Project Description

The following minor additions have been made to the Project Description.

Revisions to Project Description to include Agricultural Production

The following minor addition has been made to the fifth bullet in section 2.3 Project Objectives in the project description in the DEIR to include the study of agricultural crop production in a small portion of the project.

- Integrate compatible agricultural activities such as grazing, agricultural crop production, and/or pollinator habitat into solar operations.

Additionally, a short paragraph has been added to the bottom of section 2.5.2 Other Structures and Improvements, expanding on the objective above.

Agrivoltaics

The proposed project is planning to incorporate California's first to-scale agrivoltaic farm constructed within an 11-acre footprint within the planned project site. In this planned agrivoltaic area of the project, solar panels will be divided into 0.25-acre plots with different configurations and heights and planted with different food crops to demonstrate utilization of the land for the co-production of food and energy. Additionally, throughout the project site the project will utilize sheep grazing for vegetation management and will integrate pollinator habitat.

Revisions to Project Description for Clarification

The following minor edits have been made to page 2-5 of the DEIR in section 2.4 Land Use and Zoning:

~~The County and SMUD~~ and County staff have agreed to proposed language for on a General Plan Amendment subject to approval by the County Board of Supervisors to Policy 8.b.1.4, which will state the following:

New construction shall not be permitted within 100 feet of the centerline of permanent streams and within 50 feet of intermittent streams, or within the 100-

year floodplain, whichever distance is greater, except for long-term, nonpermanent solar electric generation projects with a conditional use permit, as long as any impacts to the floodplain, vegetation and wetlands are less than significant, grading and increases to water surface elevations of the base flood are minor, and the stream is not anadromous fish bearing.

The discussion regarding the memorandum of understanding (MOU) on page 2-21 in section 2.6 Potential Permits and Approvals Required in the DEIR (last two paragraphs), has been moved to section 2.4 Land Use and Zoning.

3.2 Revisions Clarifying Compensation for Rice Fields and PCCP Consistency

The following minor revisions have been made to the second paragraph on page 3.4-86 in the Biological Resources section of the DEIR to clarify the intent of the payment with regards to rice fields and PCCP consistency.

However, in order to mitigate for project impacts, the project will provide compensatory mitigation as detailed above under sensitive natural communities, wetland and other waters of the United States, and burrowing owl and Swainson's hawk. In addition, as detailed in Mitigation Measure 3.2-1 Preserve Important Farmland on page 3.2-12 in the Agriculture and Forestry section of the DEIR, the project will also mitigate at a 1:1 ratio for the loss of Farmland of Statewide Importance and Unique Farmland, which include all rice fields in the project area. These impacts on aquatic resources; and PCCP covered species and their habitat, and farmland/rice fields in the project area, may be compensated through the payment of land conversion fees into the PCCP's in-lieu fee program consistent with Section 4.8.4 of the PCCP under a Memorandum of Understanding (MOU) with the PCA, as detailed under Mitigation Measures 3.4-8., 3.4-10, and 3.4-16, above and Mitigation Measure 3.2-1 on page 3.2-12 in the Agriculture and Forestry Resources section of the DEIR. This mitigation includes a functional equivalent of payment for modelled habitat for giant garter snake, as it compensates for the loss of rice fields through payment of land conversion fees. Therefore, the proposed project contributes to the achievement of the goals of the PCCP as if it were paying for the conversion of modelled habitat.

This MOU would include terms and conditions ~~as needed to~~ that would ensure compensatory mitigation for the project does not conflict with the HCP/NCCP's conservation and mitigation strategy and is consistent with Section 8.4.8 of the PCCP which details the specifics of mitigation for activities not covered in the plan. The MOU and would be approved require approval by the PCA board and SMUD prior to issuance of improvement plans. Compensatory mitigation for the project would therefore help achieve the conservation goals of the PCCP, even though the project is not a covered activity and is not required to mitigate for impacts to giant garter snake habitat. Alternatively, in the event that SMUD cannot enter into an MOU with the PCA, the project SMUD may acquire credits from existing

mitigation banks within the PCCP Plan Area which are approved by and in good standing with the U.S. Army Corps' Interagency Review Team, and implement other mitigation, as outlined in the mitigation measures above. Under this scenario, SMUD would seek alternative ways of mitigating for the conversion of Farmland of Statewide Importance and Unique Farmland, with a strong preference for mitigation located within Placer County, that include rice conservation for the benefit of species with modeled habitat in the project area, including giant garter snake.

Tricolored blackbird is a PCCP covered species with habitat in the project area. The Draft EIR includes a detailed discussion of tricolored blackbird in Western Placer County and in the project area and acknowledges that foraging habitat and very limited breeding habitat are present. Mitigation Measure 3.4-11 *Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction* addresses the protection of breeding habitat during project construction. Any loss of foraging habitat for the species (which forages in agricultural fields and grasslands) will be offset through implementation of Mitigation Measures 3.4-8., 3.4-10, and 3.4-16 above and Mitigation Measure 3.2-1 on page 3.2-12 in the Agriculture and Forestry Resources section of the DEIR. This mitigation compensates for the loss of rice fields and grassland (which also provides suitable foraging habitat for burrowing owls and Swainson's hawks) through payment of land conversion fees.

SMUD will continue to work closely with the County, PCA, and resource agencies, including CDFW and USFWS, to ensure that any mitigation is applied in a manner that advances and does not conflict with the goals of the PCCP and is consistent with the provisions of Section 8.4.8 (Mitigation for Activities not covered by the Plan).

3.3 Revisions to Description of Potential Types of Batteries Utilized

The following minor revisions have been made to include potential use of an additional type of battery on page 3.9-7:

The project would use lithium ion batteries; lithium iron phosphate or nickel manganese cobalt technology for energy storage. Lithium iron phosphate batteries are a variation of a lithium ion battery. These rechargeable batteries are commonly used for vehicles and backup power. The cathode is comprised of LiFePO₄ and the anode is comprised of a carbon electrode with a metallic current collector grid. Compared to other lithium ion battery options, lithium iron phosphate is more difficult to ignite, and thus, more resilient in high temperatures (Battery Recyclers of America 2022). Nickel manganese cobalt batteries are a type of lithium ion battery and have a cathode made of a combination of nickel, manganese, and cobalt. They are used to power smartphones, laptops, and electric vehicles, as well as used for solar storage (Solar Reviews 2023). Disposal of these batteries must and will comply with California's Universal Waste Rule.

This additional information regarding battery type will not have any additional CEQA impacts or require additional CEQA analysis.

3.4 Revisions to Description of Drainage Rates from Curry Creek and Pleasant Grove Creek Watersheds.

The following minor revision has been made as requested by the City of Roseville to the following paragraph on page 3.10-24:

Flood management for the Curry Creek and Pleasant Grove Creek watersheds is provided by Placer County and the PCFCWCD in the Placer County portions of the watershed, and Reclamation District No. 1000 for the Sutter County sections of the watershed (downstream and west of the project site). The lower watersheds flood regularly with water overtopping of the banks annually in some areas. This problem is caused by several factors that have occurred both locally in the Pleasant Grove and Curry Creek watershed and in the greater Sacramento River watershed. Starting in the early 1900s, levees and dikes were installed to protect landowners and assist farmers. This practice has resulted in a highly channelized and confined stream system, especially in the lower watershed, which has effectively eliminated the natural floodplain. The confined channels cause increased stream stage heights which then typically results in flooding of areas just upstream of bridges that have become undersized with respect to the increased stage heights. Adding to this problem is an increase in drainage rates from the upper watershed of Pleasant Grove and Curry Creek ~~from the cities of Roseville and Rocklin~~. Development typically increases the amount of impervious surfaces, such as roads, parking lots, and roofs, within a watershed. All of these impervious surfaces lead to increased runoff volumes and response times to storm events. The greatest single factor in increased flooding is elevated stage heights in the Sacramento River caused by development throughout the drainage basin. The increased stage heights create a pressure head differential which restricts flood waters that are draining from the watershed from entering the Sacramento River. This causes water to back up through the Natomas Cross Canal, up the Pleasant Grove Creek Canal, and into both Pleasant Grove and Curry Creeks (Foothill Associates 2006:2-39 through 2-42).

3.5 Revisions to Construction Transportation Plan (CTP) Requirements.

The following minor revision has been made to the last sentence of **Mitigation Measure 3.17-2** *Prepare and Implement a Construction Transportation Plan* on pages 3.17-13 and 3.17-14 as follows:

The construction contractor shall submit the CTP to Placer County for review and approval 30 days prior to commencing construction activities. Placer County may share the plan with other interested parties at its discretion and incorporate specific input from third parties into the plan comments as it deems appropriate.

4 MITIGATION MONITORING AND REPORTING PROGRAM

This mitigation monitoring and reporting program (MMRP) summarizes the mitigation measures, implementation schedule, and responsible parties for monitoring the mitigation measures required of the proposed Country Acres Solar Project, as set forth in the EIR prepared for the project.

Section 21081.6 of the California Public Resources Code and Section 15091(d) and Section 15097 of the State CEQA Guidelines require public agencies “to adopt a reporting or monitoring program for changes to the project which it has adopted or made conditions of project approval to mitigate or avoid significant effects on the environment.” A MMRP is required for the project because the EIR for the project identified potentially significant adverse impacts related to construction and operation of the project, and mitigation measures have been identified to reduce most of those impacts to a less-than-significant-level.

This MMRP will be adopted by SMUD if it approves the project and will be kept on file at SMUD’s Customer Service Center at 6301 S Street, Sacramento, CA 95817; and at SMUD’s East Campus Operations Center at 4401 Bradshaw Road, Sacramento, CA 95827. SMUD will use this MMRP to ensure that identified mitigation measures, adopted as a condition of project approval, are implemented appropriately.

4.1 Mitigation Implementation and Monitoring

SMUD shall be responsible for monitoring the implementation of mitigation measures designed to minimize impacts associated with the project. Although SMUD shall have ultimate responsibility for ensuring implementation, others may be assigned the responsibility of actually implementing the mitigation. SMUD shall retain the primary responsibility for ensuring that the project meets the requirements of this MMRP and other permit conditions imposed by participating regulatory agencies.

SMUD shall designate specific personnel who will be responsible for monitoring implementation of the mitigation that will occur during project construction. The designated personnel will be responsible for submitting documentation and reports to SMUD on a schedule consistent with the mitigation measure and in a manner necessary for demonstrating compliance with mitigation requirements. SMUD shall ensure that the designated personnel have authority to require implementation of mitigation requirements and shall be capable of terminating project construction activities found to be inconsistent with mitigation objectives or project approval conditions.

SMUD and its appointed contractor also shall be responsible for ensuring that its construction personnel understand their responsibilities for adhering to the performance requirements of the mitigation plan and other contractual requirements related to the implementation of mitigation as part of project construction. In addition to the prescribed mitigation measures, Table 4-1 lists each identified environmental resource being affected (in the same order and using the same numbering system as in the EIR), the associated CEQA checklist question (used as the thresholds of significance in the EIR), the corresponding monitoring and reporting requirement, the party responsible for

ensuring implementation of the mitigation measure and monitoring effort, and the project component to which the mitigation measure applies.

If an issue addressed in the EIR does not result in mitigation, it is not included in the table.

4.2 Mitigation Enforcement

SMUD shall be responsible for enforcing mitigation measures. If alternative measures are identified that would be equally effective in mitigating the identified impacts, implementation of these alternative measures will not occur until agreed on by SMUD.

4.3 Reporting

SMUD shall, or may require the developer to, prepare a monitoring report on completion of the project describing the compliance of the activity with the required mitigation measures. Information regarding inspections and other requirements will be compiled and explained in the report. The report will be designed to simply and clearly identify whether mitigation measures have been adequately implemented. At a minimum, each report will identify the mitigation measures or conditions to be monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required. The report will be presented to SMUD's Board of Directors.

4.4 Mitigation Monitoring and Reporting Program Table

The categories identified in Table 4.1 are described below.

CEQA Issue Area – This column identifies which CEQA issue area the mitigation measure is attributed to in the EIR.

Impacts – This column provides the potential impacts summary.

Mitigation Measures – This column provides the verbatim text of the adopted mitigation measure.

Implementation Duration – This column identifies when the mitigation measure will be implemented (e.g., before construction, during construction, during operations-maintenance, during decommissioning).

Monitoring Duration – This column identifies the period within which monitoring will be conducted.

Responsibility – This column identifies the party(ies) responsible for implementation and/or enforcing compliance with the requirements of the mitigation measure.

Applicable Project Component – This column identifies with what component or under what conditions the mitigation measure will be implemented (e.g., all project components, project components during construction, project components during operations and maintenance, construction near sensitive habitat, decommissioning).

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
Agriculture and Forestry Resources	Impact 3.2-1. Project induced conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.	<p>Mitigation Measure 3.2.1. Preserve Important Farmland</p> <p>SMUD shall implement one of the following methods to minimize the loss Farmland of Statewide Importance and Unique Farmland at a 1:1 ratio (i.e., 1 acre on which easements are acquired to 1 acre of Farmland of Statewide Importance and Unique Farmland removed from agricultural use):</p> <ul style="list-style-type: none"> Acquire agricultural conservation easement(s) that provide in-kind or similar resource value protection in the region, with a strong preference for locating the agricultural conservation easement(s) in Placer County. This can be achieved by the acquisition of conservation easements, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land in perpetuity. Pay in-lieu fees to an established, agreed-upon (by County and SMUD) mitigation program with a presence in Placer County (e.g., Placer Land Trust) to fully fund the acquisition and maintenance of agricultural land or easements. Alternatively, this may occur through the payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. (In-lieu fee payments would also address impacts on special-status species through loss of foraging habitat for burrowing owl and Swainson's hawk, and impacts on sensitive natural communities and wetlands and other waters of the US and state/ County, as detailed in Mitigation Measures 3.4-8, 3.4-10 and 3.4-16 in Section 3.4 "Biological Resources" of the DEIR). <p>Payments of in-lieu fees or acquisition of agricultural conservation easements may be spread out in alignment with construction phasing but must occur no later than the start of each new phase. The impact acreage requiring offset shall be based on the most current FMMP at the time of the County's issuance of the Conditional Use Permit.</p>	Before the start of each new phase of construction and or prior to Improvement Plan approval.	Before construction	SMUD	SMUD	All phases of construction that result in Farmland of Statewide Importance and Unique Farmland conversion
Air Quality	Impact 3.3-1. Conflicts with the applicable air quality plan.	<p>Mitigation Measure 3.3-1.</p> <p>Implement Mitigation Measures 3.3-2a, 3.3-2b, and 3.3-2c.</p>	See MM 3.3-2a, 3.3-2b, and 3.3-2c	See MM 3.3-2a, 3.3-2b, and 3.3-2c	See MM 3.3-2a, 3.3-2b, and 3.3-2c	See MM 3.3-2a, 3.3-2b, and 3.3-2c	See MM 3.3-2a, 3.3-2b, and 3.3-2c
Air Quality	Impact 3.3-2. Cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.	<p>Mitigation Measure 3.3-2a. Implement Fugitive Dust Control Measures</p> <p>In order to minimize fugitive dust generation from earthwork and on-site travel on unpaved roadways, the applicant shall submit a Dust Control Plan to the Placer County Air Pollution Control District (PCAPCD). The Dust Control Plan shall be submitted to the PCAPCD a minimum of 21 days before construction activity is scheduled to commence. The Dust Control Plan can be submitted online via the fill-in form: http://www.placerair.org/dustcontrolrequirements/dustcontrolform.</p> <p>In addition, the applicant shall include as a condition of the construction bidding, incorporation of dust control measures that shall include, at a minimum, the below requirements of Rule PCAPCD Rule 228, Section 400, and any additional measures identified as part of the Dust Control Plan. All dust control measures shall be shown on grading and improvement plans, to be initiated at the start and maintained throughout the duration of construction.</p> <ul style="list-style-type: none"> Dry mechanical sweeping is prohibited. Watering of a construction site shall be carried out to mitigate visible emissions. (Based on PCAPCD Rule 228, Section 301.) The contractor shall apply water or use methods to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked offsite. (Based on PCAPCD Rule 228, Section 304.) During construction activity, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less unless the road surface and surrounding area is sufficiently stabilized to prevent vehicles and 	Dust Control Plan shall be submitted to PCAPCD at least 21 days before construction begins. Dust control measures shall be implemented during construction.	Before and during construction	Contractor	SMUD	All project components during construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		<p>equipment traveling more than 15 miles per hour from emitting dust or visible emissions from crossing the project boundary line. (Based on PCAPCD Rule 228, Section 401.2.)</p> <ul style="list-style-type: none"> Storage piles and disturbed areas not subject to vehicular traffic must be stabilized by being kept wet, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile. (Based on PCAPCD Rule 228, Section 401.3.) The contractor shall suspend all grading operations when fugitive dust exceeds the APCD Rule 228 (Fugitive Dust) limitations. Visible emissions of fugitive dust shall not exceed 40% opacity, nor go beyond the property boundary at any time. Lime or other drying agents utilized to dry out wet grading areas shall not exceed APCD Rule 228 limitations. (Based on PCAPCD Rule 228, Sections 302 & 401.4.) The prime contractor shall be responsible for keeping adjacent public thoroughfares clean by keeping dust, silt, mud, dirt, and debris from being released or tracked offsite. Wet broom or other methods can be deployed as control and as approved by the individual jurisdiction. (Based on PCAPCD Rule 228, Section 401.5.) The contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are high enough to result in dust emissions crossing the boundary line, despite the application of dust mitigation measures. (Based on PCAPCD Rule 228, Section 401.6.) The contractor shall prohibit trucks from transporting excavated material off-site unless the trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments, and loads are either covered with tarps or wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches from the top and that no point of the load extends above the top of the cargo compartment. (Based on PCAPCD Rule 228, Section 401.7) To minimize wind-driven dust during construction, the prime contractor shall apply methods such as surface stabilization, the establishment of a vegetative cover, paving (or use of another method to control dust as approved by Placer County). (Based on APCD Rule 228 / section 402). 					
Air Quality	Impact 3.3-2. Cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.	<p>Mitigation Measure 3.3-2b. Reduce Exhaust-related Emissions During Construction</p> <p>Prior to the approval of grading or improvement plans, whichever would occur first, the construction contractor shall submit a Construction Emissions Control Plan to the Placer County Air Pollution Control District and SMUD, and provide written evidence to SMUD that the plan has been submitted to and approved by PCAPCD. The applicant shall not initiate any on-site construction activity until PCAPCD has approved the Construction Emissions Control Plan.</p> <p>The Construction Emissions Control Plan shall include the following:</p> <ul style="list-style-type: none"> The contractor shall submit to the PCAPCD a comprehensive equipment inventory (e.g., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used in an aggregate of 40 or more hours. If any new equipment is added after submission of the inventory, the contractor shall notify the PCAPCD before the new equipment being utilized. At least three business days before the use of subject heavy-duty off-road equipment, the project representative shall provide the PCAPCD with the anticipated construction timeline including start date, name, and phone number of the property owner, project manager, and on-site foreman. With submittal of the equipment inventory, the contractor shall provide a written calculation to the PCAPCD for approval demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project-wide fleet-average of 20 percent Nitrogen Oxides (NO_x) reduction and 45 percent particulate reduction compared with the statewide fleet averages. Acceptable options for reducing emissions may 	Construction Emissions Control Plan shall be submitted to PCAPCD and SMUD prior to approval of Grading or Improvement Plans. If any new heavy-duty off-road equipment is added, at least three business days before the use of subject heavy-duty off-road equipment, the project representative shall provide the PCAPCD with the anticipated construction timeline	Before and during construction	Contractor PCAPCD	SMUD and PCAPCD	All project components during construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		<p>include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and other options as they become available. The emissions reductions shall be calculated using the Sacramento Metropolitan Air Quality Management District's Construction Mitigation Calculator to identify the equipment fleet and measures that achieve the required reductions; this tool is currently available on the Sacramento Metropolitan Air Quality Management District's website at the following link: http://www.airquality.org/businesses/ceqaland-useplanning/mitigation (click on the current "Construction Mitigation Tool" spreadsheet under Step 1)</p> <ul style="list-style-type: none">• If any new equipment is added after the submission and approval of the inventory, the construction contractor shall update the inventory and provide to the PCAPCD and SMUD prior to the use of such equipment, demonstrating that the 20-percent NO_x reduction performance standard is still met.• The approved equipment inventory and a note regarding update requirements, as detailed above, shall be include as an attached form to the Grading and Improvement Plans.• Include the following standard notes on Grading and Improvement Plans: Construction equipment exhaust emissions shall not exceed the APCD Rule 202 Visible Emissions limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by the APCD to cease operations, and the equipment must be repaired within 72 hours. The contractor shall not discharge into the atmosphere volatile organic compounds caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance unless such manufacture or use complies with the provisions of Rule 217 Cutback and Emulsified Asphalt Paving Materials. During construction, open burning of removed vegetation is only allowed under APCD Rule 304 Land Development Smoke Management. (Based on APCD Rule 304) Any device or process that discharges 2 pounds per day or more of air contaminants into the atmosphere, as defined by Health and Safety Code Section 39013, may require an APCD permit. Developers/contractors should contact the APCD before construction and obtain any necessary permits before the issuance of a Building Permit. (APCD Rule 501) The contractor shall utilize existing power sources (e.g., power poles) or clean fuel (e.g., gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators. The contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment. (Placer County Code Chapter 10, Article 10.14). Idling of construction-related equipment and construction-related vehicles shall be limited to 2 minutes within 1,000 feet of any sensitive receptor (i.e., house, hospital, or school), allowing for the same exceptions identified in Placer County Code Chapter 12, Article 10.14.	<p>and phone number of the property owner, project manager, and on-site foreman.</p> <p>Implement Construction Emission Control Plan during construction</p>				
Air Quality	Impact 3.3-2. Cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.	<p>Mitigation Measure 3.3-2c. Off-site Mitigation</p> <p>If, based upon the incorporation of all on-site measures described above in Mitigation Measures 3.3.1 and 3.3.2, NO_x or PM emissions still do not meet the daily PCAPCD thresholds, the project shall participate in the PCAPCD's Offsite Mitigation Program by paying to PCAPCD a mitigation fee for construction activities, to be determined at the time of construction based on the submitted equipment inventory and emissions calculations for the purposes of mitigating NO_x and PM₁₀ emissions, such that emissions are reduced to a less-than-significant level. The fee calculation to mitigate daily emissions shall be based on the PCAPCD-determined cost to reduce emissions and the project's contribution of pollutants to be less than the PCAPCD threshold of 82 pounds per day for NO_x. The fee shall be submitted for approval by PCAPCD as the total required to achieve emissions reductions that would reduce total emissions to a less-than-significant level after all other mitigation measures are implemented. The fee shall be calculated, approved by PCAPCD and paid prior to the issuance of grading or improvement plans.</p>	<p>Prior to Grading or Improvement Plan approval.</p> <p>During and after construction.</p>	During and after construction	SMUD PCAPCD	SMUD and PCAPCD	All project components involving construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status amphibians and reptiles.	<p>Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection</p> <p>SMUD will prepare a Worker Environmental Awareness Program that will educate staff regarding the presence or potential presence of all special-status species, sensitive natural communities, and protected wetlands with potential to occur, or that are known to occur, within the project area. The program shall describe their identification, habitat requirements, and penalties for species impacts, as well as immediate steps to take should special-status species be observed by staff on site.</p> <p>This WEAP shall include biological resource avoidance and minimization measures/mitigation measures from the project's CEQA Mitigation Monitoring and Reporting Program, and any resource permits or agreements, as applicable. The WEAP will educate workers regarding sensitive species and their habitats, the need to avoid impacts, state and federal protection, and the legal implications of violating environmental laws and regulations. The WEAP can be provided in the form of a handout and/or video presentation. All staff working onsite shall attend the WEAP training prior to commencing onsite work. Staff that attend the training shall fill out a sign-in sheet indicating that they completed the training.</p> <p>Prior to construction, a qualified biological monitor shall inspect all areas within the project site with the potential to support sensitive biological resources to ensure the proper implementation of all avoidance and minimization and mitigation measures, agency permit requirements, and environmentally sensitive area exclusion flagging and/or fencing have been properly implemented, and to deliver WEAP training as needed.</p> <p>The biological monitor shall remain available on an on-call basis for the duration of project construction to conduct inspections and follow up surveys, as needed, and to ensure compliance with permit conditions. The qualified biological monitor shall have the experience, education and training necessary to conduct special status species surveys and monitoring as described in the mitigation measures below.</p> <p>During operation and maintenance, an annual Environmental Awareness Training shall be provided to onsite personnel, covering any sensitive biological resources that could be present onsite.</p>	SMUD to provide WEAP training to all project personnel before construction and ongoing WEAP trainings to new personnel during construction, operations and maintenance, and decommissioning.	Before, during construction, operations and maintenance, and decommissioning	Qualified Biologist	SMUD	All project components
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status amphibians and reptiles.	<p>Mitigation Measure 3.4-2. Establish Non-Disturbance Buffers around Vernal Pools and Seasonal Wetlands to protect Western Spadefoot during construction</p> <p>Based on the assumptions that all vernal pools and seasonal wetlands in the project areas could provide suitable habitat for western spadefoot, SMUD, in coordination with a qualified biologist, will establish a 250-foot no-disturbance buffer from the high-water mark of the vernal pool or seasonal wetland habitat prior to commencement of ground-disturbing activities. The perimeter of the no-disturbance buffer will be delineated with a wildlife-friendly fence that allows the movement of wildlife, including western spadefoot (and also wide-ranging wildlife, such as coyotes), through the area. The fence will be maintained for the duration of project construction and operation. Signage will be installed on the fence indicating the buffer is an environmentally sensitive area. The boundaries of vernal pools, seasonal wetlands and associated 250- foot buffers will also be clearly delineated on project plans and specifications boundaries. No construction or ground-disturbing activities shall occur within the 250- foot buffer.</p> <p>The fencing shall be kept in place for the duration of project construction and operations and shall be kept in good condition to prevent any construction, operation and maintenance activities from disturbing the sensitive habitat areas.</p>	Vernal pool and wetland exclusion fencing to be installed in coordination with qualified biologist before start of construction.	Before and during construction, and during operations and maintenance, and decommissioning.	Qualified Biologist and Contractor	SMUD	All project components within 25- feet of vernal pools and seasonal wetlands.

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status amphibians and reptiles.	Mitigation Measure 3.4-3. Conduct Pre-Construction Surveys for Western Pond Turtle <ul style="list-style-type: none"> Project ground-disturbing activities will be conducted outside of western pond turtle's active breeding and dispersal season (i.e., after May 1 and before September 15), to the extent feasible. If project activities must be implemented during the breeding and dispersal season, they will not start until 30 minutes after sunrise and must be completed 30 minutes prior to sunset. A qualified biologist shall conduct a pre-construction survey for western pond turtle within 48 hours prior to the start of construction activities within 300 feet of suitable habitat (e.g., any adjacent waterway, marsh, or emergent wetland). Concurrently with the pre-construction survey, searches for nesting sites shall be conducted and any identified sites shall be delineated with high-visibility flagging or fencing and avoided during construction activities. If avoidance is not possible, the nest and/or turtle shall be removed by a qualified biologist and relocated to an appropriate location in consultation with CDFW. 	Surveys to be conducted and fencing to be installed within 48 hours of ground-disturbing activities within 300 feet of suitable habitat. Flagging/fencing and monitoring required for nest sites if identified.	Before construction and during construction (if nests are found).	Qualified Biologist	SMUD	All project components during construction that require work within 300 feet of suitable habitat.
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status amphibians and reptiles.	Mitigation Measure 3.4-4. Avoid Impacts on Western Pond Turtle during Construction If turtles and/or nests are encountered during the preconstruction survey, a qualified biologist shall be present during grubbing and clearing activities in suitable habitat (aquatic) to monitor for western pond turtle. If a turtle is observed in the active construction zone, construction shall cease within a 100-foot buffer. Construction may resume when the biologist has, in consultation with CDFW, either hand-captured and relocated the turtle to nearby suitable habitat outside the construction zone, or, after thorough inspection, determined that the turtle has moved away from the construction zone. On-site personnel will observe a 20-mile-per-hour speed limit at all times. Information about avoidance and minimization measures for western pond turtles shall be included in the WEAP described above in Mitigation Measure 3.4- 1.	Biological monitor shall be present during grubbing and clearing activities in suitable habitat if turtles or nests are found during pre-construction survey.	During construction	Qualified Biologist	SMUD	All project components during construction that require work within 300 feet of suitable habitat.
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status amphibians and reptiles.	Mitigation Measure 3.4-5. Conduct Pre-Construction Surveys for Giant Garter Snake and Implement Avoidance and Minimization Measures Project ground-disturbing activities in aquatic habitat and adjacent upland habitat within 200 feet of aquatic habitat will be conducted during the giant garter snake's active season (i.e., after May 1 and before October 1), to the extent feasible. During this period, the potential for direct mortality is reduced, because snakes are expected to actively move and avoid danger. If project activities in aquatic habitat and adjacent upland habitat within 200 feet of aquatic habitat must be implemented outside of the snake's active season, the following mitigation measures must be implemented: <ul style="list-style-type: none"> Within 24-hours prior to commencement of construction activities within 200 feet of potential giant garter snake habitat, the site shall be inspected by a qualified biologist who is approved by the CDFW and USFWS. If construction activities stop for a period of 2 weeks or more, another preconstruction clearance survey will be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during preconstruction surveys, a biological monitor shall be present during construction activities in aquatic habitat and adjacent upland habitat within 200 feet of aquatic habitat. The monitoring biologist shall be present during construction within 200 feet of potential aquatic habitat for giant garter snake (i.e., drainages that contain water) for the duration of the project. If a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. The monitor will remain in the area for the remainder of the workday to ensure the snake is not harmed or, if it leaves the site, does not return. The qualified biologist will work with the PCA, USFWS, and CDFW to redirect the snake away from the disturbance area within 3 days of reporting the snake's presence at the construction site to USFWS and CDFW. 	If construction is proposed between October 1 and May 1, a pre-construction survey within 24 hours before construction within aquatic and adjacent upland habitat within 200 feet of aquatic habitat shall be conducted. If construction activities stop for 2 weeks or more, another preconstruction clearance survey will be required. Biological monitor to be present on-site during construction within 200 feet of	Before and during construction Species observations to be reported to CDFW and USFWS within 24 hours of detection	Qualified Biologist	SMUD, CDFW, and USFWS	All project components during construction occurring within 200 feet of suitable aquatic habitat

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		<ul style="list-style-type: none"> The project biologist shall report any observations of giant garter snake to CDFW and USFWS within 24 hours of detection. Information about avoidance and minimization measures for giant garter snake shall be included in the WEAP described above in Mitigation Measure 3.4-1. 	potential aquatic habitat.				
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status birds.	<p>Mitigation Measure 3.4-6. Survey for California Black Rails and Implement Avoidance Measures</p> <ul style="list-style-type: none"> Preconstruction Call-Playback Surveys for California Black Rail. A qualified biologist will conduct a preconstruction survey in potentially suitable habitat for this species in the project footprint and a 500-foot buffer to the project footprint. Surveys will be initiated sometime between March 15 and May 31, preferably before May 15. A minimum of four surveys will be conducted. The survey dates will be spaced at least 10 days apart and will cover the time period from the date of the first survey through the end of June to early July. This will allow the surveys to encompass the time period when the highest frequency of calls is likely to occur. Projects must conduct surveys during this time period, regardless of when the project is scheduled to begin, and shall be conducted the year in which ground disturbance activities commence. Surveys will follow a standardized tape call-playback/response protocol similar to that of Evens et al. 1991 and Richmond et al. 2008 or other CDFW-approved method. The surveys will document the presence or absence of black rail. CDFW will be notified within 2 business days of any identified black rail detections. If California black rails are detected during preconstruction surveys, the following additional measures will be implemented in association with occupied California black rail habitats: <ul style="list-style-type: none"> SMUD will establish and maintain a non-disturbance buffer of up to 500 feet around all identified occupied wetland habitat, depending on site-specific conditions and at the discretion of a qualified biologist in consultation with CDFW. Where feasible, all construction-related activities will be excluded from the buffer for the duration of project implementation. Where maintaining the non-disturbance buffer for the duration of the project is not feasible, at minimum, all construction-related activities will be excluded from the buffer for the duration of the breeding season (March through September, or for lesser duration as approved by CDFW). If project activities are necessary within the established non-disturbance buffer or within occupied habitat, including potential alterations to hydrological conditions that support black rail habitat, SMUD will consult with CDFW to identify a strategy that will avoid take of the year-round resident California black rail. This may or may not include work windows outside the breeding season, installation of wildlife exclusion fencing, and/or methods for passive exclusion of individuals out of the temporary and permanent impact area such as through the hand removal of vegetation before other project-related ground disturbances, as determined in consultation with CDFW. A qualified biologist will be present for any construction activities occurring within the non-disturbance buffer; the intensity and frequency of the monitoring will be established in consultation with CDFW. Information about avoidance and minimization measures for California black rails shall be included in the WEAP described above in Mitigation Measure 3.4-1. 	<p>Four (4) pre-construction surveys to be conducted between March 15 and May 31 during the year which ground disturbing activities are scheduled to begin if construction occurs within 500 feet of potentially suitable habitat.</p> <p>If California black rails are detected during preconstruction surveys, implement additional measures as described in MM.</p>	<p>Before and during construction</p> <p>CDFW to be notified within 2 days of any California black rail detections</p>	<p>Qualified Biologist</p>	<p>SMUD, USFWS, and CDFW</p>	<p>All project components during construction occurring within 500 feet of suitable California black rail habitat</p>
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status birds.	<p>Mitigation Measure 3.4-7 Avoid and Minimize Impacts on Burrowing Owl</p> <ul style="list-style-type: none"> SMUD will have preconstruction burrowing owl surveys conducted in all areas that may provide suitable nesting habitat according to CDFW (CDFG 2012) guidelines. A qualified wildlife biologist shall conduct take avoidance surveys, including documentation of burrows and burrowing owls, in all suitable burrowing owl habitat within 250 feet of proposed construction. Two surveys will be conducted within 15 days prior to ground disturbance to establish the presence or absence of burrowing owls. The surveys will be conducted at least 7 days apart (if burrowing owls are detected on the first survey, a second 	<p>Two (2) preconstruction surveys within 15 days prior to ground disturbance conducted 7 days apart.</p>	<p>Before construction</p>	<p>Qualified Biologist</p>	<p>SMUD and CDFW</p>	<p>All project components during construction involving work within 250 feet of suitable</p>

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		<p>survey is not needed) for both breeding and non-breeding season surveys. All burrowing owls observed will be counted and mapped.</p> <ul style="list-style-type: none"> During the breeding season (February 1 to August 31), surveys will document whether burrowing owls are nesting in or within 250 feet of the project area. During the non-breeding season (September 1 to January 31), surveys will document whether burrowing owls are using habitat in or directly adjacent to any area to be disturbed. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey was conducted. The qualified biologist will survey the proposed footprint of disturbance and a 250-foot radius from the perimeter of the proposed footprint to determine the presence or absence of burrowing owls. The site will be surveyed by walking line transects, spaced 20 to 60 feet apart, adjusting for vegetation height and density. At the start of each transect and, at least, every 300 feet, the surveyor, with use of binoculars, shall scan the entire visible project area for burrowing owls. During walking surveys, the surveyor will record all potential burrows used by burrowing owls, as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls; therefore, observers will also listen for burrowing owls while conducting the survey. Adjacent parcels under different land ownership will be surveyed only if access is granted. If portions of the survey area are on adjacent sites for which access has not been granted, the qualified biologist will get as close to the non-accessible area as possible and use binoculars to look for burrowing owls. The presence of burrowing owl or their sign anywhere on the site or within the 250-foot accessible radius around the site will be recorded and mapped. Surveys will map all burrows and occurrence of sign of burrowing owl on the project site. Surveys must begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites. <p>If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 250 feet of the project site, the following measures will be implemented:</p> <ul style="list-style-type: none"> Burrowing Owl 2. If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant will: <ul style="list-style-type: none"> Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Establish a 250-foot non-disturbance buffer zone around nests. The buffer zone will be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer will be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. Construction may only occur within the 250-foot buffer zone during the breeding season only if a qualified raptor biologist monitors the nest and determines that the activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Measures such as visual screens may be used to further reduce the buffer with Wildlife Agency approval and provided a biological monitor confirms that such measures do not cause agitated behavior. Burrowing Owl 3. If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant will establish a 160-foot buffer zone around active 	<p>If burrowing owl or evidence of presence is found, implement additional measures as described in MM (monitor must be present for any activities within 250 feet of identified burrows; establish 160-foot buffer zone around active burrows during the non-breeding season; CDFW approval for any further buffer reductions).</p>				burrowing owl habitat

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		<p>burrows. The buffer zone will be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a biological monitor confirms that such measures do not cause agitated behavior.</p> <ul style="list-style-type: none"> • Burrowing Owl 4. During the non-breeding season only, if a project cannot avoid occupied burrows after all alternative avoidance and minimization measures are exhausted, as confirmed by CDFW, a qualified biologist may passively exclude birds from those burrows. A burrowing owl exclusion plan must be developed by a qualified biologist consistent with the most recent guidelines from CDFW (e.g., California Department of Fish and Game 2012) and submitted to and approved by CDFW. Burrow exclusion may be conducted for burrows located in the project footprint and within a 160-foot buffer zone as necessary. • Information about avoidance and minimization measures for western burrowing owl shall be included in the WEAP described above in Mitigation Measure 3.4-1. 					
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status birds.	<p>Mitigation Measure 3.4-8. Compensate for the Loss of Burrowing Owl Habitat</p> <p>If burrowing owls are documented as breeding in the project area, compensatory mitigation shall be provided for permanent impacts on (removal of) burrowing owl nesting and foraging habitat. Burrowing owl foraging and nesting habitat will still be available after installation of solar panels. However, if the project results in a net loss of nesting or grassland foraging habitat due to conversion of 57.2 acres of grassland habitat to project infrastructure the loss of habitat will be mitigated as described in CDFW guidelines (CDFG 2012) in consultation with CDFW. The performance standard for compensatory mitigation for nesting and foraging habitat will be to achieve no net loss of habitat value to the burrowing owl. Compensatory mitigation for habitat loss shall be consistent with guidance by CDFW (CDFG 2012) and may include development and implementation of a land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls on the project site, acquisition of credits in a burrowing owl mitigation bank, or another form of mitigation acceptable to CDFW, such as payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 "Agricultural Resources" of this Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase. The compensatory mitigation will be consistent with the PCCP goal of maintaining or increasing the population size of overwintering western burrowing owl and promoting expansion of breeding populations of burrowing owls and will be approved by CDFW. Compensatory mitigation will include the following requirements as described in CDFG 2012:</p> <ul style="list-style-type: none"> • Permanently protect mitigation land through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. This may occur through the payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 "Agricultural Resources" of the Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase. If the project is located within the service area of a CDFW-approved burrowing owl conservation bank, the project proponent may also purchase available burrowing owl conservation bank credits. • Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls. 	<p>If burrowing owls are documented as breeding in the project area, SMUD will do the following: Compensatory mitigation shall be provided for permanent impacts as described in the MM. If payments into an in-lieu fee program will occur, payments may be spread out in alignment with construction phasing, and must be made before start of each phase prior to Improvement Plan approval.</p> <p>Develop and implement mitigation land management plan.</p>	Before, during, and after construction	SMUD	SMUD, PCA, and CDFW	All project components that would result in permanent impacts to nesting or foraging habitat

Table 4-1. Summary of Impacts and Mitigation Measures

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		<ul style="list-style-type: none"> Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. 					
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status birds.	<p>Mitigation Measure 3.4-9. Conduct Pre-Construction Surveys for Swainson’s Hawk and Implement Protective Buffers.</p> <p>Preconstruction Surveys. A qualified biologist will conduct preconstruction surveys for Swainson’s hawks during the nesting season (March 1 through August 21) within the project footprint and of all suitable nesting habitat within line of sight of construction activities within a 0.25-mile radius of the project footprint. The surveys will be conducted no more than 15 days prior to ground disturbance and will be conducted using methods consistent with guidelines provided in Recommended Timing and <i>Methodology for Swainson’s Hawk Nesting Surveys in the Central Valley</i> (SHTAC 2000) with the following exceptions:</p> <ul style="list-style-type: none"> Surveys will be required within a 0.25 miles (1,320- foot) radius around the project site. In instances where an adjacent parcel is not accessible to survey because the qualified biologist was not granted permission to enter, the qualified biologist will scan all potential nest tree(s) from the adjacent property, road sides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope to look for Swainson’s hawk nesting activity; Surveys will be required from February 1 to September 15 (or sooner if it is found that birds are nesting earlier in the year); and If a Swainson’s hawk nest is located and presence confirmed, only one follow-up visit is required (to avoid disturbance of the nest due to repeated visits). <p>Nest Buffers. If active Swainson’s hawk nests are found, appropriate buffers shall be established around active nest sites, in coordination with CDFW, to provide adequate protection for nesting raptors and their young. No project activity shall commence during the nesting season within the buffer areas until the qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment.</p> <p>Nest Monitoring. Monitoring of the nest by a qualified biologist during construction activities may be required if the qualified biologist determines that the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the qualified biologist has confirmed that the chicks have fledged.</p> <p>Information about avoidance and minimization measures for Swainson’s hawk shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>	<p>Preconstruction surveys no more than 15 days prior to ground disturbing activities within the nesting season (March 1 to August 21)</p> <p>If nests are found, implement appropriate no-disturbance nest buffers and monitoring during construction if construction could adversely affect any observed nests</p>	Before and during construction	Qualified Biologist	SMUD	All project components during construction with potential to disturb Swainson’s hawk nests
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status birds.	<p>Mitigation Measure 3.4-10. Compensate for the Loss of Swainson’s Hawk Foraging Habitat</p> <p>To offset net impacts on foraging habitat for breeding Swainson’s hawks SMUD will mitigate the loss of Swainson’s hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) by providing mitigation lands or securing Swainson’s hawk mitigation bank credits as follows:</p> <ul style="list-style-type: none"> Foraging habitat permanently lost within 5 miles of an active Swainson’s hawk nest tree but more than 1 mile from the nest tree will be replaced with 0.75 acre of mitigation land for each acre of foraging habitat permanently lost because of project construction (0.75:1 ratio). Foraging habitat for nests that are within 1 mile of the project site will be mitigated at a 1:1 ratio. All mitigation lands protected under this requirement shall be protected in a form acceptable to CDFW (e.g., through fee title acquisition or conservation easement) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson’s hawk. This may occur through the payment of fees into the PCCP’s in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, 	If Swainson’s hawk foraging habitat is impacted as described in the MM, compensatory mitigation shall be provided. If payment of fees into in-lieu fee program will occur, payments may be spread out in alignment with construction phasing	Before and during construction	SMUD	SMUD and PCA	All components that result in loss of Swainson’s hawk foraging habitat or nesting habitat

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 “Agricultural Resources” of this Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase. Management authorization holders/project sponsors will provide for management of the mitigation lands in perpetuity by funding a management endowment.	prior to Improvement Plan approval.				
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status birds.	<p>Mitigation Measure 3.4-11. Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction</p> <ul style="list-style-type: none"> • Preconstruction Tricolored Blackbird Surveys. Before any ground-disturbing activities or vegetation clearing that may result in effects on potential habitat for Tricolored Blackbird (TRBL), a qualified biologist will conduct a preconstruction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a 500-foot buffer to the project footprint. The biologist will conduct three separate surveys, one each in mid-April, mid-May, and mid-June (Beedy, pers. comm., 2022a), and will use methods consistent with survey protocol used by surveyors for the Western Riverside County MSHCP 2018 https://www.wrcrca.org/species/survey_protocols/2018_Tricolored_Blackbird_Survey_Protocol.pdf. If an active nesting colony is detected during the surveys CDFW will be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below. • Avoidance and Minimization. Project activities will avoid occupied TRBL nesting habitat. If TRBL colonies are identified during the breeding season, an approximate buffer of up to 500 feet will be established around the colony, depending on site specific conditions and at the discretion of a qualified biologist in consultation with CDFW. Any construction-related activities will be excluded from the buffer until the end of the breeding season. • Construction Monitoring. If construction takes place during the breeding season when an active colony is present within 500 feet of construction activities, a qualified biologist will regularly monitor construction to ensure that the buffer zone is enforced and to verify that construction is not disrupting the colony. The intensity and frequency of the monitoring will be established in consultation with CDFW. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased, as needed, in consultation with CDFW. • Information about avoidance and minimization measures for tricolored blackbird shall be included in the WEAP described above in Mitigation Measure 3.4-1. 	<p>Prior to ground-disturbing activities that may have impacts on tricolored blackbird habitat (blackberry thickets and cattail marsh), one survey in mid-April, one in mid-May, and one in mid-June shall be conducted.</p> <p>If tricolored blackbird nests are found, a 500-foot no-disturbance zone created prior to construction.</p> <p>Biological monitoring required if an active colony is present within 500 feet of construction activities.</p>	Before and during construction	Qualified Biologist	SMUD and CDFW	All project components during construction that could result in impacts to tricolored blackbird habitat
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status invertebrates.	<p>Mitigation Measure 3.4-12. Avoid Impacts on Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp During Construction</p> <p>Vernal pools and seasonal wetlands in the project area provide potentially suitable habitat for vernal pool fairy shrimp and tadpole shrimp. A 250-foot no-disturbance buffer area will be established from the high-water mark of the vernal pool or wetland habitat prior to construction and will be delineated by fencing as described in Mitigation Measure 3.4-2 and confirmed by a qualified biologist. The boundaries of vernal pools, seasonal wetlands and associated 250-foot buffers will also be clearly delineated on project plans and specifications boundaries. No construction or ground-disturbing activities shall occur within the 250-foot buffer. All construction activities are prohibited within this buffer area. With complete avoidance of ground-disturbing activities within vernal pools and seasonal wetlands and a 250-foot buffer beyond the boundaries of these aquatic features, no direct or indirect impacts will occur to vernal pool fairy shrimp or tadpole shrimp and no further avoidance or minimization measures are required.</p> <p>Information about avoidance and minimization measures for vernal pool fairy shrimp and vernal pool tadpole shrimp shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>	<p>Vernal pool and wetland exclusion fencing to be installed in coordination with qualified biologist before start of construction.</p> <p>Fencing to be maintained during construction, operations and maintenance, and decommissioning (see MM 3.4-2).</p>	Before and during construction, during operations and maintenance, and decommissioning.	Qualified Biologist and Contractor	SMUD	All project components within 250 feet of vernal pools or seasonal wetlands

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on special-status mammals.	<p>Mitigation Measure 3.4-13. Conduct Focused Pre-Construction Surveys for American Badger and Implement Avoidance Measures during Construction</p> <p>A qualified biologist shall conduct focused surveys for American badger dens no more than 14 days prior to ground-disturbing activities in grassland habitat. The survey shall cover the limits of ground disturbance and a 100-foot buffer. Any winter or natal American badger dens located during the survey shall be evaluated (typically with remote cameras) to determine activity status.</p> <p>If American badger dens are detected in the project area, the qualified biologist shall establish a 100-foot no-disturbance buffer (e.g., wildlife-friendly fencing, flagging, or similar) around any active American badger natal dens identified during the survey. The buffer shall be maintained until the qualified biologist determines that the den is no longer active, and the young are no longer dependent upon the den for survival.</p> <p>If construction is scheduled to begin during the nonbreeding period (i.e., typically from June through February) and an active non-natal den is found in or adjacent to the construction footprint, a qualified biologist shall develop a plan in consultation with CDFW to trap or flush the individual and relocate it to suitable habitat away from construction. If no dens are observed, and/or after a trapping or flushing effort is completed, and/or after it is confirmed that a natal den is no longer active, the vacated or unoccupied den can be excavated, and construction can proceed.</p> <p>If American badger is detected during the surveys the qualified biologist will determine if regular monitoring of the badger den is required to ensure there are no impacts to this species and its habitat during construction.</p> <p>Information about avoidance and minimization measures for American badger shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>	<p>Surveys conducted no more than 14 days prior to ground-disturbing activities</p> <p>If an American badger natal den is detected, a no-disturbance 100-foot buffer fencing or flagging shall be installed.</p> <p>If an American badger non-natal den is detected during the non-breeding season, develop plan in consultation with CDFW to trap or flush individual and relocate; or if den is no longer active, den can be excavated.</p> <p>Monitoring to occur during construction if deemed necessary by qualified biologist.</p>	Before and during construction	Qualified Biologist	SMUD	All project components during construction that involve ground-disturbing activities in grassland habitat
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on nesting birds and raptors.	<p>Mitigation Measure 3.4-14. Conduct Pre-Construction Surveys for Nesting Birds and Raptors</p> <p>Tree or vegetation removal shall be conducted outside of the nesting season (i.e., the nesting season is defined as February 1 through August 31) to the greatest extent feasible.</p> <p>If construction activities will begin during the nesting season, a qualified biologist shall conduct a survey for nesting birds no more than 3 days prior to vegetation removal or ground-disturbing activities during the nesting season within suitable habitat (i.e., February 1 through August 31). The survey shall cover the limits of construction and accessible suitable nesting habitat within 500 feet. If any active nests are observed during surveys, a qualified biologist should establish a suitable avoidance buffer from the active nest. The buffer distance will typically range from 50 feet (for nesting passerines) to 500 feet (for nesting raptors) and will be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule.</p> <p>If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than 7 days are allowed to pass between the survey and vegetation removal activities.</p>	<p>If construction occurs within nesting season (February 1 to August 31), conduct preconstruction nesting survey no more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p>If vegetation removal activities are delayed, additional nest surveys should be conducted so that no more than 7 days pass between survey and vegetation removal.</p> <p>If any active nests are observed, establish</p>	Before and during construction	Qualified Biologist	SMUD	All project components during construction that involve tree or vegetation removal or ground-disturbing activities.

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
			suitable avoidance buffer. If required, biological monitor shall be present on-site to monitor construction activities near nest				
Biological Resources	Impact 3.4-1. Temporary and permanent construction impacts on nesting birds and raptors.	Mitigation Measure 3.4-15. Avoid Impacts on Nesting Birds and Raptors during Construction Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the nest has fledged and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. Information about avoidance measures to protect nesting birds and raptors shall be included in the WEAP described above in Mitigation Measure 3.4-1.	Limits of construction shall be established to avoid active nests. Active nests to be monitored during construction.	Before and during construction	Qualified Biologist and Contractor	SMUD	All project components during construction occurring near active nests
Biological Resources	Impact 3.4-2. Impacts on any riparian habitat or other sensitive natural community.	Mitigation Measure 3.4-16. Avoid, Minimize and Compensate for Impacts on Sensitive Natural Communities and Comply with Federal, State and Local Permits Prior to project implementation, SMUD shall refine potential impacts on sensitive natural communities based on advanced designs and obtain the necessary permits for impacts on any sensitive natural communities. These include the following permits: <ul style="list-style-type: none">• Section 1600 Streambed Alteration Agreement from CDFW (for impact on riparian area and other sensitive natural communities not considered Waters of the U.S. (WUS) or State)• CWA Section 404 permit from USACE for impacts to WUS• CWA Section 401 Clean Water Certification from the Regional Water Quality Control Board for impacts to WUS• Waste Discharge Permit from Regional Water Quality Control board for impacts to water of the state• Floodplain encroachment permit from the County, if necessary based on advanced designs• As part of the permit applications, SMUD shall develop a habitat mitigation plan that will include mitigation for impacted sensitive natural communities on a no-net-loss basis. The plan may include onsite restoration, if feasible, offsite preservation, or purchasing mitigation credits from an agency-approved wetlands mitigation bank, paying an agency-approved in-lieu fee, and/or developing conservation lands to compensate for permanent loss of resources. Mitigation ratios shall be no less than 1:1 and shall be determined during the permitting process. This may also occur through the payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 "Agricultural Resources" of this Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase.	Necessary permits shall be obtained before project implementation. Develop a habitat mitigation plan to be submitted with permit applications. Compensate for impacts to sensitive natural communities as described in MM. Prior to Improvement Plan approval.	Prior to project implementation and during construction.	SMUD to obtain permits Contractor to abide by conditions set forth in permits Qualified Biologist to ensure compliance	SMUD, PCA, Regional Water Quality Control Board, and CDFW	All project components during construction that could impact sensitive natural communities

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					Implementation	Monitoring	
		<ul style="list-style-type: none"> SMUD shall implement all conditions of the permits, including any performance monitoring, if required for onsite restoration and report on the results of the monitoring to the appropriate agencies at the frequency and duration included in the permits. Sensitive natural communities shall be included in the WEAP described above in Mitigation Measure 3.4-1. 					
Biological Resources	Impact 3.4-3. Impacts on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means.	<p>Mitigation Measure 3.4-17. Avoid impacts to jurisdictional features and sensitive natural communities by use of horizontal directional drilling.</p> <ul style="list-style-type: none"> The following avoidance and minimization measures shall be implemented to protect listed and other special-status plants and animals, and to avoid impacts to wetlands and riparian zones: <ul style="list-style-type: none"> Boring activities and set-up activities for boring operations shall be situated outside of wetlands and riparian areas. An earthen or sandbag berm shall be installed around all drilling fluid mixing and pumping areas to contain any inadvertently spilled material. Sediment control devices shall be installed between the drilling staging areas and any waterways. This includes any culverts or drainage ditches that lead to a waterway. HDD operations at the creek crossings and/or jurisdictional features shall be limited to daylight hours because of the difficulty in identifying the loss of bentonite or machine pressure without daylight. This shall be defined by the termination of drilling 30 minutes before dusk, and resumption of drilling at dawn. The contractor will make every effort to schedule drilling activities to be completed between dawn and 30 minutes to dusk. Should the drilling activities be within one hour of completion, 30 minutes before dusk, drilling activities may be allowed to continue until completion if the Project environmental monitor and/or the CDFW or its agents determine that completing the drilling activities will result in less risk to the stream. Visual inspection along the bore alignment for frac-outs shall take place at all times while the drill is in operation. The monitor shall be in radio contact with the boring machine operator at all times. A biologist/monitor's presence shall be required during all boring activities (i.e. boring, back reaming, etc.) within CDFW jurisdiction unless the drainage is dry. The HDD Operator shall design, pre-plan, and direct the HDD operation in such a way as to minimize the risk of spills of all types. The HDD Operator shall prepare and implement a Frac-Out Contingency Plan and submit it to SMUD and CDFW for review and approval 30 days prior to construction, which includes the boring plans and frac-out and clean-up plans, in the event of the accidental release of drilling lubricants through fractures in the streambed or bank ("frac-outs"). In substrates where frac-outs are likely to occur, the HDD Operator shall operate in a manner that will reduce risk, such as using lower pressure and greater boring depths. The Contingency Plan shall be kept on site at all times. A non-toxic fluorescent water-soluble dye shall be added to the drilling muds to allow for frac-outs to be seen in muddy waters. The dye shall be used in a concentration which allows the monitors to easily determine the source of the frac-out, and shall be a type of dye approved for use by the local Regional Water Quality Control Board. All equipment required to contain and clean up a frac-out release shall be available at the work site. Boring plans should include: <ul style="list-style-type: none"> A sketch of the construction site, including equipment staging areas, approximate location of drill entry and exit points and the approximate location of access roads in relation to the surrounding area, Proposed depth of bore and statement of streambed or wetland condition (subsurface strata and percent of gravel and cobble) that support the depth of the bore, Approximate length of bores (50-foot increments), 	<p>HDD operations at creek crossings and/or jurisdictional features shall be limited to daylight hours.</p> <p>Visual inspection along the bore alignment shall take place at all times while the drill is in operation.</p> <p>HDD Operator shall prepare and implement a Frac-Out Contingency Plan and submit it to SMUD and CDFW for review and approval 30 days prior to construction.</p> <p>If a frac-out occurs in a sensitive resources, the Operator shall immediately notify the SMUD Environmental Monitor.</p> <p>If a frac-out occurs and the SMUD Environmental Monitor decides that containment and clean-up is needed to prevent additional impacts, the Contractor shall begin the containment and clean up measures as described in the MM.</p>	Before and during HDD operations	Contractor and Biological Monitor	SMUD and CDFW	All project components involving HDD operations

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CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		<ul style="list-style-type: none"> Type and size of boring equipment to be used (categorized as mini, mid or maxi), Estimated time to complete bore, List of lubricants and HDD additives to be used including Material Safety Data Sheets (MSDS), and Name of Operator's agents and cell phone numbers. Frac-out prevention and clean-up plans should include: <ul style="list-style-type: none"> Name(s) and phone numbers of biological monitor(s) and crew supervisor(s), Site specific resources of concern (if applicable, include factors such as possible presence of sensitive species), Monitoring protocols (include biological monitoring and frac-out monitoring), and Containment and clean-up plan (include staging location of vacuum trucks and equipment, equipment list, necessary hose lengths, special measures needed for steep topography, etc. at each location). If a frac-out or spill occurs in a sensitive resource, the Operator shall immediately notify the SMUD Environmental Monitor. If a frac-out occurs, the SMUD Environmental Monitor, shall determine whether clean-up actions are warranted. If containment and clean-up is needed to prevent additional impacts, the Contractor shall begin the following containment and clean up measures immediately. <ul style="list-style-type: none"> Where water flows allow, the Contractor shall immediately construct a sandbag well around the frac-out or place a standing pipe (such as a 55-gallon drum with the top and bottom removed, heavy PVC pipe or CMP or culvert type material) around the frac-out to contain the drilling mud. A trailer-mounted vacuum or vacuum truck shall be deployed to vacuum out spilled drilling fluids that continue to leak. Removed drilling fluids shall not be placed where they are likely to re-enter the stream. All cleanup and containment efforts shall adhere to the Frac-out Contingency Plan approved by the SMUD for spill response. 					
Cultural Resources	Impact 3.5-1. Impacts on archaeological resources pursuant to § 15064.5.	<p>Mitigation Measure 3.5-1: Halt ground-disturbing activity upon discovery of subsurface archaeological features.</p> <p>In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource, a unique archaeological resource, or a tribal cultural resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include, but would not necessarily be limited to, preservation in place (which shall be the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan).</p>	If any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction, all ground-disturbing activity shall cease within 100 feet of the resource(s) discovered until an archaeologist can assess the significance of the find.	During construction	Contractor and Qualified Archaeologist	SMUD	All project components during construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
Cultural Resources	Impact 3.5-2. Disturbance of any human remains, including those interred outside of dedicated cemeteries.	Mitigation Measure 3.5-2: Halt ground-disturbing activity upon discovery of human remains. If human remains are discovered during any construction activities, potentially damaging ground-disturbing activities within 100 feet of the remains shall be halted immediately, and SMUD will notify the Placer County coroner and the NAHC immediately, according to PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be followed during the treatment and disposition of the remains. SMUD will also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. Following the coroner's and NAHC's findings, the archaeologist and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. PRC Section 5097.94 identifies the responsibilities for acting upon notification of a discovery of Native American human remains.	If human remains are discovered during construction, potentially damaging ground-disturbing activities within 100 feet of the remains will be halted immediately. SMUD will notify Solano County coroner and the NAHC immediately.	During construction	SMUD, Qualified Archaeologist, and Contractor	SMUD, Placer County, and NAHC	All project components during construction
Geology and Soils	Impact 3.7-5. Impacts on Unique Paleontological Resources.	Mitigation Measure 3.7-5: Avoid Impacts to Unique Paleontological Resources. To minimize the potential for destruction of or damage to previously unknown unique, scientifically important paleontological resources during earthmoving activities at the project site, SMUD shall do the following: <ul style="list-style-type: none">• Prior to the start of earthmoving activities, retain either a qualified archaeologist or paleontologist to inform all construction personnel involved with earthmoving activities regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.• If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify SMUD and the County. SMUD shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan. The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum curation for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by SMUD and the County to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resource or resources were discovered.	Before earthmoving activities, a qualified paleontologist or archaeologist will inform construction personnel on what paleontological resources are and what to do if one is found. Qualified paleontologist to evaluate resources if found and prepare a recovery plan.	Before and during construction activities	SMUD, Qualified paleontologist, and Contractor	SMUD and Placer County	All project components during construction
Hazards and Hazardous Materials	Impact 3.9-2. Hazards to the public or environment due to the accidental release of hazardous materials.	Mitigation Measure 3.9-1: Conduct Phase II Environmental Site Assessment and Implement Remedial Measures To reduce health hazards associated with potential exposure to hazardous substances, SMUD shall implement the following measures before the start of ground-disturbing activities: <ul style="list-style-type: none">• Retain a certified environmental professional to conduct a Phase II ESA that includes appropriate soil and/or groundwater testing. Recommendations in the Phase II ESA to address any contamination that is found shall be implemented before ground-disturbing activities can resume in the areas where contamination is identified, including at the two REC areas in the Phase I ESA recommended for further investigation.• Notify the appropriate federal, State, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained or odoriferous soil or groundwater) or if previously undiscovered underground storage tanks are encountered during construction activities. Any contaminated areas shall be remediated in accordance with recommendations made by the Placer County Department of Health and Human Services-Division of Environmental Health Services, Central Valley RWQCB, DTSC, and/or other appropriate Federal, state, or local regulatory agencies.	Conduct Phase II ESA prior to ground disturbing activities. Before construction, address contamination that is found during the Phase II ESA. Notify appropriate agencies if previously undiscovered underground storage tanks are encountered during construction activities.	Before and during construction	SMUD, Certified environmental professional, and Contractor	Placer County Department of Health and Human Services-Division of Environmental Health Services, Central Valley RWQCB, DTSC, and/or other appropriate Federal, state, or local regulatory agencies.	All project components

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		<ul style="list-style-type: none"> Remove all surface debris such as the used tires, tractor trailers, recreational vehicles, Polyvinyl chloride (PVC) piping, and soil piles observed within the proposed project boundaries during the site visit conducted in January 2022, and dispose of such materials at an appropriately permitted off-site disposal facility. 	Remove all surface debris found within the project boundaries.				
Hydrology and Water Quality	Impact 3.10-5. Risk of pollutant release due to project inundation in a flood hazard, tsunami, or seiche zones.	<p>Mitigation Measure 3.10-1: Locate Construction Equipment and Material Storage Areas Outside of the 100-Year Floodplain During the Winter Rainy Season.</p> <p>In order to protect human life, water quality, and designated in-stream beneficial uses of waterbodies, the construction contractor shall implement the following:</p> <ul style="list-style-type: none"> The on-site construction trailer and its associated portable restrooms, fencing, power supply, and parking area, shall not be located within a 100-year floodplain. During the winter rainy season (i.e., November 1 through April 1), construction materials and equipment shall not be stored in a 100-year floodplain. 	Construction materials shall be placed outside 100-year floodplain during winter rainy season (November 1 through April 1)	During construction	Contractor	SMUD	All project components during construction
Noise	Impact 3.13-1. Temporary, short-term exposure of sensitive receptors to construction noise.	<p>Mitigation Measure 3.13.1. Implement Noise Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise near Sensitive Receptors.</p> <p>The project applicant(s) and primary contractors for engineering design and construction of all project phases shall employ noise-reducing construction practices and ensure that the following requirements are implemented at each worksite in any year of project construction to avoid and minimize construction noise effects on sensitive receptors. Measures that shall be used to limit noise shall include the measures listed below:</p> <ul style="list-style-type: none"> Noise-generating construction operations shall be limited to the hours between 6 a.m. and 8 p.m. Monday through Friday, and between 8 a.m. and 6 p.m. on Saturdays. Construction equipment and equipment staging areas that could produce noise perceptible at the adjacent property boundary shall be located as far as feasible from nearby noise-sensitive land uses. All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. All motorized construction equipment shall be shut down when not in use to prevent idling. Individual operations and techniques shall be replaced with available quieter procedures and equipment (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site). Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators). Construction-related traffic shall be limited along roadways within residential uses such as South Brewer Road and Phillip Road as discussed in Mitigation Measure 3.17-1 Prepare and Implement Traffic Control Plan and Mitigation Measure 3.17-2 Prepare and Implement a Construction Transportation Plan. Written notification of construction activities shall be provided to all noise-sensitive receptors located within 700 feet of construction activities. The notification shall include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the project representative to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall also be included in the notification. Acoustic barriers (e.g., lead curtains, sound barriers) shall be used, particularly during site grading and excavation activities, and when construction equipment operates along the project site boundaries within 700 feet of existing residential uses, to reduce construction-generated noise levels at affected 	<p>Noise-generating construction operations shall be limited to 6 a.m. to 8 p.m. on weekdays and 8 a.m. to 6 p.m. on weekends.</p> <p>Written notification of construction activities to sensitive noise receptors located within 700 feet of construction activities will be distributed prior to construction.</p> <p>Acoustic barriers shall be used when construction equipment operates along project site boundaries within 700 feet of existing residential uses.</p>	During construction	SMUD and Contractor	SMUD	All project components during construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
		noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and on-site construction equipment.					
Transportation	Impact 3.17-1. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	<p>Mitigation Measure 3.17.1. Prepare and Implement a Traffic Control Plan</p> <p>Prior to the start of construction, the construction contractor shall prepare and submit a Traffic Control Plan (TCP) to Placer County for review and approval. The TCP shall be implemented to minimize construction-related traffic impacts on affected roadways. The contractor shall coordinate the development and implementation of this plan with agencies with jurisdiction over the affected routes (i.e., Placer County), as appropriate, and consider any other nearby construction happening at the same time. The TCP shall, at a minimum: define traffic controls, such as flag persons, warning signs, lights, barricades, cones, and detours, etc. to provide safe work areas and to warn, control, protect, and expedite vehicular traffic, based on County requirements and any conditions of project approval and shall aim to coordinate with other projects to minimize disruption to local and regional traffic flows during construction;</p> <ul style="list-style-type: none"> • show any proposed construction access location and encroachment onto a County roadway. The construction access location shall be reviewed and approved by the County at the time of Improvement Plan submittal. All approved construction access locations shall include an appropriate construction encroachment designed to the satisfaction of the County that may exceed typical construction encroachment designs (i.e. Baseline Road construction encroachment may be required to include larger radii and acceleration and deceleration tapers). • require the installation and maintenance of construction area signs in accordance with the current edition of the California Department of Transportation Manual on Uniform Traffic Control Devices (CA MUTCD) and/or California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones, Traffic Control Plans must follow California MUTCD (Chapter 6) guidelines; • discuss work hours and haul routes, delineate work areas, and identify traffic control methods and plans for flagging; • develop and implement a process for communicating with affected residents and landowners about the project before the start of construction. The public notice shall include posting notices and appropriate signage regarding construction activities. The written notification shall include the construction schedule, the exact location and duration of activities on each roadway (e.g., which roads/lanes and access points/driveways will be blocked on which days and for how long), and contact information for questions and complaints; • notify the public regarding alternative routes that may be available to avoid delays; • include measures to avoid disruptions or delays in access for emergency service vehicles and to keep emergency service agencies fully informed of road closures, detours, and delays. Police departments, fire departments, ambulance services, and paramedic services shall be notified at least one month in advance by the construction contractor of the proposed locations, nature, timing, and duration of any construction activities and advised of any access restrictions that could impact their effectiveness; and • identify all emergency service agencies, include contact information for those agencies, assign responsibility for notifying the service providers, and specify coordination procedures. TCPs shall be provided to all affected police departments, fire departments, ambulance and paramedic services. 	Before construction and/or prior to Improvement Plan approval, develop a Traffic Control Plan and submit to Placer County for review and approval. Implement Traffic Control Plan during construction.	Before and during construction	SMUD and Contractor	SMUD and Placer County	All project components during construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component	
					Implementation	Monitoring		
Transportation	Impact 3.17-1. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	<p>Mitigation Measure 3.17-2. Prepare and Implement a Construction Transportation Plan</p> <p>Where construction traffic has the potential to significantly affect regional and local roadways (e.g., Baseline Road, South Brewer Road, and Phillip Road) by generating additional vehicle trips, or potentially causing unsafe situations by construction vehicles making left hand turns into the construction site, the construction contractor shall prepare and implement a Construction Transportation Plan (CTP) describing alternate traffic routes, timing of commutes, reduction in crew-related traffic, potential temporary turning lanes/pockets, if required, and other mitigation methods for reducing construction-generated additional traffic on regional and local roadways and to guarantee safe local traffic patterns during construction. The CTP shall also require the following:</p> <ul style="list-style-type: none">• distribute worker trips to multiple roadways and limit construction-related trips along South Brewer Road and Phillip Road to 100 worker trips or less during the peak hours (7 a.m. – 9 a.m. and 4 p.m. – 6 p.m.);• if deemed necessary by the County to ensure safe traffic conditions during construction based on advanced designs, include temporary turning lanes/pockets off Baseline Road, South Brewer Road, and Phillip Road in the CTP; these temporary turning lanes/pockets shall be engineered according to County standards, and shall be used temporarily only during construction; following construction, any turning lanes/pockets shall be removed, and the road conditions shall be restored to pre-construction conditions;• avoid construction-related trips during the morning and afternoon peak hours; and• construction workers park personal vehicles at staging yards and carpool to work sites within the project area. The construction contractor shall submit the CTP to Placer County for review and approval 30 days prior to commencing construction activities. Placer County may share the plan with other interested parties at their discretion and incorporate specific input from third parties into their plan comments as they deem appropriate.	<p>Prior to Improvement Plan approval and/or 30 days before construction begins, contractor will submit a Construction Transportation Plan to SMUD and Placer County.</p> <p>CTP to be implemented during construction.</p>	Before and during construction	Contractor	SMUD and Placer County	All project components during construction	
Transportation	Impact 3.17-3. Substantially increase hazards due to a geometric design feature or incompatible uses.	<p>Implement Mitigation Measures 3.17-1 and 3.17-2, and;</p> <p>Mitigation Measure 3.17-3. Resurface, Repair and/or Restore Roadways to Pre-Construction Condition.</p> <p>Prior to Improvement Plan approval, the applicant shall provide a video/photo survey of the existing surfacing condition of South Brewer and Phillip Roads to the satisfaction of the County. A cash security deposit (i.e. cash, CD, letter of credit – no bonds) shall also be provided to the County in an amount determined by the County and SMUD for the repair and restoration of the roadways to their original condition, including removal of any temporary turning lanes/pockets as discussed under Mitigation Measure 3.17-2 that would be constructed under the CTP, if deemed necessary based on advanced designs. Upon completion of construction of the project improvements (i.e. beginning operation/use of the site; and/or prior to Building Permit Certificate of Occupancy; and/or acceptance of the project construction as complete by the County), the existing South Brewer and Phillip roadway surfaces shall be repaired and/or restored to their original condition by the developer, including removal of any temporary improvement to ensure save access, such as temporary turning lanes/pockets. The improvements required for repair and restoration shall be described by and at the sole discretion of the County and shall be constructed to County standards and to the satisfaction of the County. Improvement Plans and/or Encroachment Permits will need to be obtained by the developer for any required improvements, repair and restoration construction. After completing the repair and restoration to the satisfaction of the County, the cash security deposit will be released.</p>	<p>See MM 3.17-1 and 3.17-2</p> <p>Applicant to provide video/photo survey and cash security deposit to Placer County prior to Improvement Plan approval.</p> <p>After project construction, roads that were modified will be returned to initial conditions.</p> <p>After completing the repair and restoration to the satisfaction of the County, the cash security deposit will be released.</p>	<p>See MM 3.17-1 and 3.17-2</p> <p>Before and after construction</p>	See MM 3.17-1 and 3.17-2	Contractor and SMUD	See MM 3.17-1 and 3.17-2	All project components involved in construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsibility		Applicable Project Component
					Implementation	Monitoring	
Transportation	Impact 3.17-4. Inadequate emergency access.	Implement Mitigation Measure 3.17-1.	See MM 3.17-1	See MM 3.17-1	See MM 3.17-1	See MM 3.17-1	See MM 3.17-1
Tribal Cultural Resources	Impact 3.18-1. Impacts to tribal cultural resources as defined in Public Resources Code § 21074.	<p>Mitigation Measure 3.18-1</p> <p>The following method is intended to minimize impacts to existing or previously undiscovered Tribal Cultural Resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities at the following locations: substation, switch yard, battery storage area. The project proponent and its construction contractor(s) will implement the following methods to identify TCRs at the earliest possible time during project-related earthmoving activities:</p> <ul style="list-style-type: none"> A compensated (paid) Tribal Monitor from a traditionally and culturally affiliated Native American Tribe shall be retained to monitor specified ground disturbing project related activities in the substation, switch yard, and battery storage area of the project area. The specified ground disturbing activities include grading, trenching, and ground disturbance to a depth of up to approximately 6 feet. Spot monitoring at these locations will be done by the Tribal Monitor in coordination with the construction schedule. Consulting Tribes shall be contacted at least 2 weeks prior to project ground-disturbing activities in order to retain the services of a paid Tribal Monitor. The duration of the monitoring and construction schedule shall be determined at this time. Field-monitoring activities will be documented on a Tribal Monitor log. The total time commitment of the Tribal Monitor will vary depending on the intensity and location of construction and the sensitivity of the area, including the number of finds. The Tribal Monitor/s shall wear the appropriate safety equipment and shall have the necessary background training in construction safety protocols. The Tribal Monitor/s will have all necessary background training to identify and recommend appropriate treatment for any discoveries, including sites and objects of cultural value, that are a potential TCR. Tribal Monitors or Tribal Representatives have the authority to request that work be temporarily stopped, diverted, or slowed within 100 feet of the direct impact area if sites or objects of significance are identified. Only a Tribal Monitor or Representative from a culturally affiliated Tribe can recommend appropriate treatment and final disposition of TCRs. When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and Tribal protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by consulting Tribes. The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, have been satisfied. 	<p>Tribal Monitor will be present during ground-disturbing activities in the substation, switch yard, and battery storage area.</p> <p>Consulting Tribes shall be contacted at least 2 weeks prior to project ground disturbing activities.</p>	Before and during construction	Tribal Monitor, Contractor, and SMUD	SMUD and NAHC	All project components during construction consisting of ground disturbing activities at the substation, switch yard, and battery storage area

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bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. Portland, Oregon.

6 FINAL EIR AUTHORS/PREPARERS

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS
IN CONNECTION WITH
COUNTRY ACRES SOLAR PROJECT
SACRAMENTO MUNICIPAL UTILITY DISTRICT**

I. Introduction

The Sacramento Municipal Utility District (SMUD) is lead agency under the California Environmental Quality Act (CEQA) for purposes of the Country Acres Solar Project, hereafter the project. CEQA prohibits an agency from approving or carrying out a project for which significant effects have been identified, unless the agency can make one or more of a set of three findings set forth in Public Resources Code (PRC) section 21081, subdivision (a):

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (See also California Code of Regulations [CCR] Title 14, section 15091.)

When significant effects are subject to a finding under paragraph (3) of subdivision (a), it means that a significant and unavoidable environmental impact would result from project implementation. If this occurs, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment, if the agency approves the project. (PRC section 21081, subd. (b).)

CEQA requires public agencies to prepare a program for monitoring or reporting on the revisions which it requires in the project and the measures it has imposed to mitigate or avoid significant environmental effects. (CCR Title 14, section 15097, subd. (a).)

Under PRC section 21002.1, subdivision (d), when issuing an approval for an aspect of a project for which a lead agency has performed CEQA review, a responsible agency



considers only the aspects of the project that the agency is required by law to carry out or approve. SMUD therefore provides the following CEQA findings and mitigation monitoring and reporting program (MMRP) (Attachment 1) that concern potentially significant impacts to resources identified by the lead agency as part of the CEQA review and in fulfillment of CCR Title 14, section 15097, subd. (a).

II. CEQA Compliance

SMUD, as the lead agency pursuant to CEQA, has prepared a Draft and Final Environmental Impact Report (EIR) for the proposed Country Acres Solar Project (project). The project involves the construction of photovoltaic (PV) solar panels, battery storage facilities, and interconnection facilities, including a high voltage substation, switch station, and interconnection to the existing SMUD transmission system at the project site and operation and maintenance of the solar facility for 30 to 35 years. The SMUD Board of Directors (Board) hereby issues these Findings and concurrently certifies the Country Acres Solar Project EIR.

The EIR has been assigned State Clearinghouse Number 2021110307. The Final EIR consists of amendments to the Draft EIR through responses to comments, and formal responses to comments received on the Draft EIR; minor corrections, clarifications, and revisions; and a MMRP. The Draft EIR assesses the potential environmental effects of implementation of the Country Acres Solar Project, identifies the means to eliminate or reduce potentially significant adverse environmental impacts, and evaluates a reasonable range of alternatives to the project.

Pursuant to PRC section 21081 and CCR Title 14, section 15090, the Board hereby certifies that it completed the following activities prior to taking action related to activities evaluated under the Country Acres Solar Project EIR: the Board has received the Final EIR; the Board has reviewed and considered the information contained in the Final EIR and received through public comments; and the Board has considered all additional written and oral statements received prior to or at its public hearing on the Final EIR. The Board additionally certifies that the Final EIR was completed in compliance with CEQA (PRC section 21000 et seq.), the CEQA Guidelines (CCR Title 14, section 15000 et seq.), and SMUD's policies and procedures for the implementation of CEQA and that the Final EIR reflects SMUD's independent judgment and analysis. The conclusions presented in these Findings are based on the Final EIR and other evidence in the administrative record. The findings set forth below pertain to the certification of the EIR for the Country Acres Solar Project.

III. Findings

Having received, reviewed, and considered the Final EIR and all other information in the administrative record, the Board hereby adopts the following Findings for the Country Acres Solar Project in compliance with CEQA, the CEQA Guidelines, and SMUD's procedures for implementing CEQA. The Board adopts these Findings and Statement of



Overriding Considerations in conjunction with its approval of the Country Acres Solar Project EIR, as set forth below.

a. Project Description and Background

SMUD is proposing the Country Acres Solar Project (project). The project would involve:

- Construction and operation of a PV solar power and battery storage facility and interconnection facilities, including a generation substation, switch station, and interconnection lines, that would provide new power production capacity of up to 344 MW and
- Operation and maintenance of the new solar facility.

Project Objectives

SMUD's objectives for the project include the following:

- Contribute to a diversified energy portfolio that will aid in the continued improvement of air quality in the Sacramento Valley Air Basin by decreasing reliance on fossil fuel combustion for the generation of electricity and reduce SMUD's exposure to price volatility associated with electricity and natural gas.
- Provide a renewable power resource to support the SMUD Board of Directors' 2030 Zero Carbon Plan, a plan approved in 2021, which establishes a flexible pathway for SMUD to eliminate carbon emissions from its power supply by 2030 by developing and procuring dependable renewable resources.
- Develop a project that will deliver a reliable, long-term supply of economically feasible solar and battery storage for up to 344 megawatts (MW) of electrical capacity at a point of interconnection with the grid managed by SMUD.
- Site the project to avoid wetlands and other sensitive habitats as feasible within the available property.
- Integrate compatible agricultural activities such as grazing, agricultural crop production, and/or pollinator habitat into solar operations.
- Optimize the delivery of solar-produced and stored energy and minimize the geographic extent of impacts by locating the facility near existing electrical infrastructure with available capacity;
- Design a flexible PV solar energy and battery storage facility that is capable of utilizing the best available, efficient, cost-effective, and proven PV solar and storage technology; and



- Construct the facility in a location that is readily accessible from existing roads and that would not require the construction of major new roadway improvements.

Project Location

The project would be located on approximately 1,170 acres of land in southwestern Placer County, west of the City of Roseville, north of Baseline Road and east of South Brewer Road. Primary access to the project site would be provided by entry roads from Baseline Road to the south, South Brewer Road to the west, and Phillip Road to the north. The project area encompasses several parcels and includes a northern portion and a southern portion connected by an easement for electrical collection lines and roads.

The project site is relatively flat and open and includes grassland, agricultural rice fields and almond orchards. A portion of the grassland on the project site is interspersed with scattered seasonal wetlands, vernal pools, and drainages. A section of upper Curry Creek traverses the project site. Agricultural uses and grassland surround the project site with some residential development to the east of the project site in the City of Roseville.

Topography and Natural Habitat

Topography in the project area is generally flat (0-5%). The elevation varies between approximately 58 feet above mean sea level (msl) and 100 above msl.

While much of the project area is currently in agricultural production (rice, orchards), seasonal wetlands, cattail marsh, vernal pools, drainages, riparian vegetation, and creeks also occur within the project area. Curry Creek bisects the project area. Curry Creek and many of the other drainages and creeks in the area are channelized and exhibit perennial or near-perennial hydrology as influenced by adjacent rice field and pasture irrigation practices.

Existing Land Uses

Existing land uses within the project area include predominantly agricultural rice fields and almond orchards, and some annual non-native grassland with seasonal wetlands previously farmed for grain; however, in recent years this non-native grassland has been left fallow. Irrigation wells exist throughout the project site. The wells are powered either via overhead electrical distribution lines, diesel, or propane fuel.

Surrounding land uses include rice fields and almond orchards, urban development, and open space areas with seasonal wetland, riparian, and annual grassland vegetation. Curry Creek has been channelized in the project area. A hydrology and hydraulic study (Black and Veatch 2022) has been completed to determine the existing conditions of the regulatory floodway and floodplain associated with Curry Creek. The majority of the



region is privately owned and developed or in the process of development for agricultural, industrial, residential, and transportation uses.

Project Characteristics

The Country Acres Solar Project includes construction and operation of a PV solar power and battery storage facility and interconnection facilities, including a generation substation, switch station, and interconnection lines, that would provide new power production capacity of up to 344 MW delivered at the point of interconnection with the electrical grid managed by SMUD. The project site would generally comprise PV solar modules, foundation piles, racking, direct current (DC) collection, alternative current (AC) collection, fencing, roads, inverters, medium voltage transformers, an interconnection line between the generation substation and switch station, battery storage equipment, and interconnection lines to the existing SMUD transmission system. During construction, a temporary construction trailer/office complex and staging areas would be established. During operation, the proposed project would likely include an operations facility that would provide space for equipment and an onsite office for the site operator. At the end of the project's life (anticipated to be 30 to 35 years), the project and its assets would be decommissioned; however, SMUD may retain the substation, switching station, and battery storage facilities. Details about the decommissioning process are not known at this time, thus potential impacts from decommissioning cannot be analyzed in the Draft EIR. The project will prepare a decommissioning and reclamation plan prior to decommissioning that will detail the timeline for removal of the improvements and specific measures to return the site to agricultural capability. Additionally, prior to decommissioning, additional CEQA analysis would be performed.

b. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. CEQA Guidelines Section 15088.5 further provides that "new information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

Comments received on the Draft EIR expressed a range of CEQA and non-CEQA issues, as discussed in Chapter 2, "Comments and Responses to Comments," of the Final EIR. Each comment has been responded to in the Final EIR and none of the comments triggered the need to recirculate the Draft EIR.



Having reviewed the information contained in the Draft and Final EIR, and in the administrative record, including all comments received, as well as the requirements under CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, the Board hereby finds that no significant new information was added to the Draft EIR after the public review period. The Board specifically finds that: no new significant environmental impact would result from the Country Acres Solar Project or from the implementation of a mitigation measure; no substantial increase in the severity of an environmental impact would result, or if such an increase would result, SMUD has adopted mitigation measures to reduce the impact to a level of insignificance; SMUD has not declined to adopt any feasible project alternative or mitigation measures considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Country Acres Solar Project; and the Draft EIR is not so fundamentally and basically inadequate in nature that it precluded meaningful public review.

Having reviewed the information in the Draft EIR, Final EIR, and administrative record, the Board finds that no new significant information was added to the EIR following public review, and recirculation of the EIR is therefore unnecessary and not required by CEQA.

c. Environmental Impacts Summary

As required by CEQA and the CEQA Guidelines, the following section summarizes the direct, indirect, and cumulative environmental impacts of the project identified in the Final EIR and includes the Board's Findings regarding those impacts and any mitigation measures set forth in the Final EIR, adopted by the Board, and incorporated as requirements of the project. These Findings summarize the determinations of the Final EIR with respect to the project's impacts before and after mitigation and do not attempt to describe the full analysis of each environmental impact considered in the Final EIR. Instead, the Findings provide a summary of each impact, describe the applicable mitigation measures identified in the Final EIR and adopted by the Board, and state the Board's Findings regarding the significance of each impact with the adopted mitigation measures. The Final EIR contains a full explanation of each impact, mitigation measure, and the analysis that led SMUD to its conclusions on that impact. These Findings hereby incorporate by reference the discussion and analysis in the Final EIR, which support the Final EIR's determinations regarding the project's environmental impacts and mitigation measures. In making these Findings, the Board ratifies, adopts, and incorporates by reference the Final EIR's analysis, determinations, and conclusions relating to environmental impacts and mitigation measures. The substantial evidence supporting these findings and conclusions are set forth in the Final EIR and the record of proceedings.

The Board hereby adopts, and incorporates as conditions of approval, the mitigation measures set forth in the findings below to reduce or avoid the potentially significant impacts of the project. In adopting the mitigation measures described below, the Board intends to adopt each of the mitigation measures recommended in the Final EIR. Accordingly, in the event that a mitigation measure recommended in the Final EIR has

been inadvertently omitted from these Findings, that mitigation measure is hereby adopted and incorporated by reference in the Findings. Additionally, in the event that the description of mitigation measures set forth below fails to accurately capture the substance of a given mitigation measure due to a clerical error (as distinct from specific and express modification by the Board through these Findings), the language of the mitigation measure as set forth in the Final EIR shall govern.

1. Significant and Unavoidable Adverse Impacts and Related Mitigation Measures

Pursuant to PRC section 21081(b) and CEQA Guidelines section 15093, where the lead agency identifies significant adverse environmental impacts that cannot feasibly be mitigated to a less-than-significant level, the lead agency may nonetheless approve the project if it finds that specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable significant environmental impacts.

After implementation of the recommended mitigation measures, implementation of the Country Acres Solar Project would result in the following significant and unavoidable impacts:

Agriculture and Forestry Resources

Impact 3.2-1: 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. The project would result in the conversion of up to 44 acres of land designated as Farmland of Statewide Importance and conversion of up to 858 acres of land designated as Unique Farmland.

Mitigation Measure 3.2-1: Preserve Important Farmland.

SMUD shall implement one of the following methods to minimize the loss of Farmland of Statewide Importance and Unique Farmland at a 1:1 ratio (i.e., 1 acre on which easements are acquired to 1 acre of Farmland of Statewide Importance and Unique Farmland removed from agricultural use):

- Acquire agricultural conservation easement(s) that provide in-kind or similar resource value protection in the region, with a strong preference for locating the agricultural conservation easement(s) in Placer County. This can be achieved by the acquisition of conservation easements, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land in perpetuity.
- Pay in-lieu fees to an established, agreed-upon (by County and SMUD) mitigation program with a presence in Placer County (e.g., Placer Land Trust) to fully fund the acquisition and maintenance of agricultural land or easements.

- Alternatively, this may occur through the payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. (In-lieu fee payments would also address impacts on special-status species through loss of foraging habitat for burrowing owl and Swainson's hawk, and impacts on sensitive natural communities and wetlands and other waters of the US and state/County, as detailed in Mitigation Measures 3.4-8., 3.4-10 and 3.4-16 in Section 3.4 "Biological Resources" of this EIR).

Payments of in-lieu fees or acquisition of agricultural conservation easements may be spread out in alignment with construction phasing but must occur no later than the start of each new phase. The impact acreage requiring offset shall be based on the most current FMMP at the time of the County's issuance of the Conditional Use Permit.

Finding: The Board finds that changes or alterations have been required in, or incorporated into, the project that substantially lessen this significant impact as identified in the EIR; however, implementation of the Country Acres Solar Project would still require conversion and net loss of Important Farmland, which constitutes a significant and unavoidable impact. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

Air Quality

Impact 3.3-1: Conflict with or obstruct implementation of the applicable air quality plan. Project construction activities would result in a temporary increase in criteria pollutant and ozone precursor emissions in the form of both fugitive dust from ground disturbing activities and exhaust emissions from the use of construction equipment and operation of worker vehicles and vendor and haul trucks that could conflict with Placer County Air Pollution Control District (PCAPCD) rules and regulations.

Mitigation Measure 3.3-1: Implement Mitigation Measures 3.3-2a, 3.3-2b, and 3.3-2c (see mitigation measures below).

Finding: The Board finds that changes or alterations have been required in, or incorporated into, the project that substantially lessen these potentially significant impacts as identified in the EIR; however, implementation of the Country Acres Solar Project would still conflict with PCAPCD Rule 228 for fugitive dust and exceedance of the PCAPCD-established thresholds of significance, which constitutes a significant and unavoidable impact. Specific economic, legal, social, technological, or other



considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

Impact 3.3-2: 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. Project construction activities would emit NO_x and PM₁₀ at levels that could exceed PCAPCD daily emissions thresholds for these pollutants.

Mitigation Measure 3.3-2a. Implement Fugitive Dust Control Measures.

In order to minimize fugitive dust generation from earthwork and on-site travel on unpaved roadways, the applicant shall submit a Dust Control Plan to the Placer County Air Pollution Control District (PCAPCD). The Dust Control Plan shall be submitted to the PCAPCD a minimum of 21 days before construction activity is scheduled to commence. The Dust Control Plan can be submitted online via the fill-in form: <http://www.placerair.org/dustcontrolrequirements/dustcontrolform>.

In addition, the applicant shall include as a condition of the construction bidding, incorporation of dust control measures that shall include, at a minimum, the below requirements of Rule PCAPCD Rule 228, Section 400, and any additional measures identified as part of the Dust Control Plan. All dust control measures shall be shown on grading and improvement plans, to be initiated at the start and maintained throughout the duration of construction.

- Dry mechanical sweeping is prohibited. Watering of a construction site shall be carried out to mitigate visible emissions. (Based on PCAPCD Rule 228, Section 301.)
- The contractor shall apply water or use methods to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site. (Based on PCAPCD Rule 228, Section 304.)
- During construction activity, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less unless the road surface and surrounding area is sufficiently stabilized to prevent vehicles and equipment traveling more than 15 miles per hour from emitting dust or visible emissions from crossing the project boundary line. (Based on PCAPCD Rule 228, Section 401.2.)
- Storage piles and disturbed areas not subject to vehicular traffic must be stabilized by being kept wet, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile. (Based on PCAPCD Rule 228, Section 401.3.)
- The contractor shall suspend all grading operations when fugitive dust exceeds the APCD Rule 228 (Fugitive Dust) limitations. Visible emissions of fugitive dust shall not exceed 40% opacity, nor go beyond the property boundary at any time. Lime or other drying agents utilized to dry out wet grading areas shall not

exceed APCD Rule 228 limitations. (Based on PCAPCD Rule 228, Sections 302 & 401.4.)

- The prime contractor shall be responsible for keeping adjacent public thoroughfares clean by keeping dust, silt, mud, dirt, and debris from being released or tracked offsite. Wet broom or other methods can be deployed as control and as approved by the individual jurisdiction. (Based on PCAPCD Rule 228, Section 401.5.)
- The contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are high enough to result in dust emissions crossing the boundary line, despite the application of dust mitigation measures. (Based on PCAPCD Rule 228, Section 401.6.)
- The contractor shall prohibit trucks from transporting excavated material off-site unless the trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments, and loads are either covered with tarps or wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches from the top and that no point of the load extends above the top of the cargo compartment. (Based on PCAPCD Rule 228, Section 401.7)
- To minimize wind-driven dust during construction, the prime contractor shall apply methods such as surface stabilization, the establishment of a vegetative cover, paving (or use of another method to control dust as approved by Placer County). (Based on APCD Rule 228 / section 402)

Mitigation Measure 3.3-2b. Reduce Exhaust-related Emissions During Construction.

Prior to the approval of grading or improvement plans, whichever would occur first, the construction contractor shall submit a Construction Emissions Control Plan to the Placer County Air Pollution Control District and SMUD, and provide written evidence to SMUD that the plan has been submitted to and approved by PCAPCD. The applicant shall not initiate any on-site construction activity until PCAPCD has approved the Construction Emissions Control Plan.

The Construction Emissions Control Plan shall include the following:

- The contractor shall submit to the PCAPCD a comprehensive equipment inventory (e.g., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used in an aggregate of 40 or more hours. If any new equipment is added after submission of the inventory, the contractor shall notify the PCAPCD before the new equipment being utilized. At least three business days before the use of subject heavy-duty off-road equipment, the project representative shall provide the PCAPCD with the anticipated construction timeline including start date, name, and phone number of the property owner, project manager, and on-site foreman.

- With submittal of the equipment inventory, the contractor shall provide a written calculation to the PCAPCD for approval demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project-wide fleet-average of 20 percent Nitrogen Oxides (NO_x) reduction and 45 percent particulate reduction compared with the statewide fleet averages. Acceptable options for reducing emissions may include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and other options as they become available. The emissions reductions shall be calculated using the Sacramento Metropolitan Air Quality Management District's Construction Mitigation Calculator to identify the equipment fleet and measures that achieve the required reductions; this tool is currently available on the Sacramento Metropolitan Air Quality Management District's website at the following link: <http://www.airquality.org/businesses/ceqa-land-use-planning/mitigation> (click on the current "Construction Mitigation Tool" spreadsheet under Step 1)
- If any new equipment is added after the submission and approval of the inventory, the construction contractor shall update the inventory and provide to the PCAPCD and SMUD prior to the use of such equipment, demonstrating that the 20-percent NO_x reduction performance standard is still met.
- The approved equipment inventory and a note regarding update requirements, as detailed above, shall be include as an attached form to the Grading and Improvement Plans.
- Include the following standard notes on Grading and Improvement Plans:
 - Construction equipment exhaust emissions shall not exceed the APCD Rule 202 Visible Emissions limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by the APCD to cease operations, and the equipment must be repaired within 72 hours.
 - The contractor shall not discharge into the atmosphere volatile organic compounds caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance unless such manufacture or use complies with the provisions of Rule 217 Cutback and Emulsified Asphalt Paving Materials.
 - During construction, open burning of removed vegetation is only allowed under APCD Rule 304 Land Development Smoke Management. (Based on APCD Rule 304)
 - Any device or process that discharges 2 pounds per day or more of air contaminants into the atmosphere, as defined by Health and Safety Code Section 39013, may require an APCD permit. Developers/contractors should contact the APCD before construction and obtain any necessary permits before the issuance of a Building Permit. (APCD Rule 501)
 - The contractor shall utilize existing power sources (e.g., power poles) or clean fuel (e.g., gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.

- The contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment. (Placer County Code Chapter 10, Article 10.14).
- Idling of construction-related equipment and construction-related vehicles shall be limited to 2 minutes within 1,000 feet of any sensitive receptor (i.e., house, hospital, or school), allowing for the same exceptions identified in Placer County Code Chapter 12, Article 10.14.

Mitigation Measure 3.3-2c. Off-site Mitigation.

If, based upon the incorporation of all on-site measures described above in Mitigation Measures 3.3.1 and 3.3.2, NO_x or PM emissions still do not meet the daily PCAPCD thresholds, the project shall participate in the PCAPCD's Offsite Mitigation Program by paying to PCAPCD a mitigation fee for construction activities, to be determined at the time of construction based on the submitted equipment inventory and emissions calculations for the purposes of mitigating NO_x and PM₁₀ emissions, such that emissions are reduced to a less-than-significant level. The fee calculation to mitigate daily emissions shall be based on the PCAPCD-determined cost to reduce emissions and the project's contribution of pollutants to be less than the PCAPCD threshold of 82 pounds per day for NO_x. The fee shall be submitted for approval by PCAPCD as the total required to achieve emissions reductions that would reduce total emissions to a less-than-significant level after all other mitigation measures are implemented. The fee shall be calculated and approved by PCAPCD.

Finding: The Board finds that changes or alterations have been required in, or incorporated into, the project that substantially lessen these potentially significant impacts as identified in the EIR, however implementation of the Country Acres Solar Project would still create significant and unavoidable construction emissions of criteria air pollutants and ozone precursors. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the EIR.

2. Issues for which the project would have a Less-than-Significant Impact with Project-specific Mitigation Measures Incorporated

Pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), SMUD finds that changes or alterations have been required or incorporated into the project to avoid or substantially lessen the following potentially significant impacts identified in the Final EIR to a less-than-significant level.

Biological Resources

Impact 3.4-1: Temporary and permanent construction impacts on special-status species. There are 15 special-status wildlife species that are known to occur in the project

area or have moderate to high potential to occur in the project area and could therefore be impacted by project implementation.

Western spadefoot

Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection.

SMUD will prepare a Worker Environmental Awareness Program that will educate staff regarding the presence or potential presence of all special-status species, sensitive natural communities, and protected wetlands with potential to occur, or that are known to occur, within the project area. The program shall describe their identification, habitat requirements, and penalties for species impacts, as well as immediate steps to take should special-status species be observed by staff on site.

This WEAP shall include biological resource avoidance and minimization measures/mitigation measures from the project's CEQA Mitigation Monitoring and Reporting Program, and any resource permits or agreements, as applicable. The WEAP will educate workers regarding sensitive species and their habitats, the need to avoid impacts, state and federal protection, and the legal implications of violating environmental laws and regulations. The WEAP can be provided in the form of a handout and/or video presentation. All staff working onsite shall attend the WEAP training prior to commencing onsite work. Staff that attend the training shall fill out a sign-in sheet indicating that they completed the training.

Prior to construction, a qualified biological monitor shall inspect all areas within the project site with the potential to support sensitive biological resources to ensure the proper implementation of all avoidance and minimization and mitigation measures, agency permit requirements, and environmentally sensitive area exclusion flagging and/or fencing have been properly implemented, and to deliver WEAP training as needed.

The biological monitor shall remain available on an on-call basis for the duration of project construction to conduct inspections and follow up surveys, as needed, and to ensure compliance with permit conditions. The qualified biological monitor shall have the experience, education and training necessary to conduct special-status species surveys and monitoring as described in the mitigation measures below.

During operation and maintenance, an annual Environmental Awareness Training shall be provided to onsite personnel, covering any sensitive biological resources that could be present onsite.

Mitigation Measure 3.4-2. Establish Non-Disturbance Buffers around Vernal Pools and Seasonal Wetlands to protect Western Spadefoot during Construction and Operation.

Based on the assumptions that all vernal pools and seasonal wetlands in the project areas could provide suitable habitat for western spadefoot, SMUD, in coordination with a qualified biologist, will establish a 250-foot no-disturbance buffer from the high-water mark of the vernal pool or seasonal wetland habitat prior to commencement of ground-disturbing activities. The perimeter of the no-disturbance buffer will be delineated with a wildlife-friendly fence that allows the movement of wildlife, including western spadefoot (and also wide-ranging wildlife, such as coyotes), through the area. The fence will be maintained for the duration of project construction and operation. Signage will be installed on the fence indicating the buffer is an environmentally sensitive area. The boundaries of vernal pools, seasonal wetlands and associated 250-foot buffers will also be clearly delineated on project plans and specifications boundaries. No construction or ground-disturbing activities shall occur within the 250-foot buffer.

The fencing shall be kept in place for the duration of project construction and operations and shall be kept in good condition to prevent any construction, operation and maintenance activities from disturbing the sensitive habitat areas.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on western spadefoot. Adoption and incorporation of Mitigation Measures 3.4-1 and 3.4-2 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on western spadefoot to less-than-significant levels.

Western pond turtle

Mitigation Measure 3.4-3. Conduct Pre-Construction Surveys for Western Pond Turtle.

- Project ground-disturbing activities will be conducted outside of western pond turtle's active breeding and dispersal season (i.e., after May 1 and before September 15), to the extent feasible. If project activities must be implemented during the breeding and dispersal season, they will not start until 30 minutes after sunrise and must be completed 30 minutes prior to sunset.
- A qualified biologist shall conduct a pre-construction survey for western pond turtle within 48 hours prior to the start of construction activities within 300 feet of suitable habitat (e.g., any adjacent waterway, marsh, or emergent wetland).

Concurrently with the pre-construction survey, searches for nesting sites shall be conducted and any identified sites shall be delineated with high-visibility flagging or fencing and avoided during construction activities. If avoidance is not possible, the nest and/or turtle shall be removed by a qualified biologist and relocated to an appropriate location in consultation with CDFW.

Mitigation Measure 3.4-4. Avoid Impacts on Western Pond Turtle during Construction.

If turtles and/or nests are encountered during the pre-construction survey, a qualified biologist shall be present during grubbing and clearing activities in suitable habitat (aquatic) to monitor for western pond turtle. If a turtle is observed in the active construction zone, construction shall cease within a 100-foot buffer. Construction may resume when the biologist has, in consultation with CDFW, either hand-captured and relocated the turtle to nearby suitable habitat outside the construction zone, or, after thorough inspection, determined that the turtle has moved away from the construction zone.

On-site personnel will observe a 20-mile-per-hour speed limit at all times.

Information about avoidance and minimization measures for western pond turtles shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on western pond turtle. Adoption and incorporation of Mitigation Measures 3.4-1 through 3.4-4 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on western pond turtle to less-than-significant levels.

Giant garter snake

Surveys have shown that giant garter snakes are not present anywhere in Placer County. They are not present in the project area, and they are not present on any roads that will be used by construction vehicles supporting the project development. Therefore, there is no chance that giant garter snakes will be affected by the project. Because the EIR was drafted to be consistent with the PCCP, and the PCCP assumed presence of modeled habitat for giant garter snake, it included mitigation measures based on that modeling work and accordingly included the following mitigation measures:

Mitigation Measure 3.4-5. Conduct Pre-Construction Surveys for Giant Garter Snake and Implement Avoidance and Minimization Measures.

- Project ground-disturbing activities in aquatic habitat and adjacent upland habitat within 200 feet of aquatic habitat will be conducted during the giant garter snake's active season (i.e., after May 1 and before October 1), to the extent feasible. During this period, the potential for direct mortality is reduced, because snakes are expected to actively move and avoid danger. If project activities in aquatic habitat and adjacent upland habitat within 200 feet of aquatic habitat must be implemented outside of the snake's active season, the following mitigation measures must be implemented:
 - Within 24-hours prior to commencement of construction activities within 200 feet of potential giant garter snake habitat, the site shall be inspected by a qualified biologist who is approved by the CDFW and USFWS. If construction activities stop for a period of 2 weeks or more, another preconstruction clearance survey will be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during preconstruction surveys, a biological monitor shall be present during construction activities in aquatic habitat and adjacent upland habitat within 200 feet of aquatic habitat.
 - The monitoring biologist shall be present during construction within 200 feet of potential aquatic habitat for giant garter snake (i.e., drainages that contain water) for the duration of the project. If a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. The monitor will remain in the area for the remainder of the workday to ensure the snake is not harmed or, if it leaves the site, does not return. The qualified biologist will work with the PCA, USFWS, and CDFW to redirect the snake away from the disturbance area within 3 days of reporting the snake's presence at the construction site to USFWS and CDFW.
- The project biologist shall report any observations of giant garter snake to CDFW and USFWS within 24 hours of detection.
- Information about avoidance and minimization measures for giant garter snake shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Solar Project will have no construction impacts, temporary or permanent, on giant garter snake, since they are not found anywhere in Placer County or the project area.

Black rail

Mitigation Measure 3.4-6. Survey for California Black Rails and Implement Avoidance Measures.

- Preconstruction Call-Playback Surveys for California Black Rail. A qualified biologist will conduct a preconstruction survey in potentially suitable habitat for this species in the project footprint and a 500-foot buffer to the project footprint. Surveys will be initiated sometime between March 15 and May 31, preferably before May 15. A minimum of four surveys will be conducted. The survey dates will be spaced at least 10 days apart and will cover the time period from the date of the first survey through the end of June to early July. This will allow the surveys to encompass the time period when the highest frequency of calls is likely to occur. Projects must conduct surveys during this time period, regardless of when the project is scheduled to begin, and shall be conducted the year in which ground disturbance activities commence. Surveys will follow a standardized tape call-playback/response protocol similar to that of Evens et al. 1991 and Richmond et al. 2008 or other CDFW-approved method. The surveys will document the presence or absence of black rail. CDFW will be notified within 2 business days of any identified black rail detections.
- If California black rails are detected during preconstruction surveys, the following additional measures will be implemented in association with occupied California black rail habitats:
- SMUD will establish and maintain a non-disturbance buffer of up to 500 feet around all identified occupied wetland habitat, depending on site-specific conditions and at the discretion of a qualified biologist in consultation with CDFW. Where feasible, all construction-related activities will be excluded from the buffer for the duration of project implementation.
- Where maintaining the non-disturbance buffer for the duration of the project is not feasible, at minimum, all construction-related activities will be excluded from the buffer for the duration of the breeding season (March through September, or for lesser duration as approved by CDFW).
- If project activities are necessary within the established non-disturbance buffer or within occupied habitat, including potential alterations to hydrological conditions that support black rail habitat, SMUD will consult with CDFW to identify a strategy that will avoid take of the year-round resident California black rail. This may or may not include work windows outside the breeding season, installation of wildlife exclusion fencing, and/or methods for passive exclusion

of individuals out of the temporary and permanent impact area such as through the hand removal of vegetation before other project-related ground disturbances, as determined in consultation with CDFW. A qualified biologist will be present for any construction activities occurring within the non-disturbance buffer; the intensity and frequency of the monitoring will be established in consultation with CDFW.

- Information about avoidance and minimization measures for California black rails shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on California black rail. Adoption and incorporation of Mitigation Measures 3.4-1 and 3.4-6 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on California black rail to less-than-significant levels.

Western burrowing owl

Mitigation Measure 3.4-7. Avoid and Minimize Impacts on Burrowing Owl.

- SMUD will have preconstruction burrowing owl surveys conducted in all areas that may provide suitable nesting habitat according to CDFW (CDFG 2012) guidelines. A qualified wildlife biologist shall conduct take avoidance surveys, including documentation of burrows and burrowing owls, in all suitable burrowing owl habitat within 250 feet of proposed construction. Two surveys will be conducted within 15 days prior to ground disturbance to establish the presence or absence of burrowing owls. The surveys will be conducted at least 7 days apart (if burrowing owls are detected on the first survey, a second survey is not needed) for both breeding and non-breeding season surveys. All burrowing owls observed will be counted and mapped.
- During the breeding season (February 1 to August 31), surveys will document whether burrowing owls are nesting in or within 250 feet of the project area.
- During the non-breeding season (September 1 to January 31), surveys will document whether burrowing owls are using habitat in or directly adjacent to any area to be disturbed. Survey results will be valid only for the season (breeding or non-breeding) during which the survey was conducted.
- The qualified biologist will survey the proposed footprint of disturbance and a 250-foot radius from the perimeter of the proposed footprint to determine the presence or absence of burrowing owls. The site will be surveyed by walking

line transects, spaced 20 to 60 feet apart, adjusting for vegetation height and density. At the start of each transect and, at least, every 300 feet, the surveyor, with use of binoculars, shall scan the entire visible project area for burrowing owls. During walking surveys, the surveyor will record all potential burrows used by burrowing owls, as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls; therefore, observers will also listen for burrowing owls while conducting the survey.

- Adjacent parcels under different land ownership will be surveyed only if access is granted. If portions of the survey area are on adjacent sites for which access has not been granted, the qualified biologist will get as close to the non-accessible area as possible and use binoculars to look for burrowing owls.
- The presence of burrowing owl or their sign anywhere on the site or within the 250-foot accessible radius around the site will be recorded and mapped. Surveys will map all burrows and occurrence of sign of burrowing owl on the project site. Surveys must begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites.

If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 250 feet of the project site, the following measures will be implemented:

- **Burrowing Owl 2.** If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant will:
 - Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).
 - Establish a 250-foot non-disturbance buffer zone around nests. The buffer zone will be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer will be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.
 - Construction may only occur within the 250-foot buffer zone during the breeding season only if a qualified raptor biologist monitors the nest and determines that the activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Measures such as visual screens may be used to further reduce the buffer with Wildlife Agency approval and provided a biological monitor confirms that such measures do not cause agitated behavior.

- **Burrowing Owl 3.** If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant will establish a 160-foot buffer zone around active burrows. The buffer zone will be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a biological monitor confirms that such measures do not cause agitated behavior.
- **Burrowing Owl 4.** During the non-breeding season only, if a project cannot avoid occupied burrows after all alternative avoidance and minimization measures are exhausted, as confirmed by CDFW, a qualified biologist may passively exclude birds from those burrows. A burrowing owl exclusion plan must be developed by a qualified biologist consistent with the most recent guidelines from CDFW (e.g., California Department of Fish and Game 2012) and submitted to and approved by CDFW. Burrow exclusion may be conducted for burrows located in the project footprint and within a 160-foot buffer zone as necessary.

Information about avoidance and minimization measures for western burrowing owl shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Mitigation Measure 3.4-8. Compensate for the Loss of Burrowing Owl Habitat.

If burrowing owls are documented as breeding in the project area, compensatory mitigation shall be provided for permanent impacts on (removal of) burrowing owl nesting and foraging habitat. Burrowing owl foraging and nesting habitat will still be available after installation of solar panels. However, if the project results in a net loss of nesting or grassland foraging habitat due to conversion of 57.2 acres of grassland habitat to project infrastructure the loss of habitat will be mitigated as described in CDFW guidelines (CDFG 2012) in consultation with CDFW. The performance standard for compensatory mitigation for nesting and foraging habitat will be to achieve no net loss of habitat value to the burrowing owl. Compensatory mitigation for habitat loss shall be consistent with guidance by CDFW (CDFG 2012) and may include development and implementation of a land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls on the project site, acquisition of credits in a burrowing owl mitigation bank, or another form of mitigation acceptable to CDFW, such as payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 "Agricultural Resources" of this Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase. The compensatory mitigation will be consistent with the PCCP goal of maintaining or increasing the population size of overwintering western burrowing owl and promoting expansion of breeding

populations of burrowing owls and will be approved by CDFW. Compensatory mitigation will include the following requirements as described in CDFG 2012:

- Permanently protect mitigation land through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. This may occur through the payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 "Agricultural Resources" of this Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase. If the project is located within the service area of a CDFW-approved burrowing owl conservation bank, the project proponent may also purchase available burrowing owl conservation bank credits.
- Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls.
- Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on western burrowing owl. Adoption and incorporation of Mitigation Measures 3.4-1, 3.4-7, and 3.4-8 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on western burrowing owl to less-than-significant levels.

Swainson's hawk

Mitigation Measure 3.4-9. Conduct Pre-Construction Surveys for Swainson's Hawk and Implement Protective Buffers.

Preconstruction Surveys. A qualified biologist will conduct preconstruction surveys for Swainson's hawks during the nesting season (March 1 through August 21) within the project footprint and of all suitable nesting habitat within line of sight of construction activities within a 0.25-mile radius of the project footprint. The surveys will be conducted no more than 15 days prior to ground disturbance and will be conducted using methods consistent with guidelines provided in

Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (SHTAC 2000) with the following exceptions:

- Surveys will be required within a 0.25 miles (1,320-foot) radius around the project site. In instances where an adjacent parcel is not accessible to survey because the qualified biologist was not granted permission to enter, the qualified biologist will scan all potential nest tree(s) from the adjacent property, road sides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope to look for Swainson's hawk nesting activity;
- Surveys will be required from February 1 to September 15 (or sooner if it is found that birds are nesting earlier in the year); and
- If a Swainson's hawk nest is located and presence confirmed, only one follow-up visit is required (to avoid disturbance of the nest due to repeated visits).

Nest Buffers. If active Swainson's hawk nests are found, appropriate buffers shall be established around active nest sites, in coordination with CDFW, to provide adequate protection for nesting raptors and their young. No project activity shall commence during the nesting season within the buffer areas until the qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment.

Nest Monitoring. Monitoring of the nest by a qualified biologist during construction activities may be required if the qualified biologist determines that the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the qualified biologist has confirmed that the chicks have fledged.

Information about avoidance and minimization measures for Swainson's hawk shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Mitigation Measure 3.4-10. Compensate for the Loss of Swainson's Hawk Foraging Habitat.

To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD will mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (DFG 1994) by providing mitigation lands or securing Swainson's hawk mitigation bank credits as follows:

- Foraging habitat permanently lost within 5 miles of an active Swainson's hawk nest tree but more than 1 mile from the nest tree will be replaced with 0.75 acre of mitigation land for each acre of foraging habitat permanently lost because of project construction (0.75:1 ratio). Foraging habitat for nests that are within 1 mile of the project site will be mitigated at a 1:1 ratio. All mitigation lands protected under this requirement shall be protected in a form acceptable to CDFW (e.g., through fee title acquisition or conservation easement) on

agricultural lands or other suitable habitats that provide foraging habitat for Swainson's hawk. This may occur through the payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 "Agricultural Resources" of this Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase. Management authorization holders/project sponsors will provide for management of the mitigation lands in perpetuity by funding a management endowment.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on Swainson's hawk. Adoption and incorporation of Mitigation Measures 3.4-1, 3.4-9, and 3.4-10 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on Swainson's hawk to less-than-significant levels.

Tricolored blackbird

Mitigation Measure 3.4-11. Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction.

- **Preconstruction Tricolored Blackbird Surveys.** Before any ground-disturbing activities or vegetation clearing that may result in effects on potential habitat for Tricolored Blackbird (TRBL), a qualified biologist will conduct a preconstruction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a 500-foot buffer to the project footprint. The biologist will conduct three separate surveys, one each in mid-April, mid-May, and mid-June (Beedy, pers. comm., 2022a), and will use methods consistent with survey protocol used by surveyors for the Western Riverside County MSHCP 2018 [https://www.wrc-rca.org/species/survey_protocols/2018 Tricolored Blackbird Survey Protocol.pdf](https://www.wrc-rca.org/species/survey_protocols/2018%20Tricolored%20Blackbird%20Survey%20Protocol.pdf)). If an active nesting colony is detected during the surveys CDFW will be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below.
- **Avoidance and Minimization.** Project activities will avoid occupied TRBL nesting habitat. If TRBL colonies are identified during the breeding season, an

approximate buffer of up to 500 feet will be established around the colony, depending on site-specific conditions and at the discretion of a qualified biologist in consultation with CDFW. Any construction-related activities will be excluded from the buffer until the end of the breeding season.

- **Construction Monitoring.** If construction takes place during the breeding season when an active colony is present within 500 feet of construction activities, a qualified biologist will regularly monitor construction to ensure that the buffer zone is enforced and to verify that construction is not disrupting the colony. The intensity and frequency of the monitoring will be established in consultation with CDFW. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased, as needed, in consultation with CDFW.

Information about avoidance and minimization measures for tricolored blackbird shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on tricolored blackbird. Adoption and incorporation of Mitigation Measures 3.4-1 and 3.4-11 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on tricolored blackbird to less-than-significant levels.

Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp

Mitigation Measure 3.4-12. Avoid Impacts on Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp During Construction.

Vernal pools and seasonal wetlands in the project area provide potentially suitable habitat for vernal pool fairy shrimp and tadpole shrimp. A 250-foot no-disturbance buffer area will be established from the high-water mark of the vernal pool or wetland habitat prior to construction and will be delineated by fencing as described in Mitigation Measure 3.4-2 and confirmed by a qualified biologist. The boundaries of vernal pools, seasonal wetlands and associated 250-foot buffers will also be clearly delineated on project plans and specifications boundaries. No construction or ground-disturbing activities shall occur within the 250-foot buffer. All construction activities are prohibited within this buffer area. With complete avoidance of ground-disturbing activities within vernal pools and seasonal wetlands and a 250-foot buffer beyond the boundaries of these aquatic features, no direct or indirect impacts will occur to vernal pool fairy shrimp or tadpole shrimp and no further avoidance or minimization measures are required.

Information about avoidance and minimization measures for vernal pool fairy shrimp and vernal pool tadpole shrimp shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on vernal pool fairy shrimp and vernal pool tadpole shrimp. Adoption and incorporation of Mitigation Measures 3.4-1, 3.4-2, and 3.4-12 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on vernal pool fairy shrimp and vernal pool tadpole shrimp to less-than-significant levels.

American Badger

Mitigation Measure 3.4-13. Conduct Focused Pre-Construction Surveys for American Badger and Implement Avoidance Measures during Construction.

A qualified biologist shall conduct focused surveys for American badger dens no more than 14 days prior to ground-disturbing activities in grassland habitat. The survey shall cover the limits of ground disturbance and a 100-foot buffer. Any winter or natal American badger dens located during the survey shall be evaluated (typically with remote cameras) to determine activity status.

If American badger dens are detected in the project area, the qualified biologist shall establish a 100-foot no-disturbance buffer (e.g., wildlife-friendly fencing, flagging, or similar) around any active American badger natal dens identified during the survey. The buffer shall be maintained until the qualified biologist determines that the den is no longer active, and the young are no longer dependent upon the den for survival.

If construction is scheduled to begin during the non-breeding period (i.e., typically from June through February) and an active non-natal den is found in or adjacent to the construction footprint, a qualified biologist shall develop a plan in consultation with CDFW to trap or flush the individual and relocate it to suitable habitat away from construction. If no dens are observed, and/or after a trapping or flushing effort is completed, and/or after it is confirmed that a natal den is no longer active, the vacated or unoccupied den can be excavated, and construction can proceed.

If American badger is detected during the surveys the qualified biologist will determine if regular monitoring of the badger den is required to ensure there are no impacts to this species and its habitat during construction.

Information about avoidance and minimization measures for American badger shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary and permanent construction impacts on American badger. Adoption and incorporation of Mitigation Measures 3.4-1 and 3.4-13 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary and permanent construction impacts on American badger to less-than-significant levels.

Nesting raptors and migratory birds

Mitigation Measure 3.4-14. Conduct Pre-Construction Surveys for Nesting Birds and Raptors.

Tree or vegetation removal shall be conducted outside of the nesting season (i.e., the nesting season is defined as February 1 through August 31) to the greatest extent feasible.

If construction activities will begin during the nesting season, a qualified biologist shall conduct a survey for nesting birds no more than 3 days prior to vegetation removal or ground-disturbing activities during the nesting season within suitable habitat (i.e., February 1 through August 31). The survey shall cover the limits of construction and accessible suitable nesting habitat within 500 feet. If any active nests are observed during surveys, a qualified biologist should establish a suitable avoidance buffer from the active nest. The buffer distance will typically range from 50 feet (for nesting passerines) to 500 feet (for nesting raptors) and will be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule.

If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than 7 days are allowed to pass between the survey and vegetation removal activities.

Mitigation Measure 3.4-15. Avoid Impacts on Nesting Birds and Raptors during Construction.

Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.

If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the nest has fledged and/or full-time

monitoring by a qualified biologist during construction activities conducted near the nest.

Information about avoidance measures to protect nesting birds and raptors shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Project could result in significant impacts on nesting migratory birds and raptors. Adoption and incorporation of Mitigation Measures 3.4-1, 3.4-14, and 3.4-15 into the project will reduce the impacts to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the significant or potentially significant construction impacts on nesting migratory birds and raptors to a less-than-significant level.

Riparian and Other Sensitive Natural Communities

Impact 3.4-2: Impacts on riparian habitat or other sensitive natural communities. Project construction is expected to result in direct impacts through habitat conversion of up to 0.04 acre of cattail marsh, 0.057 acre of Fremont cottonwood riparian, and 0.474 acre of sandbar willow riparian.

Mitigation Measure 3.4-16. Avoid, Minimize and Compensate for Impacts on Sensitive Natural Communities and Comply with Federal, State and Local Permits.

Prior to project implementation, SMUD shall refine potential impacts on sensitive natural communities based on advanced designs and obtain the necessary permits for impacts on any sensitive natural communities. These include the following permits:

- Section 1600 Streambed Alteration Agreement from CDFW (for impact on riparian area and other sensitive natural communities not considered Waters of the U.S. (WUS) or State)
- CWA Section 404 permit from USACE for impacts to WUS
- CWA Section 401 Clean Water Certification from the Regional Water Quality Control Board for impacts to WUS
- Waste Discharge Permit from Regional Water Quality Control board for impacts to water of the state
- Floodplain encroachment permit from the County, if necessary based on advanced designs
- As part of the permit applications, SMUD shall develop a habitat mitigation plan that will include mitigation for impacted sensitive natural communities on a no-

net-loss basis. The plan may include onsite restoration, if feasible, offsite preservation, or purchasing mitigation credits from an agency-approved wetlands mitigation bank, paying an agency-approved in-lieu fee, and/or developing conservation lands to compensate for permanent loss of resources. Mitigation ratios shall be no less than 1:1 and shall be determined during the permitting process. This may also occur through the payment of fees into the PCCP's in-lieu fee program under a Memorandum of Understanding (MOU) with the PCA prior to issuance of improvement plans. In-lieu fee payments would address impacts to special-status species, sensitive natural communities, wetlands and other waters of the US and state/County, and impacts to agricultural lands resulting from the conversion of important farmland (see Mitigation Measure 3.2-1 in Section 3.2 "Agricultural Resources" of this Draft EIR). Payments may be spread out in alignment with construction phasing and will occur prior to the start of each new phase.

- SMUD shall implement all conditions of the permits, including any performance monitoring, if required for onsite restoration and report on the results of the monitoring to the appropriate agencies at the frequency and duration included in the permits.
- Sensitive natural communities shall be included in the WEAP described above in Mitigation Measure 3.4-1.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in potentially significant impacts on riparian habitat and other sensitive natural communities. Adoption and incorporation of Mitigation Measures 3.4-1 and 3.4-16 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant impact on riparian habitat and other sensitive natural communities to less-than-significant level.

Wetlands and Waters of the United States

Impact 3.4-3: Loss and degradation of federally protected waters of the United States. Project construction may result in the loss and degradation of federally protected wetlands and other waters of the United States. Federally protected waters could also be disturbed indirectly by activities associated with staging areas and laydown of project components.

Mitigation Measure 3.4-17. Avoid impacts to jurisdictional features and sensitive natural communities by use of horizontal directional drilling.

The following avoidance and minimization measures shall be implemented to protect listed and other special-status plants and animals, and to avoid impacts to wetlands and riparian zones:

- Boring activities and set-up activities for boring operations shall be situated outside of wetlands and riparian areas. An earthen or sandbag berm shall be installed around all drilling fluid mixing and pumping areas to contain any inadvertently spilled material. Sediment control devices shall be installed between the drilling staging areas and any waterways. This includes any culverts or drainage ditches that lead to a waterway.
- HDD operations at the creek crossings and/or jurisdictional features shall be limited to daylight hours because of the difficulty in identifying the loss of bentonite or machine pressure without daylight. This shall be defined by the termination of drilling 30 minutes before dusk, and resumption of drilling at dawn. The contractor will make every effort to schedule drilling activities to be completed between dawn and 30 minutes to dusk. Should the drilling activities be within one hour of completion, 30 minutes before dusk, drilling activities may be allowed to continue until completion if the Project environmental monitor and/or the CDFW or its agents determine that completing the drilling activities will result in less risk to the stream.
- Visual inspection along the bore alignment for frac-outs shall take place at all times while the drill is in operation. The monitor shall be in radio contact with the boring machine operator at all times. A biologist/monitor's presence shall be required during all boring activities (i.e. boring, back reaming, etc.) within CDFW jurisdiction unless the drainage is dry.
- The HDD Operator shall design, pre-plan, and direct the HDD operation in such a way as to minimize the risk of spills of all types. The HDD Operator shall prepare and implement a Frac-Out Contingency Plan and submit it to SMUD and CDFW for review and approval 30 days prior to construction, which includes the boring plans and frac-out and clean-up plans, in the event of the accidental release of drilling lubricants through fractures in the streambed or bank ("frac-outs"). In substrates where frac-outs are likely to occur, the HDD Operator shall operate in a manner that will reduce risk, such as using lower pressure and greater boring depths. The Contingency Plan shall be kept on site at all times.
- A non-toxic fluorescent water-soluble dye shall be added to the drilling muds to allow for frac-outs to be seen in muddy waters. The dye shall be used in a concentration which allows the monitors to easily determine the source of the

- frac-out, and shall be a type of dye approved for use by the local Regional Water Quality Control Board.
- All equipment required to contain and clean up a frac-out release shall be available at the work site.
 - Boring plans should include:
 - A sketch of the construction site, including equipment staging areas, approximate location of drill entry and exit points and the approximate location of access roads in relation to the surrounding area,
 - Proposed depth of bore and statement of streambed or wetland condition (subsurface strata and percent of gravel and cobble) that support the depth of the bore,
 - Approximate length of bores (50-foot increments),
 - Type and size of boring equipment to be used (categorized as mini, mid or maxi),
 - Estimated time to complete bore,
 - List of lubricants and HDD additives to be used including Material Safety Data Sheets (MSDS), and
 - Name of Operator's agents and cell phone numbers.
 - Frac-out prevention and clean-up plans should include:
 - Name(s) and phone numbers of biological monitor(s) and crew supervisor(s),
 - Site specific resources of concern (if applicable, include factors such as possible presence of sensitive species),
 - Monitoring protocols (include biological monitoring and frac-out monitoring), and
 - Containment and clean-up plan (include staging location of vacuum trucks and equipment, equipment list, necessary hose lengths, special measures needed for steep topography, etc. at each location).
 - If a frac-out or spill occurs in a sensitive resource, the Operator shall immediately notify the SMUD Environmental Monitor.
 - If a frac-out occurs, the SMUD Environmental Monitor, shall determine whether clean-up actions are warranted. If containment and clean-up is needed to prevent additional impacts, the Contractor shall begin the following containment and clean up measures immediately. Where water flows allow, the Contractor shall immediately construct a sandbag well around the frac-out or place a standing pipe (such as a 55-gallon drum with the top and bottom removed, heavy PVC pipe or CMP or culvert type material) around the frac-out to contain the drilling mud. A trailer-mounted vacuum or vacuum truck shall be deployed to vacuum out spilled drilling fluids that continue to leak. Removed drilling fluids shall not be placed where they are likely to re-enter the stream.



All cleanup and containment efforts shall adhere to the Frac-out Contingency Plan approved by the SMUD for spill response.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in significant loss, degradation and indirect disturbance of federally protected wetlands and other waters of the United States. Adoption and incorporation of Mitigation Measures 3.4-1 and 3.4-17 into the project will reduce the impact to a less-than-significant level. Therefore, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), Board finds that changes or alterations have been required or incorporated into the to reduce the significant impacts on federally protected wetlands and other waters of the United States to less-than-significant level.

Cultural Resources

Impact 3.5-1: Impacts on undiscovered archaeological resources pursuant to § 15064.5. A records search revealed two historic era cultural sites; the pedestrian survey did not identify cultural resources. However, project-related ground-disturbing activities could result in discovery of or damage to yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5.

Mitigation Measure 3.5-1: Halt ground-disturbing activity upon discovery of subsurface archaeological features.

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource, a unique archaeological resource, or a tribal cultural resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include, but would not necessarily be limited to, preservation in place (which shall be the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan).

Finding: The Board finds that implementation of the Country Acres Solar Project could result in potentially significant impacts on previously undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. Adoption and incorporation of Mitigation Measure 3.5-1 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines

section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant impact on previously undiscovered archaeological resources to a less-than-significant level.

Impact 3.5-2: Impacts on previously unidentified human remains. There has been no indication that the area has been used for human burials in the recent or distant past and human remains are unlikely to be encountered during project earthmoving activities. However, in the unlikely event that human remains are discovered during subsurface activities, they could be inadvertently damaged.

Mitigation Measure 3.5-2: Halt ground-disturbing activity upon discovery of human remains.

If human remains are discovered during any construction activities, potentially damaging ground-disturbing activities within 100 feet of the remains shall be halted immediately, and SMUD will notify the Placer County coroner and the NAHC immediately, according to PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be followed during the treatment and disposition of the remains. SMUD will also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. Following the coroner's and NAHC's findings, the archaeologist and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. PRC Section 5097.94 identifies the responsibilities for acting upon notification of a discovery of Native American human remains.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in potentially significant impacts on previously unidentified human remains. Adoption and incorporation of Mitigation Measure 3.5-2 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant impact on previously unidentified human remains to less-than-significant level.

Geology, Soils, and Paleontological Resources

Impact 3.7-5: Degradation or destruction of a unique paleontological resource. The project site is located in the Riverbank Formation, which is considered to be of high paleontological sensitivity. Various project-related earthmoving activities could encounter undisturbed native soils and potentially result in accidental damage to or destruction of unique paleontological resources.

Mitigation Measure 3.7-5: Avoid Impacts to Unique Paleontological Resources.

To minimize the potential for destruction of or damage to previously unknown unique, scientifically important paleontological resources during earthmoving activities at the project site, SMUD shall do the following:

- Prior to the start of earthmoving activities, retain either a qualified archaeologist or paleontologist to inform all construction personnel involved with earthmoving activities regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify SMUD and the County. SMUD shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan. The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum curation for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by SMUD and the County to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resource or resources were discovered.

Finding: The Board finds that implementation of the Country Acres Solar Project, during construction, could encounter unique paleontological resources. Adoption and incorporation of Mitigation Measure 3.7-5 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant impact related to unique paleontological resources to less-than-significant level.

Hazards and Hazardous Materials

Impact 3.9-1: Exposure of people and the environment to hazardous materials.

Construction, operation, and eventual decommissioning activities would involve the storage, transport, and/or handling of hazardous materials. Transport or use of these materials on-site could expose workers or the environment to hazards.

Mitigation Measure 3.9-1: Conduct Phase II Environmental Site Assessment and Implement Remedial Measures.

To reduce health hazards associated with potential exposure to hazardous substances, SMUD shall implement the following measures before the start of ground-disturbing activities:

- Retain a certified environmental professional to conduct a Phase II ESA that includes appropriate soil and/or groundwater testing. Recommendations in the Phase II ESA to address any contamination that is found shall be implemented before ground-disturbing activities can resume in the areas where contamination is identified, including at the two REC areas in the Phase I ESA recommended for further investigation.
- Notify the appropriate federal, State, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained or odoriferous soil or groundwater) or if previously undiscovered underground storage tanks are encountered during construction activities. Any contaminated areas shall be remediated in accordance with recommendations made by the Placer County Department of Health and Human Services-Division of Environmental Health Services, Central Valley RWQCB, DTSC, and/or other appropriate Federal, state, or local regulatory agencies.
- Remove all surface debris such as the used tires, tractor trailers, recreational vehicles, Polyvinyl chloride (PVC) piping, and soil piles observed within the proposed project boundaries during the site visit conducted in January 2022, and dispose of such materials at an appropriately permitted off-site disposal facility.

Finding: The Board finds that implementation of the Country Acres Solar Project could expose people and the environment to hazardous materials. Adoption and incorporation of Mitigation Measure 3.9-1 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant impact due to potential release of hazardous materials to less-than-significant level.

Hydrology and Water Quality

Impact 3.10-5: Risk release of pollutants due to project inundation. The location of the construction trailer and the construction material and equipment storage and staging areas has not yet been determined. Inundation of construction equipment or material storage areas during a flood could result in downstream transport of pollutants, thereby degrading water quality and impairing designated beneficial uses of downstream waterbodies.

Mitigation Measure 3.10-1: Locate Construction Equipment and Material Storage Areas Outside of the 100-Year Floodplain During the Winter Rainy Season.

In order to protect human life, water quality, and designated in-stream beneficial uses of waterbodies, the construction contractor shall implement the following:

- The on-site construction trailer and its associated portable restrooms, fencing, power supply, and parking area, shall not be located within a 100-year floodplain.
- During the winter rainy season (i.e., November 1 through April 1), construction materials and equipment shall not be stored in a 100-year floodplain.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in release and transport of pollutants downstream due to project inundation. Adoption and incorporation of Mitigation Measure 3.10-1 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant risk release of pollutants to a less-than-significant level.

Noise

Impact 3.13-1: Temporary, short-term exposure of sensitive receptors to construction noise. The project would generate short-term construction noise that could be perceptible to nearby noise-sensitive receptors.

Mitigation Measure 3.13-1. Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise near Sensitive Receptors.

The project applicant(s) and primary contractors for engineering design and construction of all project phases shall employ noise-reducing construction practices and ensure that the following requirements are implemented at each worksite in any year of project construction to avoid and minimize construction noise effects on sensitive receptors. Measures that shall be used to limit noise shall include the measures listed below:

- Noise-generating construction operations shall be limited to the hours between 6 a.m. and 8 p.m. Monday through Friday, and between 8 a.m. and 6 p.m. on Saturdays.
- Construction equipment and equipment staging areas that could produce noise perceptible at the adjacent property boundary shall be located as far as feasible from nearby noise-sensitive land uses.
- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- All motorized construction equipment shall be shut down when not in use to prevent idling.

- Individual operations and techniques shall be replaced with available quieter procedures and equipment (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site).
- Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators).
- Construction-related traffic shall be limited along roadways within residential uses such as South Brewer Road and Phillip Road as discussed in Mitigation Measure 3.17-1 Prepare and Implement Traffic Control Plan and Mitigation Measure 3.17-2 Prepare and Implement a Construction Transportation Plan.
- Written notification of construction activities shall be provided to all noise-sensitive receptors located within 700 feet of construction activities. The notification shall include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the project representative to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall also be included in the notification.
- Acoustic barriers (e.g., lead curtains, sound barriers) shall be used, particularly during site grading and excavation activities, when construction equipment operates along the project site boundaries within 700 feet of existing residential uses, to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and on-site construction equipment.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in temporary, short-term exposure of sensitive receptors to construction noise. Adoption and incorporation of Mitigation Measure 3.13-1 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant temporary, short-term noise impacts to a less-than-significant level.

Transportation

Impact 3.17-1: Conflict with a program, plan, ordinance, or policy addressing the circulation system in the roadway facilities. During the construction of the proposed project, there may be necessary access improvements required and there would be a temporary increase in construction-related traffic from delivery trucks and construction workers traveling to and from the project sites.

Mitigation Measure 3.17-1. Prepare and Implement a Traffic Control Plan.

- Prior to the start of construction, the construction contractor shall prepare and submit a Traffic Control Plan (TCP) to Placer County for review and approval.

The TCP shall be implemented to minimize construction-related traffic impacts on affected roadways. The contractor shall coordinate the development and implementation of this plan with agencies with jurisdiction over the affected routes (i.e., Placer County), as appropriate, and consider any other nearby construction happening at the same time. The TCP shall, at a minimum: define traffic controls, such as flag persons, warning signs, lights, barricades, cones, and detours, etc. to provide safe work areas and to warn, control, protect, and expedite vehicular traffic, based on County requirements and any conditions of project approval and shall aim to coordinate with other projects to minimize disruption to local and regional traffic flows during construction;

- show any proposed construction access location and encroachment onto a County roadway. The construction access location shall be reviewed and approved by the County at the time of Improvement Plan submittal. All approved construction access locations shall include an appropriate construction encroachment designed to the satisfaction of the County that may exceed typical construction encroachment designs (i.e. Baseline Road construction encroachment may be required to include larger radii and acceleration and deceleration tapers).
- require the installation and maintenance of construction area signs in accordance with the current edition of the California Department of Transportation Manual on Uniform Traffic Control Devices (CA MUTCD) and/or California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones, Traffic Control Plans must follow California MUTCD (Chapter 6) guidelines;
- discuss work hours and haul routes, delineate work areas, and identify traffic control methods and plans for flagging;
- develop and implement a process for communicating with affected residents and landowners about the project before the start of construction. The public notice shall include posting notices and appropriate signage regarding construction activities. The written notification shall include the construction schedule, the exact location and duration of activities on each roadway (e.g., which roads/lanes and access points/driveways will be blocked on which days and for how long), and contact information for questions and complaints;
- notify the public regarding alternative routes that may be available to avoid delays;
- include measures to avoid disruptions or delays in access for emergency service vehicles and to keep emergency service agencies fully informed of road closures, detours, and delays. Police departments, fire departments, ambulance services, and paramedic services shall be notified at least one month in advance by the construction contractor of the proposed locations, nature, timing, and duration of any construction activities and advised of any access restrictions that could impact their effectiveness; and

- identify all emergency service agencies, include contact information for those agencies, assign responsibility for notifying the service providers, and specify coordination procedures. TCPs shall be provided to all affected police departments, fire departments, ambulance and paramedic services.

Mitigation Measure 3.17-2. Prepare and Implement a Construction Transportation Plan.

Where construction traffic has the potential to significantly affect regional and local roadways (e.g., Baseline Road, South Brewer Road, and Phillip Road) by generating additional vehicle trips, or potentially causing unsafe situations by construction vehicles making left hand turns into the construction site, the construction contractor shall prepare and implement a Construction Transportation Plan (CTP) describing alternate traffic routes, timing of commutes, reduction in crew-related traffic, potential temporary turning lanes/pockets, if required, and other mitigation methods for reducing construction-generated additional traffic on regional and local roadways and to guarantee safe local traffic patterns during construction. The CTP shall also require the following:

- distribute worker trips to multiple roadways and limit construction-related trips along South Brewer Road and Phillip Road to 100 worker trips or less during the peak hours (7 a.m. – 9 a.m. and 4 p.m. – 6 p.m.);
- if deemed necessary by the County to ensure safe traffic conditions during construction based on advanced designs, include temporary turning lanes/pockets off Baseline Road, South Brewer Road, and Phillip Road in the CTP; these temporary turning lanes/pockets shall be engineered according to County standards, and shall be used temporarily only during construction; following construction, any turning lanes/pockets shall be removed, and the road conditions shall be restored to pre-construction conditions;
- avoid construction-related trips during the morning and afternoon peak hours; and
- construction workers park personal vehicles at staging yards and carpool to work sites within the project area.

The construction contractor shall submit the CTP to Placer County for review and approval 30 days prior to commencing construction activities.

Finding: The Board finds that implementation of the Country Acres Solar Project could result in short-term construction transport-related traffic hazards and incompatible uses. Adoption and incorporation of Mitigation Measures 3.17-1 and 3.17-2 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant transportation impact due to construction-related transport to less-than-significant level.

Impact 3.17-3: Substantially increase hazards due to a geometric design feature or incompatible uses. The proposed project would result in temporary disruption to traffic flow, and localized increases in traffic disruptions. As a result, drivers would be presented with unexpected driving conditions and obstacles, which could increase the occurrence of automobile or haul truck accidents.

Implement Mitigation Measures 3.17-1 and 3.17-2, and;

Mitigation Measure 3.17-3. Resurface, Repair and/or Restore Roadways to Pre-Construction Condition.

Prior to Improvement Plan approval, the applicant shall provide a video/photo survey of the existing surfacing condition of South Brewer and Phillip Roads to the satisfaction of the County. A cash security deposit (i.e. cash, CD, letter of credit – no bonds) shall also be provided to the County in an amount determined by the County and SMUD for the repair and restoration of the roadways to their original condition, including removal of any temporary turning lanes/pockets as discussed under Mitigation Measure 3.17-2 that would be constructed under the CTP, if deemed necessary based on advanced designs. Upon completion of construction of the project improvements (i.e. beginning operation/use of the site; and/or prior to Building Permit Certificate of Occupancy; and/or acceptance of the project construction as complete by the County), the existing South Brewer and Phillip roadway surfaces shall be repaired and/or restored to their original condition by the developer, including removal of any temporary improvement to ensure safe access, such as temporary turning lanes/pockets. The improvements required for repair and restoration shall be described by and at the sole discretion of the County and shall be constructed to County standards and to the satisfaction of the County. Improvement Plans and/or Encroachment Permits will need to be obtained by the developer for any required improvements, repair and restoration construction. After completing the repair and restoration to the satisfaction of the County, the cash security deposit will be released.

Finding: The Board finds that implementation of the Country Acres Solar Project, during construction, could result in an increase of hazards due to a geometric design feature or incompatible uses. Adoption and incorporation of Mitigation Measure 3.17-3 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant hazards due to a geometric design feature or incompatible uses impact to a less-than-significant level.

Impact 3.17-4. Inadequate emergency access. Construction activities for the proposed project could reduce emergency access to roadways in the project area, as slow-moving trucks entering and exiting the project sites along roadways in the vicinity of the project sites could delay the movement of emergency vehicles.

Mitigation Measure: Implement Mitigation Measure 3.17-1. Prepare and Implement a Traffic Control Plan. See text above.

Finding: The Board finds that implementation of the Country Acres Solar Project, during construction, could result in reduced emergency access to the project area. Adoption and incorporation of Mitigation Measure 3.17-1 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant impact to emergency access along transportation routes to a less-than-significant level.

Tribal Cultural Resources

Impact 3.18-1. Impacts to tribal cultural resources as defined in Public Resources Code §21074. While no tribal cultural resources have been identified on the project site and the NAHC Sacred Lands Database search was negative, these resources could be discovered during ground-disturbing construction activities and could be affected by the project.

Mitigation Measure 3.18-1.

The following method is intended to minimize impacts to existing or previously undiscovered Tribal Cultural Resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities at the following locations: substation, switch yard, battery storage area. The project proponent and its construction contractor(s) will implement the following methods to identify TCRs at the earliest possible time during project-related earthmoving activities:

- A compensated (paid) Tribal Monitor from a traditionally and culturally affiliated Native American Tribe shall be retained to monitor specified ground disturbing project related activities in the substation, switch yard, and battery storage area of the project area.
- The specified ground disturbing activities include grading, trenching, and ground disturbance to a depth of up to approximately 6 feet.
- Spot monitoring at these locations will be done by the Tribal Monitor in coordination with the construction schedule.
- Consulting Tribes shall be contacted at least 2 weeks prior to project ground-disturbing activities in order to retain the services of a paid Tribal Monitor. The duration of the monitoring and construction schedule shall be determined at this time.
- Field-monitoring activities will be documented on a Tribal Monitor log. The total time commitment of the Tribal Monitor will vary depending on the intensity and location of construction and the sensitivity of the area, including the number of finds.
- The Tribal Monitor/s shall wear the appropriate safety equipment and shall have the necessary background training in construction safety protocols.

- The Tribal Monitor/s will have all necessary background training to identify and recommend appropriate treatment for any discoveries, including sites and objects of cultural value, that are a potential TCR.
- Tribal Monitors or Tribal Representatives have the authority to request that work be temporarily stopped, diverted, or slowed within 100 feet of the direct impact area if sites or objects of significance are identified. Only a Tribal Monitor or Representative from a culturally affiliated tribe can recommend appropriate treatment and final disposition of TCRs.
- When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and Tribal protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by consulting Tribes.
- The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.
- Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, have been satisfied.

Finding: The Board finds that implementation of the Country Acres Solar Project, during construction, could result in discovery of tribal cultural resources. Adoption and incorporation of Mitigation Measure 3.18-1 into the project will reduce the impact to a less-than-significant level. Thus, pursuant to PRC section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required or incorporated into the project to avoid or substantially lessen the potentially significant impact to potential tribal cultural resources to a less-than-significant level.

3. Issues for which the project would have No Impact or a Less-than-Significant Impact

Aesthetics

Impact 3.1-1: Substantial degradation of the existing visual character or quality of public views of the site and its surroundings in nonurbanized areas. Motorists in Westpark and motorists adjacent to the project site would see intermittent construction activities in certain parts of the project site, based on the viewer location, activity location,

and intervening topography. Overall, construction activities would be temporary and short term, no viewers would be able to see the entire project site, and many viewers along adjacent local roadways would have moderately low to low sensitivity. Operational impacts on visual character from roads would be less than significant, as the primary viewers are motorists who have moderately low to low sensitivity. Operational impacts on visual character from the nearby community of Westpark would also be less than significant, as the change in the views from all aspects would be nearly unnoticeable. Therefore, during both project construction and operation, this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.1-4: Creation of a new source of light or glare which would adversely affect views in the area. During construction, the only source of potential nighttime glare could be produced from construction vehicles or the temporary construction office. If nighttime work is performed, lighting would be directed downward and shielded to focus illumination on the desired work areas only. During operation, PV solar panels may produce a minor amount of glare, but that glare would not be visible for a substantial amount of time to a substantial number of viewers and would not result in substantial glare for motorists traveling on local roadways, aircraft pilots, or nearby residents. No other substantial glare or light pollution would occur from operation of the project. Therefore, overall impacts from light and glare during operation would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Agriculture and Forestry Resources

Impact 3.2-2. Involve any changes in the existing environment which, due to their location or nature, could result in conversion, to non-agricultural use. The proposed project would not indirectly result in other changes in the physical environment that could result in the conversion of agricultural land, including agricultural land designated as Farmland of Statewide Importance and Unique Farmland, to nonagricultural uses. This impact is considered less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Air Quality

Impact 3.3-3. Expose sensitive receptors to substantial pollutant concentrations. The proposed project would not exceed the PCAPCD screening-level criteria for CO and would not violate air quality standards for CO. Operational emissions of TACs would not be considered a substantial source of TACs. Construction emissions of TACs would be intermittent and temporary in nature and would not expose sensitive receptors to DPM emission levels that would result in a health hazard. Overall impacts on sensitive receptors from substantial pollutant concentrations would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.3-4. Other emissions, including those leading to odors, adversely affecting a substantial number of people. During construction, odors from construction

would be typical of construction sites and generally confined to the immediate area surrounding the project site. Project operation would not add any new sources of odors. Therefore, overall impacts from other emissions, such as those leading to odors, would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Biological Resources

Impact 3.4-1. Impacts to western red bat. The only proposed tree removal will occur in the orchards. While red bat day roosts have been recorded in orchard trees, such records are from orchard trees near aquatic or riparian habitat and orchard trees in the project area are not likely to provide suitable habitat for western red bat day roosts. The project will not result in significant impacts on western red bat. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.4-4. Interferences 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. While the project area falls within the Pacific Flyway, studies described in Section 3.4 of the EIR, show that it is unlikely that the project would result in substantial fatalities of waterfowl or other water dependent birds due to collisions with solar panels. While overhead powerlines are a well-documented collisions and electrocution risk for larger species such as raptors, with implementation of SMUDs avian protection design standards, the risk of raptor collision or electrocution is minimal. Finally, the proposed project, as discussed, would not create a barrier to movement of migratory birds that use the Pacific Flyway. Therefore, project impacts on the migratory corridors or nursery sites would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.4-5. Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No native trees are expected to be removed or impacted as part of the project. Therefore, project would not conflict with any tree preservation policy or ordinance (or any other policies or ordinances protection biological resources) and the impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.4-6. Conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. While the project is not a covered activity, and SMUD is not a participant in the Placer County Conservation Plan, the project will implement Mitigation Measures 3.4-8, 3.4-10, and 3.4-16 to be consistent with the conditions set forth in the plan. Therefore, the proposed project would not conflict with an adopted Habitat Conservation Plan/Natural Community Conservation Plan and the impact would



be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Energy

Impact 3.6-1. Significant impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Project construction activities would consume energy. However, because the project, once operational, would serve as a power generation facility and increase SMUD's capacity to generate power, the project would not result in the wasteful, inefficient, and unnecessary consumption of energy. Therefore, this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.6-2. Conflicts or obstructions with a state or local plan for renewable energy or energy efficiency. As a solar facility generating renewable energy, the proposed project would serve to directly advance SMUD's resource procurement plans to meet and exceed state plans and regulations by providing an increase in renewable energy and would not affect any plans relating to energy efficiency. Furthermore, the proposed project supports the Placer County Sustainability Plan's goal to reduce GHG emissions and supports Strategy E-23, which acknowledges intent to support local renewable energy generation. Therefore, the proposed project would not obstruct a state or local plan for renewable energy or energy efficiency, and this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Geology, Soils, and Paleontological Resources

Impact 3.7-1. Adverse effects resulting from strong seismic ground shaking. Development of the proposed project is required by law to comply with seismic safety standards of the CBC, which focuses on "collapse prevention. In complying with these standards, impacts from strong seismic ground shaking would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.7-2. Result in substantial soil erosion or the loss of topsoil. Compliance with existing laws, regulations, and ordinances ensures that the short-term, temporary construction impacts from soil erosion would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.7-3. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. As required by the CBC, and County Municipal Code Article 15.48 (related to grading and drainage for Improvement Plans), the Preliminary Geotechnical Report includes appropriate recommendations for soil treatment to reduce the expansion potential. Therefore, the impact from construction and operation in expansive soils is considered less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.7-4. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. During construction, temporary portable restrooms would be used at the project site, and there would be no impact related to soil suitability related to septic systems during the project's construction phases. For project operation, two permanent restrooms would be constructed and these restrooms would require of two small on-site septic systems. SMUD would be required to follow the Placer County Department of Health and Human Services, Division of Environmental Health Services septic system permitting process. Therefore, appropriate on-site septic systems would be designed and installed to meet County requirements to protect human health and the environment. Thus, the impact related to soil suitability for septic systems as designed and engineered for long-term use during the project's operational phase would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Greenhouse Gas Emissions

Impact 3.8-1. Generation of greenhouse gas emissions that may have a significant impact on the environment. The maximum annual emissions would not exceed PCAPCD's threshold of 10,000 MT CO₂e per year and the proposed project's construction-related emissions would not be considered to have a cumulatively considerable contribution to the significant impact of global climate change. This impact for construction would be less than cumulatively considerable. Operational GHG emissions would be less than the PCAPCD de minimis screening level and the proposed project's operational emissions would not be considered to have a cumulatively considerable contribution to the significant impact of global climate change. This impact for operations would be less than cumulatively considerable. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.8-2. Conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The project would provide a potential reduction in GHG emissions each year of operation if the electricity generated by the project's solar energy facilities were to be used instead of electricity generated by fossil-fuel sources. Therefore, the proposed project would be consistent with and would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. This impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Moreover, this project will produce 344 megawatts of renewable photovoltaic energy with no CO₂ emissions. This generation will displace an energy mix that is significantly from carbon-emitting sources. The resulting reduction in carbon emissions will produce a significant benefit to greenhouse gas impacts in the region. The additional installation of 172 megawatts of battery energy storage, largely storing energy produced by the photovoltaic generation from the project, will further enhance the ability of the project as a whole to displace the use and generation of fossil fuel-emitting power. The project's



operations would provide a benefit of approximately 115,000 MT CO₂e avoided per year. Over the life of the 35-year project, the amount of carbon emission reductions will be substantial.

Hazards and Hazardous Materials

Impact 3.9-1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. All materials will be used and stored in compliance with federal, state, and local ordinances, laws, regulations and policies related to hazardous materials, including the County's requirements for handling and transport of hazardous materials. Additionally, the project applicant is required by law to develop and implement a Stormwater Pollution Prevention Plan (SWPPP), which must contain provisions for notification and proper cleanup of spills if they do occur. Finally, project-related decommissioning would involve the disposal of solar panels, which are considered a universal waste. For these reasons, this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.9-3. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Project construction, operation, and decommissioning would not impede emergency vehicles or adopted emergency evacuation plans, and this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Hydrology and Water Quality

Impact 3.10-1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Compliance with the applicable laws, regulations, ordinances, and permit terms would require the project to reduce pollution and runoff generated in the proposed development area through implementation of operation-related source-control measures, along with BMPs, and pretreatment and with preparation of a SWPPP with associated BMPs designed to control construction-related erosion and pollutants. These measures would protect water quality as required by the Basin Plan. Therefore, construction and operation of the proposed new industrial development at the project site would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, and this impact would be less than significant. Compliance with ongoing SWRCB and Central Valley RWQCB requirements to protect water quality from NPS agricultural discharges, project-related operational water quality impacts from agricultural uses (such as sheep grazing) would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.10-2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The proposed project would not impede sustainable groundwater management of the basin by substantially interfering



with groundwater recharge, nor would it impede sustainable groundwater management of the basin. Impacts associated with groundwater supplies or recharge would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.10-3. Substantially alter drainage patterns or add impervious surfaces that would result in substantial erosion, exceed storm drainage system capacity, or provide substantial additional sources of polluted runoff. During project construction, actions required to comply with the County's Grading, Erosion, and Sediment Control Ordinance and implementation of BMPs associated with the required SWPPP, along with operational stormwater quality pre-treatment from the new impervious surfaces that would be detailed in the project's Stormwater Quality Plan, would result in less-than significant impacts from erosion or creation of substantial new sources of operational polluted stormwater runoff. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.10-4. Substantially alter drainage patterns or add impervious surfaces that would result in increased flooding, or impede or redirect flood flows. The proposed project would not substantially alter drainage patterns or add impervious surfaces such that increased flooding would occur, nor would it impede or redirect flood flows. Thus, this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.10-6. Conflicts with or obstructions to implementation of a water quality control plan or sustainable groundwater management plan. The proposed project would not conflict with or obstruct implementation of the Water Quality Control Plan for the Sacramento and San Joaquin River Basins or the North American Subbasin Groundwater Sustainability Plan. Therefore, this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Land Use and Planning

Impact 3.11-1. Conflict with a plan, policy, or regulation adopted to avoid or mitigate an environmental effect. With approval of a Conditional Use Permit and an amendment to the Regional University Specific Plan, the proposed project would not conflict with the zoning of the project site. The proposed project would be otherwise consistent with local plans, policies, and regulations. This impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Mineral Resources

Impact 3.12-1. Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state. The project site is not in an area known to contain significant mineral resources. Therefore, the project would not result in the loss of availability of a known mineral resource of value to the region or

state. There would no impact. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.12-2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The project site is not in an area known to contain significant mineral resources. Therefore, the project would not result in the loss of availability of a known mineral resource of value to the region or state. There would no impact. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Noise

Impact 3.13-2: Temporary, short-term exposure of sensitive receptors to increased traffic noise levels from project construction. Construction-generated traffic volume from movement of construction equipment and materials could expose sensitive receptors to noise levels along on- and off-site roadways that would not exceed the applicable noise standards and/or result in a substantial increase in ambient noise levels. Additionally, the project will comply with County's Noise Ordinance and Noise Thresholds. This impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.13-3: Temporary and short-term exposure of sensitive receptors to, or temporary and short-term generation of, excessive groundborne vibration. Short-term construction of the project would not exceed the threshold for structural damage, and would not expose persons to or generate excessive ground-borne noise or vibration. Long-term project operation would not include any major new sources of groundborne noise or vibration, including the pump station facilities. Maintenance vehicles and water haul trucks would be restricted to existing public roadways, and the limited number of trips generated would not have the potential to substantially increase vibration levels at adjacent land uses. This impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.13-4. Permanent, long-term exposure of sensitive receptors to increased noise level from project operation. Future development would not expose sensitive receptors to noise levels that exceed local standards. This impact is considered less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Population and Housing

Impact 3.14-1. Induce substantial unplanned population growth in an area. The project is not expected to induce population growth directly or indirectly. There would be no impact. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.14-2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. *There* are no homes or people living within the area that will be displaced by the project, eliminating the need to construct housing elsewhere to replace homes. There would be no impact. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Public Services

Impact 3.15-1. Physical impacts associated with the expansion or construction of new public facilities to meet increased service demands induced by the project. The project's construction, operation, and maintenance of the project would not result in physical or operational changes that would interfere with PCFD response times or performance objectives such that provision of new or physically altered PCFD facilities would be required. Therefore, the impact to fire and emergency services is less than significant. Construction, operation, and maintenance activities could affect the demand for police protection services, but would not increase such that the construction of new or expansion of existing police service facilities or the hiring of additional law enforcement personnel would be required. Therefore, the project's impact on police services would be less than significant. The proposed project will not induce population growth, so there would be no increased demand on schools, parks, or other public facilities. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Recreation

Impact 3.16-1. Accelerated deterioration of recreational facilities. The project would not result in a substantial increase in the existing demand for parks and other recreational facilities and no impact would occur. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.16-2. Construction or expansion of recreational facilities. The project would not require the construction or expansion of recreational facilities and no impact would occur. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Transportation

Impact 3.17-2. Conflicts or inconsistencies with CEQA Guidelines § 15064.3, subdivision (b). The project fulfills the intent of SB 743, falls under Placer County's adopted screening criteria, and does not represent a long-term source of VMT that could lead to any potentially significant effect, this impact is considered less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Utilities and Service Systems

Impact 3.19-1. Require or result in the relocation or construction of new or expanded utility or service systems. The proposed project involves the construction of electric facilities. Potential environmental impacts associated with these facilities are discussed extensively within the EIR. Impacts associated with the relocation or construction of other utilities and service systems is considered less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.19-2. Sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. The Water Supply Assessment concluded that adequate supplies to support the project would be available under normal, single dry, and multiple dry water years and this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.19-3. Adequate capacity to serve the project's projected demand in addition to the waste water treatment provider's existing commitments. Appropriate onsite septic systems would be designed and operated to meet County requirements to protect human health and the environment. Therefore, this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.19-4. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Although the project could increase total waste generation in the area, the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.19-5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste. The project would not negatively impact the provision of solid waste services or the attainment of solid waste reduction goals and this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Wildfire

Impact 3.20-1. Impairments to an adopted emergency response plan or emergency evacuation plan. Project construction and operation would not impede emergency vehicles or adopted emergency evacuation plans, and this impact would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

Impact 3.20-2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations

from a wildfire or the uncontrolled spread of a wildfire. The proposed project would not be within a SRA or on lands classified as a very high fire hazard severity zone and wildfire risks during construction and operation would be offset by compliance with fire safety and wildfire suppression measures. In addition, SMUD would implement its WMP, which is intended to mitigate the threat of wildfire. All of the project facilities would be installed, operated, and maintained following all applicable design, safety, and fire standards. Furthermore, sheep grazing would modify the amount, height, and continuity of fuel through the project site; moreover, grazed grass produces substantially lower flame lengths and spreads slower. Therefore, impacts related to the potential for the proposed project to exacerbate wildfire risks would be less than significant. Pursuant to the State CEQA Guidelines, Section 15091, no further finding is required.

d. Alternatives

In compliance with CEQA and the CEQA Guidelines, Chapter 6, “Alternatives” of the Draft EIR evaluated a reasonable range of alternatives to the project, including the No Project Alternative, followed by identification of an environmentally superior alternative. The EIR examined each alternative’s feasibility and ability to meet the following Project Objectives:

- Contribute to a diversified energy portfolio that will aid in the continued improvement of air quality in the Sacramento Valley Air Basin by decreasing reliance on fossil fuel combustion for the generation of electricity and reduce SMUD’s exposure to price volatility associated with electricity and natural gas.
- Provide a renewable power resource to support the SMUD Board of Directors’ 2030 Zero Carbon Plan, a plan approved in 2021, which establishes a flexible pathway for SMUD to eliminate carbon emissions from its power supply by 2030 by developing and procuring dependable renewable resources.
- Develop a project that will deliver a reliable, long-term supply of economically feasible solar and battery storage for up to 344 megawatts (MW) of electrical capacity at a point of interconnection with the grid managed by SMUD.
- Site the project to avoid wetlands and other sensitive habitats as feasible within the available property.
- Integrate compatible agricultural activities such as grazing and/or pollinator habitat into solar operations.
- Optimize the delivery of solar-produced and stored energy and minimize the geographic extent of impacts by locating the facility near existing electrical infrastructure with available capacity;

- Design a flexible PV solar energy and battery storage facility that is capable of utilizing the best available, efficient, cost-effective, and proven PV solar and storage technology; and
- Construct the facility in a location that is readily accessible from existing roads and that would not require the construction of major new roadway improvements.

Potential alternatives found to be clearly infeasible, including offsite alternatives and alternative technologies, were rejected because they would not achieve most of the basic project objectives.

The No Project Alternative, the Wetlands Impact Reduction Alternative, and the Important Farmland Reduction that might have been feasible and that would attain some of the project objectives, were carried forward and analyzed with regard to whether they would reduce or avoid significant impacts of the project.

In connection with certification of the Final EIR for the project, the Board certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the record of proceedings. The Board finds that no new alternatives have been identified and that the feasibility of the analyzed alternatives has not changed since the Draft EIR was circulated for public review. The Board certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the administrative record, and find, for the reasons set forth below, that each of the following alternatives cannot feasibly attain, either at all or to the same extent as the proposed Project, one or more of the project Objectives, is otherwise infeasible or fails to avoid or substantially lessen the significant effects of the Country Acres Solar Project.

1. No Project Alternative

Under this alternative, the project would not be constructed on the project site, and as a result, none of the associated impacts would occur and none of the permits or approvals that would be required by SMUD and various permitting agencies for the project would be needed. It is unknown for how long the project site would remain in its existing condition, as most of the area is planned for future growth, and it is uncertain exactly what impacts would occur. Therefore, no analysis by impact topic is provided, as this would be speculative. This alternative would not meet any of the objectives identified in Section 6.2.1 of the EIR, "Attainment of Project Objectives."

The No Project Alternative would not meet any of the project objectives because a solar energy facility would not be constructed on the project site. Because this alternative would not attain any project objectives and for the reasons set forth above, the No Project Alternative is rejected by the Board from further consideration.



Findings: Based on the entire record, the SMUD Board of Directors finds that while the No Project Alternative will substantially avoid effects to the public and environment (agricultural and air quality) associated with the Country Acres Solar Project, the No Project alternative is infeasible because it will not achieve any of the identified Project Objectives.

2. Wetland Impact Reduction Alternative

Under this alternative, SMUD would construct and operate a reduced size solar facility on the project site that would reduce fill of wetlands and non-wetland waters in the northeast corner of the project site and would not convert the surrounding grassland matrix. This alternative would not use the parcel in the northwest portion of the project area that is characterized by annual grassland and wetlands. This would eliminate up to approximately 16 MW of generation capacity (based on solar panels located on this land in the 10% design), but would also result in further reduction of impacts on cattail marsh and annual grassland (up to 0.04 acres of cattail marsh and up to 57.2 acres of annual grassland). Thus, this project would eliminate the majority of wetland impacts, and would also eliminate the potential impacts on special-status species that use these grasslands as foraging habitat (such as burrowing owl, Swainson's hawk and tricolored blackbird).

Environmental Analysis

Aesthetics

Under this alternative, the visible elements of the PV solar facility would be similar to those of the proposed project, but there would be no solar panels immediately adjacent to South Brewer Road. As with implementation of the project, impacts to the visual character of the site and nighttime views would be less than significant. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Agriculture

Under this alternative, a reduced size PV solar facility would be constructed on the project site. However, the reduced impact acreage is mainly on grasslands, thus the impacts to Important Farmland would be the same or similar to the proposed project; these impacts would still be significant and unavoidable. (*Similar*)

Air Quality

Under this alternative, a reduced size PV solar facility would be constructed on the project site. As such, all construction activities and resulting criteria air pollutants would be similar to, but slightly less than, the project. However, uncontrolled daily emissions during construction activities would exceed Placer County Air Pollution Control District's thresholds for nitrogen dioxides (NO_x) and respirable and fine particulate matter (PM₁₀, and PM_{2.5}, respectively). Similar to the project, implementation of Mitigation Measures



3.3-1, 3.3-2a, 3.3-2b, and 3.3-2c would reduce construction-related exhaust and dust emissions; however, because of the scale of the project this impact would be significant and unavoidable. (*Similar, but slightly less*)

Biological Resources

Under this alternative, a reduced size PV solar facility would be constructed on the project site by avoiding the parcel characterized by wetland and annual grassland. This would result in a reduction of impacts on cattail marsh and annual grassland (including 0.04 acre cattail marsh and up to 57.2 acre of annual grassland). Thus, this project would eliminate the majority of wetland impacts associated with the proposed project, and would also eliminate the potential impacts on special-status species that use grasslands for foraging habitat. The grassland habitat is considered Swainson's hawk and tricolored blackbird foraging habitat and could also support borrowing owl. Thus, elimination of the grassland habitat impacts would eliminate impacts on a range of biological resources, along with the need to mitigation for these impacts. (*Lesser*)

Cultural Resources and Tribal Cultural Resources

Under this alternative, a reduced size PV solar facility would be constructed on the project site. In reducing fill of wetlands and non-wetland waters, this alternative may also avoid disturbance to some archaeological sites if they overlap with the locations of the wetlands and non-wetland waters. However, because earthwork and ground-disturbing activities would still occur under this alternative, there would still be a potential for disturbance to unknown archaeological sites, as well as previously unidentified human remains. Implementation of Mitigation Measures 3.5-1 and 3.18-1 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Geology and Soils

Implementation of this alternative would involve grading and other ground-disturbing activities similar to the project, but over a slightly smaller footprint. Therefore, this alternative would have similar impacts associated with geological hazards and soil erosion compared to the project. Implementation of Mitigation Measure 3.7-4 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Overall, this alternative would result in less geology and soils impacts compared to the project. (*Less, but no significant difference*)

Greenhouse Gas Emissions and Energy

Under this alternative, a reduced size PV solar facility would be constructed on the project site. As such, all construction activities and resulting GHG emissions would be similar to, but slightly less than, the project. A reduction in the annual generation capacity of the facility would also result in a reduction in avoided GHG emissions. The decreased size of

the solar facility would reduce the amount of total annual avoided emissions. Thus, while this alternative would result in a slight reduction of construction-related GHG emissions, the reduction would be smaller than the amount of GHG avoided emissions lost through the reduction of solar capacity compared to the proposed project. Potential impacts of climate change on this alternative would be the same as the project because the site would be unchanged in location and the same County policies are in place to respond to the effects of climate change. Thus, GHG impacts under this alternative would be less than significant. (*Greater*)

Hazards and Hazardous Materials

Implementation of this alternative would involve the storage, transport, and handling of hazardous materials; and exposure of or disturbance to contaminated soils or asbestos containing materials, similar to the project. Implementation of Mitigation Measure 3.9-1 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Hydrology and Water Quality

Implementation of this alternative would involve limited grading and movement of soil, which could result in erosion and sedimentation, and discharge of other nonpoint source pollutants in on-site stormwater that could then drain to off-site areas and degrade local water quality. Installation of new facilities would not alter existing onsite drainage patterns and flowpaths sufficiently to alter the way that stormwater flows onto and off the site during major events. Implementation of Mitigation Measure 3.10-1 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Overall, this alternative would result in less hydrology and water quality impacts compared to the project. (*Less, but no significant difference*)

Noise

Implementation of this alternative would result in the construction of a reduced size PV solar facility on the project site. As such, all construction activities would be similar to the proposed project and, therefore, construction noise impacts would be similar. Implementation of Mitigation Measure 3.13-1 would apply to this alternative, and would reduce construction noise impacts to less-than-significant levels. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Transportation and Traffic

Under this alternative, a reduced size PV solar facility would be constructed on the project site. As such, all construction activities would be similar to the proposed project and, therefore, construction-related increases to vehicle traffic on the surrounding roadway network and resulting degradation of pavement conditions would be similar.



Implementation of Mitigation Measures 3.17-1 and 3.17-2 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Overall, this alternative would result in similar transportation and traffic impacts compared to the project. (*Similar*)

Findings: Based on the entire record, the SMUD Board of Directors finds that this alternative is infeasible because project objectives related to supporting California's renewable energy and greenhouse gas emission reduction laws and goals and SMUD Board of Directors' 2030 Zero Carbon Plan, would be achieved at a lesser degree under the Wetland Impact Reduction Alternative due to the reduced amount of solar energy that would be generated compared to the project.

3. Important Farmland Impact Reduction Alternative

Under this alternative, the project would be scaled back in size to reduce conversion of land currently in rice or almond production but would have to remain of a minimum size to allow the production of a minimum of 250 MW of solar energy to remain feasible. Based on preliminary engineering, a 45-acre reduction of use in agricultural land appears possible.

Environmental Analysis

Aesthetics

Under this alternative, the visible elements of the PV solar facility would be the same as with the project because the project site would be developed with solar arrays and supporting infrastructure. As with implementation of the project, impacts to the visual character of the site and nighttime views would be less than significant. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Agriculture

Under this alternative, a reduced size PV solar facility would be constructed on the project site. Impacts to Important Farmland would be approximately 45 acres less than the proposed project; however, because most of the land in the project area is classified as important farmland, these impacts would still be significant and unavoidable. (*Similar*)

Air Quality

Under this alternative, a reduced size PV solar facility would be constructed on the project site. As such, all construction activities and resulting criteria air pollutants would be similar to, but slightly less than, the project. However, uncontrolled daily emissions during construction activities would exceed Placer County Air Pollution Control District's thresholds for nitrogen dioxides (NO_x) and respirable and fine particulate matter (PM₁₀, and PM_{2.5}, respectively). Similar to the project, implementation of Mitigation Measures 3.3-1, 3.3-2a, 3.3-2b, and 3.3-2c would reduce construction-related exhaust and dust



emissions; however, because of the scale of the project this impact would be significant and unavoidable. (*Similar, but slightly less*)

Biological Resources

Under this alternative, a reduced size PV solar facility would be constructed on the project site. However, the only habitat impacts that would be reduced would be to rice fields or almond orchards, which provide the least habitat value of the habitats available on the project site. Thus, the impacts to biological resources would remain comparable to those of the proposed project. (*Similar*)

Cultural Resources and Tribal Cultural Resources

Under this alternative, a reduced size PV solar facility would be constructed on the project site. However, because earthwork and ground-disturbing activities would still occur under this alternative, there would still be a potential for disturbance to unknown archaeological sites, as well as previously unidentified human remains. Implementation of Mitigation Measures 3.5-1 and 3.18-1 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Geology and Soils

Implementation of this alternative would involve grading and other ground-disturbing activities similar to the project, but over a slightly smaller footprint. Therefore, this alternative would have similar impacts associated with geological hazards and soil erosion compared to the project. Implementation of Mitigation Measure 3.7-4 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Overall, this alternative would result in less geology and soils impacts compared to the project. (*Less, but no significant difference*)

Greenhouse Gas Emissions and Energy

Under this alternative, a reduced size PV solar facility would be constructed on the project site. As such, all construction activities and resulting GHG emissions would be similar to, but slightly less than, the project. A reduction in the annual generation capacity of the facility would also result in a reduction in avoided GHG emissions. The decreased size of the solar facility would reduce the amount of total annual avoided emissions. Thus, while this alternative would result in a slight reduction of construction-related GHG emissions, the reduction would be smaller than the amount of GHG avoided emissions lost through the reduction of solar capacity compared to the proposed project. Potential impacts of climate change on this alternative would be the same as the project because the site would be unchanged in location and the same County policies are in place to respond to the effects of climate change. Thus, GHG impacts under this alternative would be less than significant. (*Greater*)

Hazards and Hazardous Materials

Implementation of this alternative would involve the storage, transport, and handling of hazardous materials; and exposure of or disturbance to contaminated soils or asbestos containing materials, similar to the project. Implementation of Mitigation Measures 3.9-1 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Hydrology and Water Quality

Implementation of this alternative would involve limited grading and movement of soil, which could result in erosion and sedimentation, and discharge of other nonpoint source pollutants in on-site stormwater that could then drain to off-site areas and degrade local water quality. Installation of new facilities would not alter existing onsite drainage patterns and flowpaths sufficiently to alter the way that stormwater flows onto and off the site during major events. Implementation of Mitigation Measures 3.10-1 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Overall, this alternative would result in less hydrology and water quality impacts compared to the project. (*Less, but no significant difference*)

Noise

Implementation of this alternative would result in the construction of a reduced size PV solar facility on the project site. As such, all construction activities would be similar to the proposed project and, therefore, construction noise impacts would be similar. Implementation of Mitigation Measure 3.13-1 would apply to this alternative, and would reduce construction noise impacts to less-than-significant levels. Therefore, overall impacts under this alternative would be similar to those of the project. (*Similar*)

Transportation and Traffic

Under this alternative, a reduced size PV solar facility would be constructed on the project site. As such, all construction activities would be similar to the proposed project and, therefore, construction-related increases to vehicle traffic on the surrounding roadway network and resulting degradation of pavement conditions would be similar. Implementation of Mitigation Measures 3.17-1 and 3.17-2 would apply to this alternative, and would reduce these impacts to less-than-significant levels. Overall, this alternative would result in similar transportation and traffic impacts compared to the project. (*Similar*)

Findings: Based on the entire record, the SMUD Board of Directors finds that this alternative is infeasible because project objectives related to supporting California's renewable energy and greenhouse gas emission reduction laws and goals and SMUD Board of Directors' 2030 Zero Carbon Plan, would be achieved at a lesser degree under

the Important Farmland Impact Reduction Alternative due to the reduced amount of solar energy that would be generated compared to the project.

4. Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the CEQA Guidelines states that if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. The impact of the respective alternatives is identified in Table 6-1 of the Draft EIR, followed parenthetically by the comparison to the impact of the proposed Project.

As shown in the Executive Summary Chapter of the Draft EIR, there would be significant impacts associated with the project. These impacts are related to agriculture; air quality; biological resources; cultural resources; energy; geology, soils, and paleontological resources; greenhouse gases; hazards and hazardous materials; hydrology and water quality; noise; transportation; and tribal cultural resources. Each of these impacts would be reduced to a less-than-significant level through the adoption and implementation of the mitigation measures adopted in the findings on the project, with the exception of significant and unavoidable impacts to agricultural resources and air quality as noted above. The No Project Alternative would have no impacts. The Wetland Impact Reduction Alternative and the Important Farmland Reduction Alternative would have similar environmental impacts as the proposed project.

When considering objectives, the Country Acres Solar Project would meet all of the project objectives, as stated in Chapter 2, "Project Description." In contrast, because there would be no project under the No Project Alternative, it would fail to meet any of the project objectives. The Wetland Impact Reduction Alternative and the Important Farmland Impact Reduction Alternative both achieve some but not all of the project objectives and does not reduce unavoidable significant impacts to agricultural resources and air quality. Ultimately, while the Wetland Impact Reduction Alternative would reduce some impacts to biological resources and have similar impacts to the project in other resource areas, and the Important Farmland Reduction Alternative would reduce impacts to agricultural resources but not have drastically different impacts in other resource areas, the DEIR concluded that the proposed Project would be the environmentally superior alternative. Such a limited range of alternatives is appropriate where, as here, there are so few variations or significant impacts of the project. (See, e.g., *Marin Municipal Water Dist. v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1666 [upheld EIR that evaluated two alternatives—a no project alternative and two conservation alternatives].) The SMUD Board of Directors has the authority to adopt a qualified exemption under Government Code Section 53096 based on compliance with notice and hearing proceedings and finding there is no feasible alternative to the proposal.

e. Additional Findings

1. These Findings incorporate by reference in their entirety the text of the EIR prepared for the Country Acres Solar Project. Without limitation, this incorporation is intended to elaborate on the scope and nature of the project, related mitigation measures, and the basis for determining the significance of such impacts.
2. All of the environmental effects of the Country Acres Solar Project have been adequately addressed in the EIR and have been mitigated or avoided with the exception of agricultural resources and air quality, which remain significant and unavoidable.
3. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. The Findings adopted by the Board in connection with its approval of the Country Acres Solar Project EIR and certification that the associated EIR addressed all of the potentially significant impacts associated with implementation of the Country Acres Solar Project. The EIR concluded that the agricultural impacts and air quality impacts (project-specific and cumulative) associated with the construction of the project would be significant and unavoidable even with the adoption of identified mitigation measures. As a result, the adoption of a Statement of Overriding Considerations for the Country Acres Solar is required.
4. CEQA Guidelines section 15074 requires the Lead Agency approving a Project to adopt a mitigation monitoring and reporting program for changes to the project that it adopts or makes a condition of Project approval in order to ensure compliance during Project implementation. The Board adopts the mitigation monitoring and reporting program for Country Acres Solar Project and the specific mitigation measures will be monitored in conjunction with SMUD's Final EIR Mitigation Monitoring Program and Reporting process.

f. Record of Proceedings

For purposes of CEQA and these Findings, the record of proceedings for the Country Acres Solar Project (Record of Proceedings) consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) distributed on November 19, 2021, and comments received during its 30-day public review;
- The EIR for the project, including, without limitation, the Draft EIR, Final EIR, and all of its appendices;
- All studies, maps, rules, regulations, guidelines, permits and other documents and materials incorporated by reference in any portion of the EIR;



- All presentation materials from every noticed public meeting and public hearing for the project;
- The Mitigation Monitoring and Reporting Program for the proposed project (MMRP);
- Matters of common knowledge, including but not limited to federal, state and local laws and regulations, including, without limitation, SMUD's adopted CEQA Procedures and other adopted plans, policies and programs;
- Any documents expressly cited in these Findings and/or in the Statement of Overriding Considerations; and
- All materials not otherwise identified which are expressly required to be in the Record of Proceedings by PRC section 21167.6(e).

g. Custodian and Location of Records

The documents and other materials which constitute the Record of Proceedings are located at the Headquarters Campus. Copies of those documents are, and at all relevant times, have been and will be available upon request at the Customer Service Center (6301 S Street, Sacramento, CA 95817). The custodian of the Record of Proceedings may be contacted as follows:

Amy Spitzer
Sacramento Municipal Utility District
6201 S Street, MS B209
Sacramento, CA 95817
(916) 732-5384
Amy.Spitzer@smud.org

This information is provided in compliance with PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

IV. Project Benefits

SMUD needs new renewable and carbon-free resources in its power supply chain to meet California's mandate for renewable procurement (60% by 2030)¹ and to meet its Board directed goals zero carbon emissions in its power supply by 2030. In July 2020, SMUD's Board declared a climate emergency and adopted a resolution calling for SMUD to take significant and consequential actions to eliminate its greenhouse gas emissions by 2030, and directed staff to develop a plan to achieve this goal. SMUD's 2030 Zero Carbon Plan

¹ Sen. Bill No. 100, approved by Governor, Sept. 10, 2018.



(2030 Plan²) was approved by the Board in 2021 and calls for the addition of up to 2,300 MW of new renewables and 1,100 MW of batteries by 2030. The 2030 Plan calls for maximizing new cost-effective utility-scale renewables within SMUD's service territory (including up to 1,500 MW utility solar), but also requires SMUD to add additional resources that it does not have locally, such as wind and geothermal.

Thus, the fundamental purpose of the Country Acres Solar Project is to contribute to a diversified energy portfolio that will aid in the continued improvement of air quality in the Sacramento Valley Air Basin by decreasing reliance on fossil fuel combustion for the generation of electricity, and reduce SMUD's exposure to price volatility associated with electricity and natural gas. The Country Acres Solar Project would assist SMUD in achieving the Board of Directors' directive of using dependable renewable resources to meet SMUD's renewable portfolio standards (RPS) obligations. This goal is consistent with Senate Bill 100, which was enacted in 2018. The Country Acres Solar Project would deliver a reliable, long-term supply of economically feasible solar and battery storage for up to 344 MW of electrical capacity at the point of interconnection with the grid managed by SMUD. While the Project is located just outside of SMUD's service territory, it is on lands immediately adjacent, and with immediate access to a SMUD transmission line and managed grid.

a. Need for Sustainable and Carbon-free Power Supply

The Project furthers SMUD's objective to provide a sustainable power supply as part of SMUD's 2030 Zero Carbon Plan and Integrated Resource Plan and a diversified energy portfolio that will aid in the continued improvement of air quality in the Sacramento Valley Air Basin by decreasing reliance on fossil fuel combustion for the generation of electricity and reduce SMUD's exposure to price volatility associated with electricity and natural gas.

b. Generation of Electrical Energy

The Project would generate and store up to 344 MW of power. In 2018, SMUD set one of the most aggressive carbon reduction targets in the country with the goal of achieving net zero emissions by 2040, five years ahead of California's 2045 net zero goal. In July 2020, SMUD Board of Directors declared a climate emergency and adopted a resolution calling for SMUD to take significant and consequential actions to become carbon neutral (net

² <https://www.smud.org/-/media/Documents/Corporate/Environmental-Leadership/ZeroCarbon/2030-Zero-Carbon-Plan-Technical-Report.ashx>



zero carbon) by 2030. The Board also directed SMUD staff to report by March 31, 2021 on clear, actionable and measurable strategies and plans to reach SMUD's climate emergency goals. Rapidly advancing clean energy technology and a collaborative and inclusive approach to carbon reduction have allowed SMUD to set the even more ambitious goal of zero carbon by 2030, with the 2030 Zero Carbon Plan as the strategy to achieve that goal. The power generated from the Country Acres Solar Project is critical to SMUD's goals of achieving a carbon-free energy portfolio by 2030.

c. Environmental Benefits

The project provides significant air quality benefits to the Sacramento region, including Placer County, through the avoidance of emissions which would otherwise occur if electricity generated by the project was instead generated by combustion of fossil fuel, using SMUD's existing thermal power plants or from market purchases through the California Independent Service Operator. The project thus provides a benefit of avoiding the release of approximately 115,000 metric tons of carbon emissions in the first year alone that would otherwise be produced from fossil fuel facilities. This is a substantial achievement in addressing the climate crisis.

As discussed in the EIR, construction activities would emit NO_x and PM₁₀ at levels that could exceed Placer County Air Pollution Control District (PCAPCD) daily emissions thresholds for these pollutants. As part of our mitigation commitment, SMUD will prepare and implement a fugitive dust control plan to reduce construction-related dust emissions and follow measures to reduce exhaust emissions and participate in the PCAPCD's Offsite Mitigation Program by paying to PCAPCD a mitigation fee for construction activities, if necessary and as required by Mitigation Measures 3.3-1 and 3.3-2a through 3.3-2c in the Draft EIR. While no further measures are available to reduce Project impacts to a less-than-significant level, these measures will protect resources to the maximum extent feasible. Furthermore, this impact is limited to the construction phase of the Project and long-term air quality benefits will be realized as soon as construction is complete. In addition, it should be noted that overall air quality will be improved as a result of the Project. And the reduction in agricultural activity on the site will eliminate an ongoing



sources of fugitive dust (from disking and other farm equipment activities) that would otherwise occur during the Project construction period.

d. Economic Benefits

Solar energy projects benefit the local and regional economy through job creation, increases in personal income, and fiscal contributions. Short-term construction jobs account for the majority of direct solar-related job creation, though each project also creates ongoing operations and maintenance jobs, as well as supporting jobs in the professional services such as environmental, finance, and legal services. Country Acres construction spending is expected to contribute approximately \$7.1 million in earnings by construction and other workers, \$21.4 million in output (economic value and project value in the region), and \$11.0 million in value added to the local economy while supporting 92 jobs in the County. The operations of the Country Acres project is expected to result in \$97 thousand in earnings by maintenance staff, \$66 thousand in output (economic value and project value in the region), and \$41 thousand in value added to the local economy. Local annual jobs supporting operations are estimated to be 1. Additional statewide benefits include 259 construction jobs, approximately \$20.0 million in earnings by project employees and \$31.7 million in value added to the state and local economies, and annual operating and maintenance benefits of 2 jobs, \$291 thousand in earnings, \$199 thousand in output, and \$126 thousand in value added.

Finding: The SMUD Board finds the approval of the proposed Country Acres Solar Project will result in continuing and enhanced benefits to SMUD customers, regional, statewide and global citizens in the form of carbon-free renewable solar energy, make significant improvements in local air quality and provide notable benefits to the local and economy.

V. Statement of Overriding Considerations

This section of the findings document addresses the requirement of CEQA Guidelines section 15093. It requires the approving agency to balance the benefits of a proposed project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the project benefits. As described below, unavoidable significant impacts would occur in the areas of Agriculture and Air Quality.

a. Agriculture

Under the proposed Country Acres Solar Project, up to 44 acres of the land designated as Farmland of Statewide Importance and up to 858 acres of land designated Unique



Farmland will be converted for the project footprint based on analysis of farmland mapping provided under the Farmland Mapping and Monitoring Program (DOC 2022b). SMUD will implement Mitigation Measure 3.2-1, which requires 1:1 ratio compensation (i.e., 1 acre on which easements are acquired to 1 acre of Farmland of Statewide Importance and Unique Farmland removed from agricultural use) by either acquiring agricultural conservation easement(s) that provide in-kind or similar resource value protection in the region, with a strong preference for locating the agricultural conservation easement(s) in Placer County; or paying in-lieu fees to an established, agreed-upon (by County and SMUD) mitigation program with a presence in Placer County (e.g., Placer Land Trust) to fully fund the acquisition and maintenance of agricultural land or easements. Alternatively, this mitigation could occur through the payment of fees into the Placer County Conservation Plan's in-lieu fee program under a memorandum of Understanding (MOU) with the Placer Conservation Authority (PCA) prior to issuance of improvement plans. However, no new farmland would be made available through the mitigation program, and a net loss of Important Farmland would occur. There is no additional feasible mitigation available that would further reduce impacts associated with the permanent conversion of agricultural land, including Farmland of Statewide Importance and Unique Farmland, to a less-than-significant level. The amount of available farmland in Placer County is limited to what exists today. Thus, this impact would remain significant and unavoidable.

Finding: The SMUD Board finds that the project benefits identified in Section IV outweigh the unavoidable significant adverse environmental effect on Important Farmland. This project could simply not occur without land to build it on. The project benefits described in Section IV are hereby determined to be, independent of other potential project benefits, a basis for overriding all significant and unavoidable environmental impacts identified in the Draft EIR and in these findings.

b. Air Quality

Under the proposed Country Acres Solar Project, Project construction activities would emit NO_x and PM₁₀ at levels that could exceed Placer County Air Pollution Control District (PCAPCD) daily emissions thresholds for these pollutants. SMUD will implement Mitigation Measures 3.3-1 and 3.3-2a through 3.3-2c in the Draft EIR which are designed to minimize impacts on air quality from construction emissions, but acknowledges that potential short term impacts are significant and unavoidable. Implementation of these measures, including preparing and implementing a fugitive dust control plan to reduce construction-related dust emissions and measures to reduce exhaust emissions, and participating in the PCAPCD's Offsite Mitigation Program by paying to PCAPCD a



mitigation fee for construction activities, if necessary and as required by Mitigation Measures 3.3-1 and 3.3-2a through 3.3-2c, seek to reduce the impacts. Nevertheless, the potential remains for implementation of the Country Acres Solar Project to create significant and unavoidable construction emissions of criteria air pollutants and ozone precursors. Because all feasible mitigation has been included and no additional measures are available to SMUD to reduce construction activity emissions of NO_x and PM₁₀ at levels that could exceed PCAPCD daily emissions thresholds for these pollutants, impacts on air quality are significant and unavoidable.

Finding: The SMUD Board finds that the project benefits identified in Section IV outweigh the unavoidable significant adverse environmental effect on air quality. The project benefits described in Section IV are hereby determined to be, independent of other potential project benefits, a basis for overriding all significant and unavoidable environmental impacts identified in the Draft EIR and in these findings.

VI. Summary

Based on the foregoing findings and the information contained in the record, it is hereby determined that:

1. Most significant impacts on the environment due to the Project have been eliminated, or substantially lessened, where feasible.
2. The Project will result in a significant and unavoidable environmental effect on air quality and agricultural resources as discussed above, and adoption of a Statement of Overriding Considerations in connection with the approval of the Project is required.
3. The environmentally superior alternative would provide a scant lessening of the significant and unavoidable impacts of the proposed Project. However, the environmentally superior alternative, as well as the other alternatives evaluated in the Draft EIR, are rejected as infeasible because they fail to achieve some or all of the project objectives.

This determination reflects the Board's independent judgment and analysis.

VII. References

- Beedy, Ph.D., Edward. Owner, Beedy Environmental Consulting, Nevada City, CA. 2022a (March 18). — conversation with Susan Sanders, AECOM senior biologist, regarding recommended survey protocol for tricolored blackbird nesting surveys.
- Black & Veatch. 2022. Preliminary Hydrology Report, Country Acres Solar & BESS Project, Placer County, California. B&V Project No. 406242.

California Department of Conservation. 2022b. GIS layer for 2018 FMMP for Placer County (placer2018.shp). Available at:
<https://gis.conservation.ca.gov/portal/home/group.html?id=b1494c705cb34d01acf78f4927a75b8f#overview> Accessed on March 8, 2022.

California Department of Fish and Game. 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. State of California. Natural Resources Agency. November 8, 1994.

_____. 2012. Staff Report on Burrowing Owl Mitigation. State of California. Natural Resources Agency. March 7.

Swainson's Hawk Technical Advisory Committee (SHTAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000.

RESOLUTION NO. _____

WHEREAS, this Board has adopted policies stating this Board is committed to meeting customers' electrical energy needs (SD-4); demonstrating energy reliability and environmental leadership (SD-7); and ensuring high levels of customer satisfaction (SD-5); and

WHEREAS, SMUD's primary purpose is to supply electrical energy to customers in the Sacramento area; and

WHEREAS, the **Country Acres Solar Project (Project)** was prepared as part of SMUD's efforts to continue providing carbon-free, reliable energy by planning a solar and battery energy storage project connected to SMUD's grid; and

WHEREAS, the **Project** would include installation, operation, and maintenance of a photovoltaic (PV) solar power facility on up to 945 acres of land leased to SMUD and up to approximately 230 acres of land purchased by SMUD in southwestern Placer County; and

WHEREAS, the **Project** will generally comprise PV solar modules, foundation piles, racking, direct current (DC) collection, alternate current (AC) collection, fencing, roads, inverters, medium voltage transformers, an interconnection line between the general substation and switch station, battery energy storage system equipment, a substation, a switching yard, and interconnection lines to the existing SMUD transmission system; and

WHEREAS, the Project layout has been sited to minimize and avoid natural resources and will integrate compatible agricultural activities such as grazing, agricultural production, and pollinator habitat into solar operations; and

WHEREAS, a **Notice of Preparation** was made available for public review on November 19, 2021, and a public meeting was held on December 8, 2021; and

WHEREAS, SMUD prepared the draft **Environmental Impact Report (EIR)**, which provides the **California Environmental Quality Act (CEQA)** analysis for the **Project**, and the **Mitigation Monitoring and Reporting Program** incorporated environmental avoidance, mitigation and improvement measures; and

WHEREAS, the **EIR** and **Mitigation Monitoring and Reporting Program** were posted on the SMUD website, distributed to interested parties including agencies and members of the public within 0.5 miles of the **Project**, inviting public comment; the comment period was open for a 45-day period from September 13, 2022, through October 28, 2022; a public meeting was held on October 13, 2022, and nine comments were received; and

WHEREAS, the **Final Environmental Impact Report (FEIR)** included mitigation measures for most impacts (e.g., biological, archaeological, historical, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, and Tribal cultural resources) to reduce impacts to a less-than-significant level; and

WHEREAS, impacts to agricultural and air quality cannot be reduced to a less-than-significant level even with mitigation and would remain significant and unavoidable; and

WHEREAS, due to potential significant and unavoidable impacts to agricultural resources and air quality, the SMUD Board of Directors cannot approve the **Project** without first making a **Statement of Overriding Considerations**, which

declares that the public benefits of the **Project** outweigh any potential significant and unavoidable impacts; and

WHEREAS, all comments received during the public review period have been responded to as appropriate and incorporated into the **FEIR** and **Mitigation Monitoring and Reporting Program**, which were made available for comments on April 10, 2023, and will require certification and approval, respectively, by the SMUD Board of Directors; and

WHEREAS, the **FEIR** and **Mitigation Monitoring and Reporting Program** are located in the records of SMUD under the custody of the Environmental Management Department; **NOW THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

Section 1. This Board has reviewed and considered information in the **Country Acres Solar Project (Project) Final Environmental Impact Report (FEIR)** and **Mitigation Monitoring and Reporting Program** and (1) certifies that the **Project FEIR** complies with the **California Environmental Quality Act (CEQA)**; (2) adopts the **Mitigation Monitoring and Reporting Program**, as set forth in **Attachment ____**; (3) adopts the **California Environmental Quality Act Findings and Statement of Overriding Considerations in Connection with the Country Acres Solar Project** as set forth in **Attachment ____**; and (4) approves the **Project**.

Section 3. The Environmental Services Department is directed to file with the County Clerk of Placer County a Notice of Determination, which shall set forth the information required by **CEQA**.